

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

**MEETING:  
March 8, 2022**

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**Sussex County Council  
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Georgetown, DE 19947  
(302) 855-7743**

## COUNTY COUNCIL

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



# Sussex County

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

## SUSSEX COUNTY COUNCIL

### A G E N D A

MARCH 8, 2022

10:00 A.M.

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes – March 1, 2022

#### Reading of Correspondence

#### Public Comments

#### Todd Lawson, County Administrator

1. Administrator's Report

#### Gina Jennings, Finance Director

1. American Rescue Plan Act Discussion and Recommendation
2. Financial Transparency Website

#### Karen Brewington, Human Resources Director

1. First Quarter Employee Recognition Awards

#### Hans Medlarz, County Engineer

1. South Coastal WRF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2
  - A. General Construction, Project C19-11 Change Order No. 20



**Andy Wright, Chief of Building Code**

1. Discussion Related to Changes to the International Residential Code

**Grant Requests**

1. Good Ole Boy Foundation, Inc.

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Possible action on Executive Session items**

**Adjourn**

**-MEETING DETAILS-**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on March 1, 2022 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

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

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

# # # #

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 1, 2022**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 1, 2022, at 10:00 a.m., in Council Chambers, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Douglas B. Hudson</b>	<b>Vice President</b>
<b>Cynthia C. Green</b>	<b>Councilwoman</b>
<b>John L. Rieley</b>	<b>Councilman</b>
<b>Mark G. Schaeffer</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 093 22  
Approve  
Agenda**

Mr. Lawson recommended that the Executive Session item to discuss Land Acquisition and the possible action on Executive Session items be removed from the Agenda. A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda, as amended.

**Motion Adopted: 5 Yeas.**

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

**Minutes**

The minutes of the February 22, 2022 meeting were approved by consensus.

**Corres-  
pondence**

Mr. Moore read correspondence received from Kim and Evans Family Foundation thanking Council for their donation.

**Public  
Comment**

There were no public comments.

**Adminis-  
trator's  
Report**

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

**1. Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Windswept at Lewes – Phase 1A, 1B, 2A & 2B (Construction Record) received Substantial Completion effective February 17<sup>th</sup>.

[Attachments to the Administrator's Report are not attached to the

minutes.]

**Proposed Ordinance Long Neck Communities** Mr. Hans Medlarz, County Engineer presented for consideration a Proposed Ordinance to authorize the issuance of up to \$7,778,761 of general obligation bonds of Sussex County in connection with the Long Neck Communities Septic Elimination Project and authorizing all necessary actions in connection therewith.

**Introduction of Proposed Ordinance** Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$7,788,761 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE LONG NECK COMMUNITIES SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

**EMS Public Safety Building, Change Order No. 6 & 7** Mr. Hans Medlarz, County Engineer presented Change Order No. 6 & 7 for the EMS Public Safety Building, Project C19-04 for Council’s consideration. Mr. Medlarz explained that the team believed there was a dual electrical feed. However, upon examination of the actual EOC transformer by DP&L, it was determined that the facility had only one feed. Prior to that, the electrical sub-contractor had initiated some limited conduit installations based on the erroneous assumption detailed under Change Order No. 6.

Mr. Medlarz explained that Change Order No. 7 is related to the site work changes as well as two existing roof drainage pipe conflicts that required re-work of the entire grading plan, along with the redirection of the storm drainage piping.

**M 094 22 Approve Change Order No. 6 & 7/EMS Public Safety Building** A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 6 & 7 for Contract C19-04, Sussex County Public Safety Building, be approved, increasing the contract by \$1,905.85 and \$62,924.75, respectively.

**Motion Adopted:** 5 Yeas.

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

**EMS Public Safety Building, Change Order No. 9** Mr. Medlarz presented Change Order No. 9 for the EMS Public Safety Building, Project C19-04 for Council’s consideration. This Change Order includes the electrical work to get the conduits from the DP&L switches to the proposed location of the transformer, doing the transformer pad as well as extending and providing electrical vehicle charging cabinets.

**M 095 22 Approve** A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, based upon the recommendation of the Sussex County Engineering Department,

**Change  
Order No. 9/  
EMS Public  
Safety  
Building**

**that Change Order No. 9 for Contract C19-04, Sussex County Public Safety Building, be approved, increasing the contract by \$56,830.98.**

**Motion Adopted: 5 Yeas.**

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

**Introduction  
of Proposed  
Ordinances**

**Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF A NON-CONFORMING BORROW PIT TO INCLUDE OUTDOOR PROCESSING AND RECYCLING (GRINDING, CRUSHING, STORAGE AND SALE) OF TREE/YARD WASTE AND CONCRETE AS WELL AS SALES AND STORAGE OF STONE, MULCH, SOIL AND RELATED OUTDOOR PRODUCTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 50.90 ACRES, MORE OR LESS”**

**Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.29 ACRES, MORE OR LESS”**

**Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.54 ACRES, MORE OR LESS”**

**Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CONDITION “N” OF THE CONDITIONS OF APPROVAL IN ORDINANCE NO. 2766 FOR CONDITIONAL USE NO. 2201 RELATING TO THE SALE OF CAMPSITES WITHIN A CAMPGROUND/RV PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.0 ACRES, MORE OR LESS”**

**Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,**

**CONTAINING 2.00 ACRES, MORE OR LESS”**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Public  
Hearing/  
Proposed  
Ordinance/  
Amending  
Annual  
Operating  
Budget**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022 TO INCORPORATE ADDITIONAL REALTY TRANSFER TAX REVENUE AND STATE PASSTHROUGH GRANT REVENUE AND THE ALLOWABLE EXPENDITURES RELATED TO THE ADDITIONAL REVENUE”.**

**Mrs. Jennings explained that the Proposed Ordinance amends the Fiscal Year 2022 Budget by increasing realty transfer tax (RTT) revenue and RTT eligible expenditures by \$12 million. The budget amendment includes giving \$6,444,000 to the county’s towns and cities. The grant amounts will range from \$100,000 (minimum) up to \$500,000 (maximum). The funding will be eligible for anything RTT related, which includes public safety services, economic development programs, public works and infrastructure or capital projects. There is no match requirement up to the first \$100,000. The Proposed Ordinance also includes \$5,556,000 for County land acquisition for open space and a small amendment for unanticipated pass-through grants that were received from the State in the amount of \$216,000.**

**Mr. Hudson asked what the date was that cities and towns have to apply for the grant. Mrs. Jennings replied that they have until the end of May to apply; she has letters that will go out today with the instructions of how to apply.**

**Mr. Vincent asked if the funding could be used for open space by the towns and cities with their funding. Mrs. Jennings replied that they could; as long as the open space is in their name making it apart of their infrastructure.**

**Public comments were heard.**

**Ms. Jeannette Akhter spoke on behalf of the Sussex County Land and Forrest Preservation Work Group. Ms. Akhter shared that her group is committed to educating themselves about all of the programs in the State and County level that have the potential to increase open space and to find ways to increase public awareness in support of this work. She thanked the Council and Mrs. Jennings for their work on this Proposed Ordinance.**

**Ms. Nan Zamorksi spoke in support of funding for open space. She also noted that there are many groups that can help identify land if needed.**

**The Public Hearing and public record were closed.**

**M 096 22  
Adopt  
Ordinance**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2834 entitled “AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022 TO**



**No. 2834/  
Budget  
Amendment**      **INCORPORATE ADDITIONAL REALTY TRANSFER TAX REVENUE AND STATE PASSTHROUGH GRANT REVENUE AND THE ALLOWABLE EXPENDITURES RELATED TO THE ADDITIONAL REVENUE”.**

**Motion Adopted:      5 Yeas.**

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

**Public  
Hearing/  
Pintail  
Pointe  
Project**      **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$959,888 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EMERGENCY PINTAIL POINTE PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**Mr. Medlarz, County Engineer explained that Pintail Pointe has been included in the sewer district and the county is operating their facility on the interim. A temporary discharge permit has been received that was modified based on the drain field modification that were conducted. He further explained that there is an 18-month timeframe to get the project completed that is now down to about 14 ½ to 15-month timeframe. Mr. Medlarz shared that about one-third of the funds will be in loan forgiveness that will come off of the debt once completed.**

**Mr. Schaeffer asked if it was expected that the dwelling units will be tied in within the 14-month timeframe. Mr. Medlarz replied that central sewer is currently in place.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 097 22  
Adopt  
Ordinance  
No. 2835**      **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2835 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$959,888 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EMERGENCY PINTAIL POINTE PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**Motion Adopted:      5 Yeas.**

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

**Public**      **A Public Hearing was held on the Proposed Ordinance entitled “AN**

Hearing/  
Oak Acres  
&  
Tanglewood  
Project

**ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,376,356 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE OAK ACRES AND TANGLEWOOD SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

Mr. Hans Medlarz, County Engineer explained that these were brought on as part of a development project; infrastructure was relied on to be used on the private side to eventually tie in. Therefore, a pump station was being looked in to be provided for the tie in. There is no collection system currently, therefore, a collection system will also need to be installed.

There were no public comments.

The Public Hearing and public record were closed.

M 098 22  
Adopt  
Ordinance  
No. 2836/  
Oak Acres  
&  
Tanglewood  
Project

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2836 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,376,356 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE OAK ACRES AND TANGLEWOOD SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas.

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

Public  
Hearing/  
Redistrict-  
ing

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO REPEAL ORDINANCE NO. 2227, AS AMENDED BY ORDINANCE NO. 2243, AND CHAPTER 11, §§ 11-1 THROUGH 11-5 OF THE SUSSEX COUNTY CODE, RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING NEW COUNCILMANIC ELECTION DISTRICTS”.

Mr. Moore explained that there has been an increase of 40,233 residents in the past ten years. Redistricting is required every 10 years following each census to equally redistribute population among Council districts.

Given the 2020 census figures, each Council district must be within plus or minus 5 percent of an ideal population of 47,475.6 residents.

Mr. Moore then discussed the need for redistricting. Unlike 10 years ago, when only two districts were outside the acceptable deviation ranges, four of the five current Council districts are now outside of the bounds of the acceptable deviation, based on the 2020 census figures.

