



Sussex County Council Public/Media Packet

**MEETING:
September 12, 2023**

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

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

SEPTEMBER 12, 2023

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes – August 29, 2023

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Jay Shine, EMS Manager of Operations

1. Vendor Agreement with Beebe Healthcare

Hans Medlarz, County Engineer

1. South Coastal RWF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2
 - A. General Construction, Project C19-11 Change Order No. 30
 - B. Modification of Unit Cost Item C-6 Grit Removal (Aeration Tanks)



2. 2019 Miscellaneous Engineering Base Contract
 - A. DBF – Amendment No. 10 Blackwater Village
 - B. GMB – Amendment No. 2 Warwick Park
3. Professional Environmental Services