**Public  
Hearing/  
Redistrict-  
ing  
(continued)**

- **District 1 is below the deviation, thus creating the need to expand its geographical boundaries;**
- **District 2 is below the deviation, thus creating the need to expand its geographical boundaries;**
- **District 3 is above the deviation, thus creating the need to contract its geographical boundaries;**
- **District 4 is above the deviation, thus creating the need to contract its geographical boundaries;**
- **District 5 is the only district within the acceptable deviation, however, in its current form, the district lacks communities of common interest.**

**Mr. Moore discussed the goals for the redistricting process. The goals include:**

- **Keep together “communities of interest”**
- **Follow roads, streams, and other landmarks to the extent possible**

**Mr. Moore further explained that using the school districts as a template, is a desire to keep communities of interest together as much as possible and was an important part for this process. Municipalities and communities are bonded to their School District. Unfortunately, the school districts’ geography cannot be used in an exact fashion, especially in the eastern part of the county with the larger districts and population distribution.**

**During the process of redistricting, there were many variations, and the public was engaged and asked for input through the process. One of the maps received of several was from the League of Women Voters proposal. As the information was reviewed, it was found that there was a lot of merit in the League’s map.**

**Mr. Moore then shared maps showing the comparison of the League of Women Voters and the County’s proposal.**

**Variation Area 1, the LWV maps showed the northwest boundary with District 2 at Reliance Road. That would spilt much of the Seaford community. Under the County plan, the line is moved north on the westernmost boundary to just south of DE Route 18. This was a logical boundary as it is the line separating the Seaford/Woodbridge school districts. County legal and consulting staff could not follow that line further east due to the numbers.**

**The second variation was to add a small area northeast of Milford, the rationale for this change is that there are fewer people in this district, it is part of the Milford School District, and is in close proximity to the Milford city limits.**

**For areas 3 and 4, the County proposal moves this area adjacent to DE**

**Public  
Hearing/  
Redistrict-  
ing  
(continued)**

**Route 1 from the Georgetown/Millsboro District 5 (as proposed by the LWV) to District 3. The County proposal also deviates from the LWV map by adding additional area around Milton to allow for future annexations and growth in the Town, thereby keeping the community intact.**

**The variation from the LWV map for areas 5 & 6 follows the school district lines for a portion of the adjustment and also straightens a line at the bottom of the map.**

**Mr. Moore shared the Council District details for each District.**

**For District 1, due to the population changes, the district had to expand to capture more residents. To align communities of interest, Bridgeville was moved to District 2 and Delmar and Gumboro were moved from District 5 to District 1. The district is wholly contained in western and southern Sussex, and included all of Laurel, Seaford, Blades, Bethel, Gumboro, and Delmar. It also contains most of the Seaford School District, all of Laurel and Delmar school districts and a portion of the Indian River School district.**

**For District 2, Bridgeville was gained from District 1 and Milton from District 3. However, Georgetown was lost to District 5. This District has most of the Woodbridge School District, parts of Cape Henlopen, Indian River, and Milford school districts.**

**Due to the large population increase, District 3 underwent significant changes. With geographic limitations to the east, changes were achievable in the western and southern part of the district. This district contains all of the Delaware Bay beach communities, Rehoboth Beach and Dewey Beach, as well as some of the areas on the northern stretches of the inland bays. This district contains much of the Cape Henlopen School District, as well as parts of the Milford and Indian River school districts.**

**District 4 lost much of its northern reaches but picked up Fenwick Island. In addition to Bethany Beach, South Bethany and Fenwick Island, the district includes Frankford, Dagsboro, and Selbyville (the southern US Route 113 corridor) and many of the small southern towns and villages. All of this district's area is within the Indian River School District.**

**Although District 5 was the only district that was within the mandated deviation, it has undergone the most dramatic change. The district is now the central Sussex district. Georgetown was added to this district, while Fenwick Island (added to District 4), Gumboro, and Delmar (added to District 1) were removed. The district spans portions of the Cape Henlopen and Indian River school districts.**

**Mr. Moore discussed his concerns with the meets and bounds descriptions that are traditionally used. He explained that for this Ordinance, he had several methods of description to include meets and bounds description,**

**Public  
Hearing/  
Redistrict-  
ing  
(continued)**

**Census Blocks description and maps. He noted that the maps have not changed, however, it was found that there were some typos in the Second and Fourth District.**

**Mr. Jack Young, representing the League of Women Voters of Sussex County, DE came forward to speak.**

**Mr. Young commented that the redistricting following the decennial census is required by “one person one vote” principles set forth in such U.S. Supreme Court cases as *Reynolds v. Simms* (1964), *Wesberry v. Sanders* (1964), and *Baker v. Carr* (1962).**

**In constructing the districts, the League was governed by the following principals derived from the Delaware Constitution and the Code:**

- 1. Each district consists of contiguous territory.**
- 2. Each district is equal in population.**
- 3. Major roads, waterways, natural boundaries, and municipal boundaries are considered.**
- 4. The districts are not drawn to unduly favor any person or political party.**
- 5. In addition, communities of interest are included, where possible, in a single district. (A “community of interest” is any group who share common social, cultural, racial, ethnic, a school district or economic interests common to the population of that area).**

**Mr. Young commented that this ordinance is consistent with the above principals, County Attorney’s December proposal and the League’s original submission and the standards in the Constitution and Code.**

**The League, accordingly, fully supports enactment of the Proposed Ordinance.**

**The Public Hearing and public comment were then closed.**

**M 099 22  
Amendment  
Redistrict-  
ing  
Ordinance**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to amend the census block portion of descriptions for the Second District (11-2) lines p and q of the Census Block Description need to be deleted and replaced with: “p. In census tract 050806, blocks 1003 through 1007, and 2016 through 2021”. In the Fourth District (11-4), lines c and d of the Census Block Description need to be deleted and replaced with “c. In census tract 050707, blocks 1000 through 1030, and 2000 through 2031. d. In census tract 050708, blocks 1000 through 1039”.**

**Motion Adopted: 5 Yeas.**

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

**M 100 22  
Adopt  
Ordinance  
No. 2837/  
Redistrict-  
ing**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2837 entitled “AN ORDINANCE TO REPEAL ORDINANCE NO. 2227, AS AMENDED BY ORDINANCE NO. 2243, AND CHAPTER 11, §§ 11-1 THROUGH 11-5 OF THE SUSSEX COUNTY CODE, RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING NEW COUNCILMANIC ELECTION DISTRICTS” as amended by Council today.**

**Motion Adopted: 5 Yeas.**

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

**Council  
Members’  
Comments**

**There were no Council Member comments.**

**M 101 22  
Recess**

**At 10:53 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to recess until 1:30 p.m.**

**Motion Adopted: 5 Yeas.**

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

**M 102 22  
Reconvene**

**At 1:30 p.m., a Motion was made by Mr. Hudson seconded by Mr. Schaeffer to reconvene.**

**Motion Adopted: 4 Yeas, 1 Absent**

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

**Rules**

**Mr. Moore read the rules and procedures for public hearings.**

**Public  
Hearing/  
CU2317**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A SIGN AND VEHICLE GRAPHICS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS”. (property lying on the northwest side of Wolfe Neck Road [S.C.R. 270], west of the intersection of Wolfe Neck Road [S.C.R. 270] and Munchy Branch Road [S.C.R. 270A]). (911 Address: 35583 Wolfe Neck Road, Rehoboth Beach). (Tax Parcel: 334-6.00-340.00).**

**The Planning and Zoning Commission held a Public Hearing on this application on January 27, 2022 at which time action was deferred. On**

**Public  
Hearing/  
CU2317**

**February 10, 2022, the Commission recommended approval.**

**(See the minutes for the Planning and Zoning Commission dated January 27, 2022 and February 10, 2022).**

**Jamie Whitehouse, Planning and Zoning Director, presented the application.**

**The Council found that Mr. William Martin, spoke on behalf of his Application. Mr. Martin explained that he would like to take the pre-existing building and turn it into office and production space. He added that the driveway would have to be moved to widen it according to DelDOT. The proposed hours of operation would be 9:00 a.m. until 5:00 p.m. Monday through Thursday and 9:00 a.m. until 4:00 p.m. on Fridays; there would be no weekend hours. One building sign up to 32 square feet was included in the recommendation by the Planning and Zoning Commission which meets his needs.**

**Mr. Martin questioned the interconnectivity with adjacent properties that was included in Planning and Zoning Commission recommendations. Mr. Whitehouse replied that when there are commercially zoned parcels adjoining, it is such a requirement that you interconnect them. The intent is that anyone that comes to the site by vehicle would have the ability to access the adjoining commercial use without having to go back onto a numbered road.**

**Mr. Hudson suggested to strike Condition B of the Planning and Zoning Commission's recommendation that reads "There shall be no retail sales from the property."**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 103 22  
Amend  
Conditions/  
CU2317**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to strike Condition B from the Planning and Zoning Commission's recommendation and conditions.**

**Motion Adopted: 5 Yeas.**

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

**M 104 22  
Adopt  
Ordinance  
No. 2838/  
CU 2317**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2838 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SIGN AND VEHICLE GRAPHICS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN**

**M 104 22  
Adopt  
Ordinance  
No. 2838/  
CU 2317  
(continued)**

**LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS” (Conditional Use 2317) filed on behalf of William E. Martin, II, for the following reasons given by the Planning and Zoning Commission, as amended.**

- A. The property shall be used for a sign construction and vehicle graphic business.**
- B. All sign fabrication and production shall occur indoors.**
- C. There shall not be any outdoor storage of materials associated with the use, including signs waiting for installation and old or damaged signage. This prohibition also includes all paints, inks and chemicals, which shall be stored and disposed in accordance with state and federal requirements.**
- D. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- E. The Applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- F. One 32 square foot lighted sign shall be permitted. As requested by the Applicant, it shall be located on the building.**
- G. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- H. The Final Site Plan shall provide for interconnectivity with adjacent properties if and when those properties may be used for business or commercial purposes.**
- I. Failure to abide by any of these conditions of approval may result in the termination of this conditional use.**
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CZ 1943**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS”. (property lying on the north side of Atlantic Avenue [Route 26], approximately 0.13 mile northwest of Roxana Road [Route 17]). (911 Address: 34861 Atlantic Avenue, Ocean View). (Tax Parcel: 134-11.00-175.00).**

**The Planning and Zoning Commission held a Public Hearing on this application on January 27, 2022 at which time action was deferred. On**



**Public  
Hearing/  
CZ 1943  
(continued)**

**February 10, 2022, the Commission recommended approval.**

**(See the minutes for the Planning and Zoning Commission dated January 27, 2022 and February 10, 2022).**

**Jamie Whitehouse, Planning and Zoning Director, presented the application.**

**The Council found that Ms. Shirley Price, spoke on behalf of her Application. Ms. Price stated that she has owned the property for 41 years and discussed how the corridor has changed during that time. Today, she has a large liquor store next to her with a very well-lit parking lot to her left and on the right, there is a double decker billboard with lights that were recently added as well as 84 Lumber across the street. Therefore, her property is a logical location for commercial zoning.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 105 22  
Adopt  
Ordinance  
No. 2839/  
CZ 1943**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 2839 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS”. (Change of Zone 1943) filed on behalf of Shirley and Gordon Price, Jr., for the following reasons given by the Planning and Zoning Commission.**

- 1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.**
- 2. The Applicant’s property is currently zoned AR-1 along Route 26. It is surrounded on either side by C-1 and CR-1 Zoning, plus a number of business and commercial uses. The continued designation and use of this property for residential purposes is no longer appropriate. This is an appropriate location for C-2 zoning.**
- 3. C-2 Zoning at this location along Route 26 will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.**
- 4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**
- 5. The site is mostly in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.**
- 6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**

**M 105 22  
Adopt  
Ordinance  
No. 2839/  
CZ 1943  
(continued)**

- 7. No parties appeared in opposition to the rezoning application.**
- 8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**M 106 22  
Adjourn**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to adjourn at 1:48 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

*{An audio recording of this meeting 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 Douglas B. Hudson, Vice President  
The Honorable Cynthia C. Green  
The Honorable John L. Rieley  
The Honorable Mark G. Schaeffer

**FROM:** Gina A. Jennings  
Finance Director/Chief Operating Officer

**RE:** **American Rescue Plan Act and Financial Transparency Website**

**DATE:** March 4, 2022

At the March 8<sup>th</sup> Council meeting, I will be discussing the \$45.5 million the County has been granted through the American Rescue Plan Act. I will give a presentation on what the funds can be spent on followed by my recommendations on how to best utilize these funds following the strict guidelines established by the U.S. Treasury.

After the ARPA presentation, I will be rolling out a new financial transparency website that will give residents the ability to see the County's financial data in real-time. It is my hope that the public will use this website, not only to see how the County spends its everyday tax dollars, but also track how the County is spending the \$45.5 million in ARPA funds.

If you have any questions, please feel free to contact me.

pc: Todd F. Lawson

## ENGINEERING DEPARTMENT

HANS M. MEDLARZ  
COUNTY ENGINEER

(302) 855-7370 T  
(302) 854-5391 F

[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)



# Sussex County

DELAWARE  
[sussexcountyde.gov](http://sussexcountyde.gov)

## Memorandum

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

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

RE: ***South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 A. General Construction, Project C19-11 Change Order No. 20***

DATE: March 8, 2022

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

- a. Effluent Forcemain Relocation/Replacement; Completed in fall of 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.
- c. Drainage Network Rerouting;  
This scope was not included in the base bid. After cost comparison between the General Labor & Equipment Contract versus a change order under Ronca's general construction contract; Council awarded the stand alone Change Order Request 554-001 to Ronca & Sons, Inc. in the amount of \$104,592.96 on March 10, 2020. The construction was completed in July 2020.
- d. General Construction Project C19-11; awarded on December 17, 2019 to M.F. Ronca & Sons, Inc.

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

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



On July 28, 2020 Council approved credit Change Order No. 3 in the combined amount (\$9,764.30) for use of surplus materials projects.

Change Order No.4 in the amount of \$871,000.00 for the repairs of partial failures at the two City of Rehoboth's wastewater treatment plant oxidation ditch systems was also approved on July 28, 2020. M.F. Ronca & Sons, Inc. completed the scope in May of 2021 and the County increased the flow contribution to the City's plant.

On December 15, 2020 County Council approved Change Order No. 6 for steel framing repairs in the first oxidation ditch on a time & material basis up to \$10,500.00. This is in addition to the concrete repairs which are being conducted per the awarded contingent unit price schedules.

The County initiated RFP-019 addressing modifications to the interior headworks piping the second one and RFP-023 covering the addition of a cross connection between the existing 14-inch process drain header for Aeration Tank Nos. 1-4 and the new header for the Aeration Tank Nos. 5-8. On September 22, 2020 Council approved Change Order No.5 in the combined amount of \$32,991.66.

GHD issued RFP-031 for the installation of plug valves on each of the 12-inch recycle influent pipes to be connected to the existing Aeration Tank Nos. 1-4 and to the new Aeration Tank Nos. 7-8. On December 15, 2020, Change Order No. 7 was approved for said shut off valves in the amount of \$31,974.51.

The new South Coastal aeration basin had to be connected to the existing large diameter sludge return piping requiring a forward flow stoppage. Minimizing the joint risk M. F. Ronca proposed a line stop approach under Change Order No. 8. Since it also gained construction efficiency, they offered to only charge for the subcontractor work.

In the spring of 2021, the Rehoboth Beach WTP oxidation ditch rehabilitation was receiving expansive attention including:

- Contingent Unit Price Concrete Repairs, Bid Items F-19 & F-20
- Steel Repairs authorized under Change Order No. 6
- Steel Coatings authorized as part of Change Order No. 4

In addition, all of the leaking expansion joints have been repaired under a time & material approach. On March 9, 2021, County Council approved Change Order Nos. 8 and 9 in the respective amounts of \$34,765.50 and \$45,600.00.

Only one of the two headworks influent pipes has a shut off valve and we requested another 20" valve in the second vertical influent pipe. In addition, two of the existing headworks slide gates were compromised in need of

replacement and we requested the replacement. On May 25, 2021, Council approved Change Order No. 10 in the aggregate amount of \$34,160.64.

The County initiated RFP-039 addressing modifications to two slide gates avoiding conflict with the new air piping. In addition, it was discovered during the rehabilitation work in the grit tanks, that the existing influent chutes to the stacked tray grit removal systems were significantly compromised. On June 22, 2021, Council approved Change Order No. 11 in the aggregate amount of \$59,557.16.

The design team initiated RFP-038 for exhaust duct modifications associated with the new turbo blowers. The headworks cross channel is lower, and the existing channels have steps incorporated, which differs from the as built information available. RFP-041 proposes to construct the Screen Channel No. 3 at the same elevation incorporating modifications to the proposed Screen SCN-103. On July 13, 2021, Council approved Change Order No. 12 to M.F. Ronca & Sons in the amount of \$14,700.07.

The contract as bid includes concrete repairs to the City's headworks and influent splitter box. With the structures in question by-passed and accessible, the full extent of the damage was evident requiring an alternative approach to the proposed refurbishment as detailed in RFP-037.

The newly revealed site conditions required the full demolition of the upper level of the headworks as well as the channel between it and the splitter box. All the associated gates and plating had to be replaced in a massive effort. Michael F. Ronca & Sons, Inc. proposed to perform the modifications for \$1,043,243.92. GHD, the City Engineer and the County Engineer supported the approach, and the change order was within budget of the City's financing arrangements previously approved by the City and County elected officials. On August 10, 2021, Council approved Change Order No. 13 to M.F. Ronca & Sons in the amount of \$1,043,243.92.

The City requested M.F. Ronca & Sons' assistance in the wetwell cleaning of the State Rd. pump station to allow a full evaluation in preparation of the upgrade design. In addition, the City requested to modify the air intake for B-10 Building ventilation from a roof mount to an existing window opening. On November 30, 2022, County Council approved Change Order No. 14 in the aggregate amount of \$7,380.37.

Upon exposure of the normally submerged piping at the oxidation ditches, GHD formulated an initial repair scope for the influent, return sludge & air piping including replacement of valves and fittings. It was subsequently reduced and Michael F. Ronca & Sons, Inc. proposed to perform the modified repair scope for \$324,996.81. GHD, the City Engineer and the County Engineer supported the modified approach. However, this amount is not within budget of the City's financing arrangements previously approved. The City

will pay for this change order directly out of City funds. County Council approved Change Order No. 15 on January 11, 2022, subject to direct payment by the City. Since then, it was determined that the pipe support configuration for the replacement of oxidation ditch influent piping at the City's WTP required additional supports and RFP-056 issued. Michael F. Ronca & Sons, Inc. proposed to perform the expanded repair scope for \$ \$8,992.49. County Council approved Change Order No. 17 to M.F. Ronca & Sons in the amount of \$8,992.49 on January 25, 2022.

GHD's design scope included a separate task for the hydraulic transient analysis of the South Coastal effluent force under various pumping scenarios. After County approval of the findings, GHD issued RFP-052 for replacing air valves on the effluent force main and installing additional air valves at new locations. This work scope was not known at time of base bid and hence not included. On January 11, 2022 County Council issued Change Order No. 16 to M.F. Ronca & Sons in the amount of \$88,132.23.

The South Coastal RWF's return sludge pumping station has three (3) pumps, two of which have been upgraded. The third unit recently experienced a failure, and the Environmental Services requested replacement of the pump and piping to be integrated in the project as per RFP-053. Michael F. Ronca & Sons, Inc. proposed to perform the replacement scope for \$ 31,101.61, which Council approved on January 25, 2022 via Change Order 18.

Under RFP-053 the South Coastal RWF requested replacement of two (2) compromised pumps and rail systems in the existing filtrate return pump station in the filter building. Under RFP-057 the City staff requested new fiberglass baffles and a guide bracket assembly to replace the original wooden baffle assembly located in the flow splitter box. M.F. Ronca & Sons proposed to complete the work for \$90,081.84 and \$8,132.66 respectively which Council approved on February 8, 2022 via Change Order 19.

The City requested M.F. Ronca & Sons' assistance in the installation of a lintel above the screen chute complete with control joints limiting vertical cracking. Ronca proposed to complete this work for \$7,426.59. The City is in agreement and the amount is within the limits of the alternative financing arrangements.

Starting in 2021, Environmental Services experienced more frequent malfunctions and alarm call outs with the influent screens at the Inland Bays RWF. In addition, a reduction in screen bar opening from ¼-inch to 3/16-inch opening will help the facilities sludge accumulation. The units were commissioned in the fall of 2010 and normally have a 15-year service life. Therefore, the initial in-house approach was a one at a time removal, shipment to manufacturer for a complete rebuilt. Given the current short staffing, the Engineering Department requested the assistance of Michael F. Ronca & Sons, Inc. Their investigation revealed that a full replacement could be accomplished for \$ 253,417.58, which was only 10% more expensive than a full rebuilt. This

number is even less when one takes the double shipping and screen downtime into consideration. Therefore, the Department recommends issuance of Change Order No. 20 in the aggregate amount of \$260,844.17 for the replacement in kind of two screens and masonry work.

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

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

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

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

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

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

On September 22, 2020 Council approved Change Order No. 7 in the not to exceed amount of \$307,300.00 for the City's oxidation ditch complete electrical equipment replacement. This change order had an allowance for sensor replacements which proved too low and required an increase of \$6,582.80. Council approved the modification to Change Order No. 7 on November 10, 2020.

On November 10, 2020 Council approved Change Order No. 8 in the aggregate amount of \$2,249.00 covering RFP-027, RFP-028, RFP-029 & RFP-030. GHD has concluded that RFP-029 can be rescinded in its entirety. Therefore, the scope of work in the Sludge Building reverts to the Drawings, as modified by Change Order No. 4 associated with RFP-016.

On December 15, 2020, Council approved the modification reducing Change Order No. 8 by \$9,040.00 for a modified net total credit of (\$6,791.00).



On February 9, 2021 Council approved Change Order No. 9 in the aggregate amount of \$30,554.00 covering RFPs-032 & 033. The first RFP provided upsized control panels, conduit and conductors associated with the two (2) Jet Mixing Pump VFDs while the second dealt with a modified temporary electrical feeder arrangement and a redirection of the medium voltage loop.

Under RFP- 035 the Environmental Services team requested waterproofed convenience receptacles at the return sludge building's pump room. While under RPP-040 they requested additional site lighting in the area of the generator and blower buildings. BW Electric, Inc. proposed and on August 10, 2021, Council approved Change Order No. 10 in the aggregate amount of \$7,320.00.

The City initiated RFPs-042 & 44. The first one replaces the deteriorated pull box at building B-10 with a stainless steel one and provides temporary power during installation. The second one addresses modifications to the garage feeder after an unknown electrical structure was discovered. On October 12, 2021 Council approved Change Order No. 11 in the aggregate amount of \$47,328.70.

The Environmental Services team initiated RFP-045 for modification to the aeration basin lighting. It modifies some light locations and reduces the light pole height for the remaining interior poles out of operational safety concerns. On October 12, 2021 Council approved Change Order No. 12 in the amount of \$4,779.38.

The City initiated RFPs -043 & 049. The first one relates to the electrical control requirements for a City-furnished booster pump for installation in Building T-1. The second one addresses rewiring of the two (2) level sensors and dissolved oxygen probes at the oxidation ditches. On January 11, 2022 County Council issued Change Order No. 13 in the aggregate amount of \$20,018.56.

The Environmental Services team initiated RFP-048 for modification to four valves eliminating the actuators and on January 11, 2022 County Council issued the associated Change Order No. 14 in the credit amount of (\$6,485.87).

The City's lighting in the headworks building and the panelboard in the chemical building are compromised by corrosion and City staff requested replacement as per RFP-050. The County Environmental Services and IT staff reanalyzed the facility's fiber optic cabling needs and requested inner duct modifications under RFP-059. BW Electric proposed to make the changes for \$12,018.72 and \$16,100.70 respectively and on February 8, 2022 Council issued Change Order No. 15 in the aggregate amount of \$28,119.42.

- f. Mobile Belt Filter Press; awarded on January 7, 2020 Council to Kershner Environmental Technologies. The unit was deployed at the Inland Bays RWF reducing legacy lagoon solids accumulation and is currently stationed at the LBPW Plant.
- g. DP&L expenses; on February 4, 2020 Council approved the electric utility service relocation contract.
- h. The Rehoboth Beach WTP was built on a municipal landfill and Council approved a stand-alone competitive purchase order to Melvin L. Joseph Construction Company, Inc. for material hauling & screening on July 14, 2020.

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



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – General Construction**
2. Sussex County Project No.           C19-11
3. Change Order No.           20
4. Date Change Order Initiated -           3/4/22
5.
  - a. Original Contract Sum           \$39,526,400.00
  - b. Net Change by Previous Change Orders           \$2,922,895.04
  - c. Contract Sum Prior to Change Order           \$42,449,295.04
  - d. Requested Change           \$ 260,844.17
  - e. Net Change (No. of days)           0
  - f. New Contract Amount           \$42,710,139.21
6. Contact Person: Hans Medlarz, P.E.  
Telephone No. (302) 855-7718

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

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

— 6. Factors Affecting Time of Completion

\_\_\_\_\_ 7. Other (explain below):

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

Replacement of two screens at the IBRWF and masonry at the RBWWTP.

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

Yes   X   No \_\_\_\_\_

**E. APPROVALS**

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

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Representative's Name in Block Letters

2. Sussex County Engineer

\_\_\_\_\_  
Signature Date

3. Sussex County Council President

\_\_\_\_\_  
Signature Date

Michael F.  
**RONCA**  
& Sons, Inc.

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



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

February 9, 2022

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

Re: Sussex County  
SCRWF-RBWWTP CIP Phase 2 Upgrades  
Proposed Change Order Request No. 554-029  
RBWWTP T-1 Masonry Modifications

Dear Mr. Clark:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of Seven Thousand Four Hundred Twenty Six Dollars and 59 Cents.....(\$7,426.59).

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

*Scott Wachinski*

Project Manger

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

**Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades**

PCOR 554-029 RBWWTP T-1 Masonry Modifications

2/9/2022

**CHANGE ORDER SUMMARY**

Item 1	Repair/Replace Brick and Install Control Joint at Vertical Crack in RBWWTP T-1 Brick Veneer and Install New Masonry Opening in T-1 Building for Mechanical Screen Discharge Including
<b>Labor</b>	\$285.28
<b>Materials</b>	\$800.00
<b>Equipment</b>	\$31.32
<b>Subcontract</b>	\$5,850.00
<b>Subtotal</b>	\$6,966.60
<b>Contractor Overhead &amp; Profit @ 15%</b>	\$167.49
<b>Contr. Overhead &amp; Profit on Subcontr. @ 5%</b>	\$292.50
<b>Item Total</b>	<b>\$7,426.59</b>
<b>Change Order Total</b>	<b>\$7,426.59</b>

**Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades**

PCOR 554-029 RBWWTP T-1 Masonry Modifications

2/9/2022

<u>Item</u>	<u>Description</u>						
Item 1	Repair/Replace Brick and Install Control Joint at Vertical Crack in RBWWTP T-1 Brick Veneer and Install New Masonry Opening in T-1 Building for Mechanical Screen Discharge Including Close of Ex. Opening per GHD FO-061.						
	<b>Labor:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>		
	Laborer	4.00	HR	\$71.32	\$285.28	Labor Total:	\$285.28
	<b>Materials:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>		
	Misc. Mortar, etc.	1.00	LS	\$150.00	\$150.00		
	SS Lintel for Brick Veneer	1.00	LS	\$650.00	\$650.00	Material Total:	\$800.00
	<b>Equipment:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>		
	STS	2.00	HR	\$15.66	\$31.32	Equipment Total:	\$31.32
	<b>Subcontract:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>		
	Masonry Subcontractor	1.00	LS	\$5,500.00	\$5,500.00		
	Caulking Subcontractor	1.00	LS	\$350.00	\$350.00	Subcontract Total:	\$5,850.00
						Item Total:	\$6,966.60



540 TERMINAL AVENUE  
NEW CASTLE, DE 19720

Ph. 302-656-9612 ♦ Fax 302-656-9640

February 7, 2022

Attn: Estimating

**Re: \*\* REVISION #2\*\* - RBWWTP T-1 Building Lintel Replacement - Rehoboth, DE.**

Subject to satisfactory contract and mutual understanding of all items incorporated in this estimate and as per plans and specifications, and addendums, we propose to furnish all labor, materials, tools, and equipment to fully complete all masonry work.

Work includes the following:

- Face Brick to match existing (cannot guaranty an exact color match)
- Demo of our scope of work only.
- **\*\*Toothing of brick and CMU (CMU toothing at new 24" x 30" opening only) \*\***
- **\*\*CMU (at new 24" x 30" opening only) \*\***
- **\*\*Precast concrete lintels (at new 24" x 30" opening only) \*\***
- Supply & install all anchors for brick repair work
- **\*\*Horizontal joint reinforcement (at new 24"x 30" opening only) \*\***
- **\*Flashing at heads only\***
- Weep holes
- **\*\* Control joint (at alternate #1 only)\*\***
- All scaffolding or equipment required for our work
- Brick cleaning as required
- All debris placed in dumpster supplied by others

Total cost on this project is as follows:

### **Alternate #1 – Repair brick and create control joint (see attached)**

**One Thousand Five Hundred Dollars**

**\$2,500.00**

### **Alternate #2 – Masonry work required to create new opening (24"x30") in existing CMU/Brick veneer wall**

**Three Thousand Dollars**

**\$3,000.00**

The following is excluded from the above cost:

- All sealants and emseal
- Fire safing, fire caulking
- Caulking, or painting of lintels
- CMU patching
- Cutting or patching for other trades
- **\*\*Sill flashing at new 24" x 30" opening \*\***
- **\*Bullnose CMU\***
- **\*\*Colored mortar\*\***





540 TERMINAL AVENUE  
NEW CASTLE, DE 19720

Ph. 302-656-9612 ♦ Fax 302-656-9640

- Protection of windows or doors
- Waterproofing or dampproofing
- Supplying, installing, or setting any doors or windows
- Insulation
- Supplying angles, bolting, or setting of beams
- Utilities for our work such as water and electric
- Dumpsters
- Building security
- Bracing of walls
- Dewatering or cleaning footers or streets
- Traffic control
- All cold weather protection (such as additives or accelerators)
- Fuel to heat material
- Prevailing wage, O/T or working off hours
- All testing, inspections, permits, utility locates or fees
- Labor or material increases

**Note: Secured Lay down, material storage and mixing station required**

This proposal is valid for not more than 60 days from the above date and is subject to the negotiation of a reasonable subcontract agreement. Thank you for the opportunity to bid on this project. Please call with any questions.

Sincerely,  
Benjamin F. Rizzo Jr.  
kws

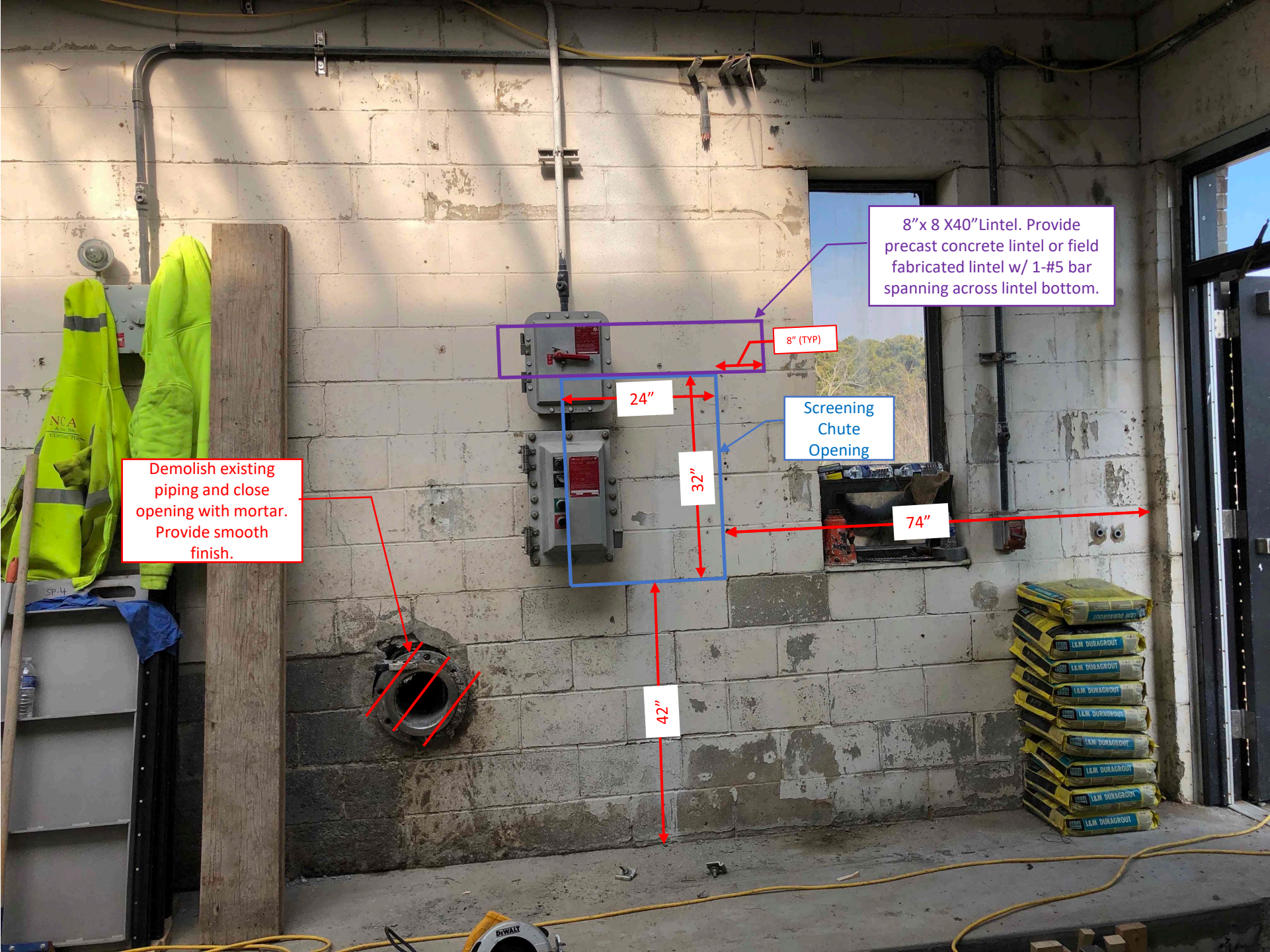


# Request for Proposal

<b>Project Title</b>	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
<b>Owner</b>	Sussex County, Delaware		
<b>Contract No.</b>	C19-11: General Construction	<b>GHD Project No.</b>	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
<b>RFP No.</b>	061		
<b>RFP Subject</b>	RBWWTP T-1 Screen Chute Lintel & Control Joint		
<b>Issued By</b>	S. Clark, S. Anderson	<b>Issue Date</b>	Feb. 8, 2022

## Description of proposed changes:

Provide a cost proposal for the T-1 Building modification additional scope items to provide and install a lintel above the penetration for the screening washer/compactor chute, and to install a control joint to address the vertical crack in the building exterior brick. Refer to the attached markups for additional details. For the exterior control joint, cut the control joint as shown in the markup and replace the severed brick. Limit depth of the cut to not impact the CMU block work behind the exterior brick. No change to the temporary support of the remaining brick is required while the new lintels are installed at the facility.



Demolish existing piping and close opening with mortar. Provide smooth finish.

8"x 8 X40" Lintel. Provide precast concrete lintel or field fabricated lintel w/ 1-#5 bar spanning across lintel bottom.

8" (TYP)

24"

32"

42"

Screening Chute Opening

74"





CONTROL JOINT

Michael F.  
**RONCA**  
& Sons, Inc.

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



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

February 28, 2022

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

Re: Sussex County  
Inland Bays Regional Wastewater Facility  
Proposed Change Order Request No. 554-030  
Inland Bays Screen Replacements

Dear Mr. Medlarz:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of Two Hundred Fifty Three Thousand Four Hundred Seventeen Dollars and 58 Cents.....(\$253,417.58).

Enclosed for your review is a corresponding breakdown of costs.

Should this change order request be acceptable as provided, please prepare the appropriate change order documentation and forward the same to our office for further processing. Until then, should you have any questions, or require additional information, please do not hesitate to contact me.

Regards,

*Scott Wachinski*

Project Manger

cc: HO file 554  
David A. Ronca – M.F. Ronca

**Sussex County - SCRWF-RBWTP CIP Phase 2 Upgrades**

PCOR 554-030 Inland Bay Screen Replacements

2/28/2022

**CHANGE ORDER SUMMARY**

Item 1 Furnish and Install 2 EA New 3/16 Inch Headworks Mechanical Screens to Include Removal/Disposal of Ex. Screens, Electrical Disconnect/Re-Connect and Allowance for Replacement of Electrical Components if Required per Sussex County 01.27.22 Email Request.

<b>Labor</b>	\$16,890.80
<b>Materials</b>	\$167,648.00
<b>Equipment</b>	\$7,029.20
<b>Subcontract</b>	\$9,500.00
<b>Subtotal</b>	\$201,068.00
<b>Contractor Overhead &amp; Profit @ 15%</b>	\$28,735.20
<b>Contr. Overhead &amp; Profit on Subcontr. @ 5%</b>	\$475.00
<b>Item Total</b>	<b>\$230,278.20</b>

Item 2 Furnish and Install 2 EA 316 SS Weir Plates/Frames in Ex. Channel to Slow Flow Velocity per Sussex County 02.24.22 Email Request.

<b>Labor</b>	\$3,870.00
<b>Materials</b>	\$15,938.00
<b>Equipment</b>	\$313.20
<b>Subcontract</b>	\$0.00
<b>Subtotal</b>	\$20,121.20
<b>Contractor Overhead &amp; Profit @ 15%</b>	\$3,018.18
<b>Contr. Overhead &amp; Profit on Subcontr. @ 5%</b>	\$0.00
<b>Item Total</b>	<b>\$23,139.38</b>

**Change Order Total** **\$253,417.58**

**Sussex County - SCRWF-RBWTP CIP Phase 2 Upgrades**

PCOR 554-030 Inland Bay Screen Replacements

2/28/2022

<u>Item</u>	<u>Description</u>					
Item 1	Furnish and Install 2 EA New 3/16 Inch Headworks Mechanical Screens to Include Removal/Disposal of Ex. Screens, Electrical Disconnect/Re-Connect and Allowance for Replacement of Electrical Components if Required per Sussex County 01.27.22 Email Request.					
	<b>Labor:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	Mechanic Fitter	80.00	HR	\$122.18	\$9,774.40	
	Operating Engineer	40.00	HR	\$106.59	\$4,263.60	
	Laborer	40.00	HR	\$71.32	\$2,852.80	
						Labor Total: \$16,890.80
	<b>Materials:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	Headworks Bar Screen MS1 3/16 BS	2.00	EA	\$83,549.00	\$167,098.00	
	Misc. Grout, Hardware, Etc.	1.00	LS	\$550.00	\$550.00	
						Material Total: \$167,648.00
	<b>Equipment:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	75 T RT Crane	40.00	HR	\$160.07	\$6,402.80	
	STS	40.00	HR	\$15.66	\$626.40	
						Equipment Total: \$7,029.20
	<b>Subcontract:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	Electrical Subcontractor	1.00	LS	\$6,000.00	\$6,000.00	
	Misc. Electrical Material (Allowance)	1.00	LS	\$3,500.00	\$3,500.00	
						Subcontract Total: \$9,500.00
						Item Total: \$201,068.00
Item 2	Furnish and Install 2 EA 316 SS Weir Plates/Frames in Ex. Channel to Slow Flow Velocity per Sussex County 02.24.22 Email Request.					
	<b>Labor:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	Mechanic Fitter	20.00	HR	\$122.18	\$2,443.60	
	Laborer	20.00	HR	\$71.32	\$1,426.40	
						Labor Total: \$3,870.00
	<b>Materials:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	2 EA 316 SS Weir Plates/Frames	1.00	LS	\$15,688.00	\$15,688.00	
	Misc. Grout, Hardware, Etc.	1.00	LS	\$250.00	\$250.00	
						Material Total: \$15,938.00
	<b>Equipment:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
	STS	20.00	HR	\$15.66	\$313.20	
						Equipment Total: \$313.20
	<b>Subcontract:</b>	<b>Qty</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total</b>	
				\$0.00	\$0.00	
						Subcontract Total: \$0.00
						Item Total: \$20,121.20

Notes:

- N1 PCOR assumes isolation of channels can be managed utilizing existing gates. Bypass Pumping is specifically excluded.
- N2 Base electrical pricing assumes disconnecting power to existing screen and reconnecting same power wiring to new screens. Allowance to be for new minor electrical materials if determined to be required.



Prepared for:

Inland Bays Replacement Screen  
DE  
B-2022-00094

Submitted by:

**Headworks® Inc.**

February 24, 2022



THIS DOCUMENT CONTAINS PROPRIETARY INFORMATION AND NEITHER THIS DOCUMENT NOR SAID PROPRIETARY INFORMATION SHALL BE PUBLISHED, REPRODUCED, COPIED, DISCLOSED, OR USED FOR ANY PURPOSE OTHER THAN CONSIDERATION OF THIS PROPOSAL, WITHOUT THE WRITTEN APPROVAL OF HEADWORKS INC.





Project Name: Inland Bays Replacement  
 State/Country: DE  
 Rep. Company: Riordan  
 Offer: B-2022-00094  
 Date Offer: 24-Feb-22  
 V3.5

## Scope of Supply - Offer # B-2022-00094 Inland Bays Replacement Screen

Thank you for your request for a screen proposal. Headworks is pleased to offer you the Headworks MS Series Bar Screen Model MS1 for this project.

### The Headworks® Bar Screen Model MS1 design offers the following features:

- Stainless Steel Construction - for corrosion resistance
- Low Profile - requires less than 8 feet of head space
- Low Headloss - even with 1/4 inch openings
- High Hydraulic Capacity - about 2 MGD per ft<sup>2</sup> of screen area
- Electronically Controlled Automatic Reverse - to remove obstructions



Enclosed are our Formal Offer, Scope of Supply, and General Terms and Conditions, which complete the offer. If you have any questions or comments, please do not hesitate to contact our local Sales Representative, or our office.

Yours Sincerely,

Brandon Childs  
 Headworks Inc.  
 Inside Sales Engineer



### Sales Representative:

Tom Rainier  
 Riordan Materials Corporation  
 8712 Inwood Rd  
 Windsor Mill, MD 21244  
 +1 410 440 4411

## Project Summary:

Equipment	Item	Units	US \$
Bar Screen MS1, 3/16" BS	1	1	83,549
<b>TOTAL PROJECT COSTS</b>			<b>83,549</b>



Project Name: Inland Bays Replacement  
 State/Country: DE  
 Rep. Company: Riordan  
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 Date Offer: 24-Feb-22  
 V3.5

<b>Item:</b>	<b>1</b>
<b>Type of Product</b>	<b>Bar Screen MS1</b>

<b>Project Name:</b>	<b>Inland Bays Replacement Screen</b>	
<b>Offer Number</b>	<b>B-2022-00094</b>	
<b>Item Number:</b>	<b>1</b>	
<b>No. of Screens</b>	<b>1</b>	
<b>Screen Data</b>	<b>Feet</b>	<b>Meter</b>
SOL Screen Overall Length (approx.)	15.01	4.58
OF Operating Floor to Channel Invert	5.67	1.73
CD Channel Depth	5.67	1.73
CW Channel Width	2.50	0.76
SW Screen Total Width (approx.)	2.34	0.71
SFW Screen Field Width (approx.)	1.52	0.46
WD Water Depth	3.00	0.91
DH Discharge Height	5.76	1.75
SFH Screen Field Height	5.67	1.73
BS Bar spacing	0.1875 inch	4.76 mm
Wall Recess	NO	
Floor Recess	NO	
Screen grouted when in recess	NO	
# of Sections/Pieces	1	
Material	SS 304	
Chain Roller Type	Stainless	
Top Enclosed	Yes	
Installation Angle (Degree)	75 deg	
Weight (per screen)	2882 lb	1307 kg
Pull Out Type	Yes	
Pivot Type	NO	
Q max. Specified	6.50 mgd	0.29 m3/s
Q max. (v-Ch. = 0.9m/sec or 3'/s)	11.24 mgd	0.53 m3/s
Q max. (v-Ch. = 0.6m/sec or 2'/s)	7.50 mgd	0.35 m3/s
Headloss at 2'/sec channel velocity	9.44 inch	23.97 cm
Headloss at 3'/sec channel velocity	11.24 inch	28.54 cm

<b>Screen Scope of Supply</b>	<b>Supplied</b>
Headworks Bar Screen MS1	YES
Spare Parts	NO
Freeze Protection	YES
Control Panel	NO
Ultrasonic Level Sensor	NO
Interconnecting Wiring	NO
Training (O&M)	YES



Project Name: Inland Bays Replacement  
State/Country: DE  
Rep. Company: Riordan  
Offer: B-2022-00094  
Date Offer: 24-Feb-22  
4 of 7  
V3.5

## GENERAL TERMS AND CONDITIONS

### Applicable Terms

These terms govern the purchase and sale of the equipment and related services. If any (collectively, "Equipment") referred to in Seller's quotation, proposal or acknowledgement, as the case may be (Seller's "Documentation"). Whether these terms are included in an offer or an acceptance by Seller, such offer or acceptance is conditioned on Buyer's assent to these terms. Seller rejects all additional or different terms in any of Buyer's forms documents.

### Pricing

The price of the Equipment is based upon the following conditions:

20% Upon Approval of Submittals

75% due net 30 days from date of equipment shipment

5% Retainage due net 30 days from date of Start-Up, but no later than 180 days from shipment

Pricing is based on receipt of a Purchase Order within 60 days from the date of this Offer and shipment of the equipment not later than 12 months from the date of this Offer. In the event Buyer cannot take the equipment within the stipulated time, the price will escalate 0.5% per month thereafter. All storage costs are for the account of the Buyer.

These terms are independent of and not contingent upon the time and manner in which the purchaser receives payment from the site owner or any other person. Acceptance of order subject to credit approval. All monies not paid when due shall bear interest from the due date to the date paid either (i) at the fluctuating rate of 3% above the Prime Rate as defined below or (ii) the highest rate allowed by law, whichever is lesser. "Prime Rate" is the prime rate in effect on the first business day of the month in which a change occurs, as published in the Wall Street Journal on the next business day.

### Validity of Quotation:

60 days from date of offer.

### Bonds:

Unless specifically stated in our Offer, No Performance Bonds, Payment Bonds, Supply Bonds, Maintenance or any other type of Bonds and any related expenses are included. Any acceptance to provide Bonds will only be considered prior to the Offer.

### Ownership of Material

All devises, designs (including drawings, plans and specifications), estimates, prices, notes, electronic data and other documents or information prepared or disclosed by Seller, and all related intellectual property rights, shall remain Seller's properties. Seller grants Buyer a non-exclusive, non transferable license to use any such material solely for Buyer's use of the equipment. Buyer shall not disclose any such material to third parties without Seller's prior written consent.

### Changes

Seller shall not implement any changes in the scope of work described in Seller's documentation unless Buyer and Seller agree in writing to the details of the changes and any resulting price, schedule, or contractual modifications. This includes any changes necessitated by a change in applicable law occurring after the effective date of any contract including these terms.



Project Name: Inland Bays Replacement  
State/Country: DE  
Rep. Company: Riordan  
Offer: B-2022-00094  
Date Offer: 24-Feb-22  
5 of 7  
V3.5

### **Stainless Steel Price Increases:**

All Orders accepted, are subject to the following terms:

Headworks® Inc. reserves the right to adjust the price of the equipment based on increases in the price of stainless steel. This increase would be based on stainless steel price increases (including surcharges) as published monthly in the U.S. with the base price being that price (including surcharges, if any) published on the date of this offer. Such price increase only affects the cost of the stainless steel material portion of the affected equipment.

### **Force Majeure**

“Force Majeure” shall mean any act or event which is outside the reasonable control of a party including, without prejudice to the foregoing generality, Acts of God, epidemics, tidal waves, explosions, lightning, earthquakes, hurricanes, wars (whether declared or not), riots, strikes and industrial actions (other than among the employees of party seeking to rely on such event, or its subcontractor), civil and military disturbances and unrest, acts of the public enemy, action or inaction of the government or governmental authorities or of representatives thereof. If Headworks is prevented from or delayed in performing its obligations as a result of Force Majeure, such prevention or delay shall not be considered a breach of the Agreement, but shall for the duration of such event relieve Headworks of its respective obligations thereunder. Should the Force Majeure suspension period last for more than one (1) month, Headworks may terminate this quote or agreement.

### **Freight Terms**

Equipment is sold FOB point of manufacture with freight included in the above price to the nearest specified destination, provided suitable access roads exist for the delivery carrier(s).

### **Shipment Schedule**

16 - 20 weeks ex works after receipt of approved submittal drawings.

### **Start-Up and Operator Training**

1 trip of up to 3 consecutive days included, per Screen.

### **Submittals**

Technical submittal drawings for review, authority examination and approval shall be furnished to the buyer within 3 - 4 weeks of order acceptance. The buyer shall approve the submittals within 4 weeks from receipt, otherwise the Stainless Steel Price Increases clause described above will become applicable.

### **Taxes**

Federal, state and local taxes, if any, are not included in the above prices. All applicable taxes are for the purchaser's account.

### **Patent Protection**

Various Headworks equipment contain proprietary information covered by a number of patents and patents pending in the USA and in many international countries. For a full list of the approved patents, please contact Headworks Inc. Legal department in Houston, Texas.



Project Name: Inland Bays Replacement  
State/Country: DE  
Rep. Company: Riordan  
Offer: B-2022-00094  
Date Offer: 24-Feb-22  
V3.5

### **Headworks® Bar Screen Warranty:**

The seller warrants all equipment of its own manufacture to be free of defects caused by faulty material or workmanship for a period of eighteen (18) months from date of shipment or twelve (12) months from date of start-up, whichever first occurs. Headworks will replace or repair any part or parts which upon examination shall show to have failed under normal use and service by the original user within the warranty period. In the event that defects develop during the warranty period, under normal and proper use, Headworks is to be notified promptly and with their consent the products are to be returned to Headworks F.O.B. Headworks factory at Buyer's expense. In the case of components purchased by Headworks and incorporated into the equipment, such as Electrical Controls, Instrumentation, Electrical Motors, Gear Reducers and related items, Headworks warranty is limited to the individual manufacturer's warranty for that component, usually one year. This warranty does not apply to equipment or parts thereof which have been altered or repaired other than by a representative of Headworks, or damaged by improper installation, application, erosion or corrosion of any sort, or subjected to misuse, abuse, neglect or accident.

THIS WARRANTY, INCLUDING THE STATED REMEDIES, IS EXPRESSLY MADE BY HEADWORKS AND ACCEPTED BY PURCHASER IN LIEU OF ALL OTHER WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, WHETHER WRITTEN, ORAL, EXPRESS, IMPLIED, OR STATUTORY. HEADWORKS NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY OTHER LIABILITIES WITH RESPECT TO ITS EQUIPMENT. HEADWORKS SHALL NOT BE LIABLE FOR NORMAL WEAR AND TEAR, NOR FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGE DUE TO INOPERABILITY OF ITS EQUIPMENT FOR ANY REASON NOR ANY CLAIM THAT ITS EQUIPMENT WAS NEGLIGENTLY DESIGNED OR MANUFACTURED.

### **Termination**

Buyer may at any time terminate this order or any part hereof for its sole convenience. In the event of such termination, Seller shall immediately stop all work hereunder, and shall immediately cause any of its suppliers or subcontractors to cease such work. Seller shall be paid a reasonable termination charge consisting of a percentage of the order price reflecting the percentage of the work performed prior to the notice of termination, including without limitations any and all engineering work completed in submittal preparation, plus actual direct costs resulting from termination. Seller shall not be paid for any work done after receipt of the notice of termination, nor for any costs incurred by the Seller's suppliers or subcontractors which Seller could reasonably have avoided. Buyer will make no payments for finished work, work in process, or raw material fabricated or procured by the Seller in excess of any order or release.



Project Name: Inland Bays Replacement  
State/Country: DE  
Rep. Company: Riordan  
Offer: B-2022-00094  
Date Offer: 24-Feb-22  
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V3.5

### **Dispute Clause**

Any claim, dispute or other matter in question between Supplier and Owner, arising out of or relating to either's obligations to the other under this Contract, shall, if possible, be resolved by negotiation between Supplier's and Owner's designated representatives for the applicable Purchase Order. Supplier and Owner each commit to seeking resolution of such matters in an amicable, professional and expeditious manner so as to avoid unnecessary losses, delays and disruptions to the Work. If a matter cannot be resolved by the parties' designated representatives for the applicable Purchase Order, no later than thirty (30) days after the designated representatives fail to reach agreement, representatives from executive management of Supplier and Owner shall attempt to resolve the matter.

If resolution cannot be reached by the parties' executive managers, no later than thirty (30) days after the executive managers fail to reach agreement, the parties shall submit the dispute to non-binding mediation. The parties shall select a mediator and a mediation location that are mutually acceptable.

If resolution cannot be reached by the parties through mediation, within thirty (30) days after the mediation has concluded, either party may file suit in a court of competent jurisdiction in the county of the state in which the Work Site is located. If a Purchase Order required Work to be performed at more than one Work Site in more than one state, the exclusive venue for suit shall be a court of competent jurisdiction in Harris County, TX.

### **Presence of High Grit Levels, Stones and Rocks**

The presence of high levels of Grit, Stones and/or Rocks that can impair the normal operation of Headworks' products, develop premature wear and/or cause damage to it's products is not covered under the Headworks Inc. Standard Warranties unless strictly expressed in writing. This policy is in effect for the Headworks® Bar Screen, Perforator™, Eliminator™, Spiralman™, Transporter™, Transpactor™, & Screwactor™.

### **Limitation of Liability**

In no event shall Seller be liable for anticipated profits or for incidental or consequential damages. Seller's liability on any claim of any kind for any loss or damage arising out of or in connection with or resulting from this contract or from the performance or breach thereof shall in no case exceed the price allocable to the goods or services which gives rise to the claim. Seller shall not be liable for penalties of any description. Any action resulting from any breach on the part of Seller as to the goods or services delivered hereunder must be commenced within one (1) year after the cause of action has accrued.



QUOTATION NO: 21013

Division of ISE METAL Inc.

20 Windsor Rd www.ISEaquanox.com
Sherbrooke, QC info@ISEaquanox.com
J1C 0E5
Ph.: 819-769-0157

Date: 2022-02-25
To: Bidding Contractor
Att of: Estimator

PROJECT: Inland Bays WRF Sussex County

Table with 5 columns: Itm, Description, Qty, Unit USD, Total USD. Contains items 1C and 1P with detailed specifications and a summary row at the bottom showing a total of \$15,688.00.

NOTES:

- 1. Note that gates, stop logs and stop plate frames cannot always be shipped 100% assembled and might require some field assembly.
2. Please note that the American Iron and Steel (AIS) requirement of projects funded by EPA's SRF do NOT apply to gates.

CONDITIONS:

Lead Times:
Submittal Drawings: 3-4 Weeks
Gate(s) Shipment: 12-14 Weeks after approval

Above lead times are based on average shop loading and are subject to change depending on actual work load at the time of the order.

Taxes:	All applicable taxes extra
Currency:	USD
Payment Terms:	Net 30 days
Freight (Incoterms):	FCA (freight prepaid) to destination Via LTL dry box, not unloaded.
Validity:	30 days
Field Service:	Not included, unless indicated in price above If required: 1500/day, plus travel and living expenses

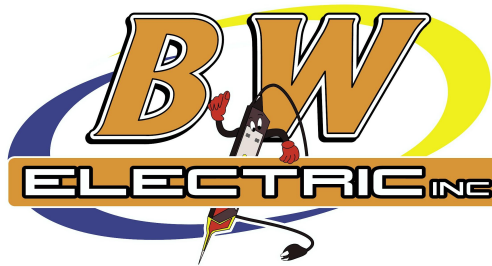
**Eric Allard**

Inside Sales Representative  
[eric.allard@iseaquanox.com](mailto:eric.allard@iseaquanox.com)  
819-769-0157 ext 365

**For more information on this quote:**

Dwight Swan  
**Envirep, Inc.**  
3705 Trindle Road, Camp Hill, PA 17011-4334  
717-761-7884  
[dswan@envirep.com](mailto:dswan@envirep.com)





15342 S. DuPont Hwy  
Harrington DE 19952

Office: 302.566.6248  
Fax: 302.566.6251

Bryon Warren  
President  
302-270-5719

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

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February 28, 2022

Subject: Budgetary Pricing for Inland Bays Screen Replacements

Dear Scott Wachinski,

Our price to perform the electrical work associated with the above project is based on the electrical drawings and specifications provided for the bidding process. Our price **does not** include the use of Prevailing Wages. Our price is **\$6,000.00** and includes the following:

1. Disconnect the electric serving the two(2) Influent Mechanical Screens.
2. Reconnect the electric for two(2) Influent Mechanical Screens after they have been serviced and reinstalled. One(1) unit will remain operational at all times during the equipment being serviced.

Adder for miscellaneous materials **\$3,500.00 allowance.**

#### Exclusions

1. No Bond.
2. No permit fees.
3. No cutting.
4. No patching or painting.
5. No liquidated damages.
6. No off hours work unless otherwise specified.

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

Sincerely,

Jason R. Walters  
B. W. Electric, Inc.  
JRW/

# South Coastal RWF & Rehoboth Beach WTF Upgrade

3/8/2022

Vendor/Contract	Description	Contract Value
Michael F. Ronca & Sons, Inc.	SCRWF/RBWWTP General Construction	42,710,139.21
BW Electric Inc.	SCRWF/RBWWTP Electrical Construction	21,906,138.20
BW Electric Inc. CO#3	DP&L Service Entrance Modification Conduit System	235,637.33
BW P.O.	Soil Screening @ Rehoboth Plant	4,504.50
City of Rehoboth	Direct Payment for repairs to piping in oxidation ditches	324,996.81
GHD	Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept	241,938.68
	Amd 12 - SCRWF Expansion Construction Docs	2,240,280.73
	Amd 13 - Value Engineering	95,080.15
	Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion	398,410.63
	Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for Rehoboth WTP Capital Improvement Program	181,089.72
	Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design	172,153.01
	Amd 19 - SCRWF Upgrade 3 Add'l Design	108,073.71
	Amd 20 - SCRWF Upgrade 3/RBWTP Upgrade Phase 2 Construction Engineering	6,589,558.49
Core & Main	Influent FM Consolidation Materials	339,944.59
Core & Main	Effluent FM Pipeline Materials	227,603.39
Delmarva Power	Improve service entrances for both projects. Payment not distributed.	175,000.00
G&L	FM Consolidation & Influent Consolidation Phase II	973,229.04
G&L Work- Effluent Relocation		316,635.20
G&L Work - RB Treatment Plant	Parking Lot Repavement	
Kershner Environmental Technologies	Belt Press	295,000.00
Melvin Joseph	Material Screening	80,000.00
DSWA	Loading, Hauling & Disposal of Debris	33,000.00
	Hauling of Rehoboth Oxidation Ditch Remnants	39,663.15
Totals		77,688,076.54

## BUILDING CODE

MAIN OFFICE (302) 855-7860  
MAIN OFFICE (FAX) (302) 855-7821

INSPECTION SCHEDULING (302) 858-5500  
INSPECTIONS (FAX) (302) 855-7821

PLAN REVIEW (302) 855-7860  
PLAN REVIEW (FAX) (302) 855-7869



# Sussex County

DELAWARE  
sussexcountyde.gov

ANDY WRIGHT  
CHIEF OF BUILDING CODE

## Memorandum

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

FROM: Andy Wright  
Chief of Building Code

RE: **BUILDING CODE UPDATE DISCUSSION**

DATE: March 4, 2022

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During Tuesday's meeting, County Council is scheduled to discuss the 2021 International Building Code (IBC) and the 2021 International Residential Code (IRC) updates.

The last update and adoption of the IBC and IRC occurred in 2013 when Council adopted the 2012 versions of each Code. Prior to that, the County was following the 2003 version. Historically, the County has adopted the IBC code as published and have modified the IRC with exemptions as needed.

Over the past year, we have received inquiries from builders asking if Sussex County will consider adopting the newer Codes. As you know, if you elect to update the Code, a subsequent Ordinance will need to be drafted and approved that codifies the updates in County Code.

In preparation for Tuesday's discussion, I have prepared the attached summary outlining the significant changes between the 2012 and 2021 editions of the IRC.

Please feel free to contact me with any questions.

Cc: Chris Keeler, Director of Assessment

Attachment



## BUILDING CODE

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CHIEF OF BUILDING CODE

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# Sussex County

DELAWARE  
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## Significant Changes To the International Residential Code Comparison Between the 2012 and 2021 Editions

### **Grade Floor Emergency Escape and Rescue Opening: (Definition R 202)**

**2012** - Defines a grade floor opening as a window or opening located such that the sill height of the opening is not more than 44 inches above or below the finished ground level adjacent to the opening.

**2021** - An emergency escape and rescue opening located such that the bottom of the clear opening is not more than 44 inches above or below the finished ground level adjacent to the opening.

**Conclusion** - Requirements are the same, just now requires the measurement to be taken from the clear opening and not the sill height.

### **Wind Design Criteria:**

**2012** - Buildings and portions thereof shall be constructed in accordance with the wind provisions of this code using the basic wind speed in Table R301.2(1) as determined from Figure R301.2(4)A

**2021** - Buildings and portions thereof shall be constructed in accordance with the wind provisions of this code using the ultimate wind speed in Table R301.2 as determined from Figure R301.2(2).

**Conclusion** - This changes the current basic design wind speeds of 100 to less than 110 mph to the ultimate design wind speeds of 115 to less than 130 mph. No new requirements are needed.



### **Dwelling/Garage Opening Protection:**

**2012** – The door between the dwelling and house requires a self-closing device.

**2021** - The door between the dwelling and house requires a self-closing device and to self-latch.

**Conclusion** – The self-closing device must be adjusted strong enough to bring the door to a close and self-latch.

### **Minimum Room Areas:**

**2012** – Every dwelling unit shall have at least one habitable room that shall not have less than 120 square feet of gross floor area.

**2021** – Habitable rooms shall have a floor area of not less than 70 square feet.

**Conclusion** – The code has deleted the requirement of one habitable room to have a minimum floor area of 120 square feet and will now require all habitable rooms to be only 70 square feet in area.

### **Hazardous Locations: (Glazing and Wet Surfaces)**

**2012** - Glazing in walls, enclosures of fences containing or facing hot tubs, spas, whirlpools, saunas, steam rooms, bathtubs and showers and indoor or outdoor swimming pools where the bottom exposed edge of the glazing is less than 60 inches measured vertically above any standing or walking surface shall be considered a hazardous location.

Exception: Glazing that is more than 60 inches, measured horizontally and in a straight line to from the water's edge.

**2021** - Glazing in walls, enclosures of fences containing or facing hot tubs, spas, whirlpools, saunas, steam rooms, bathtubs and showers and indoor or outdoor swimming pools where the bottom exposed edge of the glazing is less than 60 inches measured vertically above any standing or walking surface shall be considered a hazardous location.

Exception: Glazing that is more than 60 inches, measured horizontally from the water's edge.

**Conclusion** – The measuring in a straight line has been deleted from the exception. The code now would require any glazing within 60 inches horizontally, from the water's edge of a bathtub, hot tub, spa, whirlpool or swimming pool or from the edge of a shower, sauna or steam room would have to be safety glazed. (tempered glass)

### **Stair Treads and Risers:**

**2012** – County adopted Minimum 9-inch treads and maximum 8.25-inch risers

**2021** – Requires minimum 10-inch tread and a maximum 7.75-inch riser.

**Conclusion** – Adopt new stair measurements or adopt older measurements.

### **Automatic Fire Sprinkler Systems:**

**2012** – Adopted to exempt fire sprinklers from one & two family & townhouses.

**2021** - An automatic residential fire sprinkler system shall be installed in townhouses and in one-and two-family dwellings. **Exception:** An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses and to one-and two-family dwellings that are not already provided with an automatic residential fire sprinkler system.

**Conclusion** – Automatic fire sprinkler systems are required for all new one- and two-family dwellings and townhouses.

### **Footings:**

**2012** – Require minimum 8-inch-thick x 16-inch-wide footings. (unless designed by a Delaware architect or engineer)

**2021** – Table R403.1 (1) would allow certain type of foundations to have a minimum 6-inch-thick x 12-inch-wide footings.

**Conclusions** – Newer code allows smaller footing sizes on certain types of foundations.

### **Vapor Retarders:**

**2012** – Requires a minimum 6-mil vapor retarder under concrete slabs.

**2021** – Requires a minimum 10-mil vapor retarder under concrete slabs.

**Conclusion** – New code requires thicker barrier.

To Be Introduced: 03/08/2022

Council District 2: Mrs. Green  
Tax I.D. No.: 430-3.00-20.08  
911 Address: 10775 Memory Road, Harrington

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TOURIST HOME, EVENT VENUE, & HAIR SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.05 ACRES, MORE OR LESS**

WHEREAS, on the 19<sup>th</sup> day of October 2021, a conditional use application, denominated Conditional Use No. 2319 was filed on behalf of Austin & Megan Embleton; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, 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. 2319 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2319 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the south side of Memory Road (S.C.R. 613), approximately 0.41 mile southeast of Shawnee Road (Rt. 36) and being more particularly described in the attached legal description prepared by George B. Smith, Esq., said parcel containing 2.05 acres, more or less.

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

To Be Introduced: 03/08/2022

Council District 3: Mr. Schaeffer

Tax I.D. No.: 234-17.00-165.00

911 Address: N/A

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.32 ACRES, MORE OR LESS

WHEREAS, on the 8<sup>th</sup> day of October 2021, a zoning application, denominated Change of Zone No. 1958 was filed on behalf of Boardwalk Development, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, 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. 1958 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the north and northeast side of Banks Road (S.C.R. 298), approximately 0.49 mile southeast of John J. Williams Highway (Rt. 24) and being more particularly described in the attached legal description prepared by Parkowski, Guerke & Swayze, P.A., said parcel containing 21.32 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: 03/08/2022

Council District 3: Mr. Schaeffer  
Tax I.D. Nos: 335-8.00-39.00 (portion of)  
911 Addresses: 1007 & 1005 Kings Highway, Lewes, DE

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.19 ACRES, MORE OR LESS**

WHEREAS, on the 27<sup>th</sup> day of October 2021, a zoning application, denominated Change of Zone No. 1962 was filed on behalf of Jeff-Kat, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, 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. 1962 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County,

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

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of AR-1 Agricultural Residential District and adding in lieu thereof the designation of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the east side of Kings Highway (Rt. 9), approximately 0.36-miles northeast of the intersection of Kings Highway (Rt. 9) and Gills Neck Road (S.C.R. 267), being more particularly described in the attached legal description prepared by Davis Bowen & Friedel, Inc. said parcel containing 1.19 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: 03/08/2022

Council District 3: Mr. Schaeffer  
Tax I.D. No.: 235-7.00-18.00  
911 Address: 12898 Union Street Ext., Milton

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A FOOD PANTRY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.966 ACRES, MORE OR LESS**

WHEREAS, on the 17<sup>th</sup> day of August 2021, a conditional use application, denominated Conditional Use No. 2310 was filed on behalf of Milton Community Food Bank, Inc.; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, 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. 2310 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2310 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 Broadkill Hundred, Sussex County, Delaware, and lying on the west side of Union Street Ext. (Rt. 5), approximately 0.24 mile south of Reynolds Pond Road (S.C.R. 231) and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, P.A., said parcel containing 0.966 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: 03/08/2022

Council District 4: Mr. Hudson

Tax I.D. No.: 334-12.00-108.00, 108.01, 109.00, 109.01, 110.00, 111.00, 111.01, & 112.00

911 Addresses: 19429, 19425, 19405, & 19387 John J. Williams Hwy. & 19676, 19662, 19646, & 19634 Mulberry Knoll Rd., Lewes

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONVENIENCE STORE AND OFFICE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.305 ACRES, MORE OR LESS

WHEREAS, on the 15<sup>th</sup> day of October 2021, a conditional use application, denominated Conditional Use No. 2318 was filed on behalf of V&M, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, 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. 2318 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2318 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 & Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast corner of the intersection of John J. Williams Highway (Rt. 24) and Mulberry Knoll Road (S.C.R. 284) also on the southeast side of John J. Williams Highway (Rt. 24) and also on the southwest side of Mulberry Knoll Road (S.C.R. 284) and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt, LLC, said parcels containing 3.305 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.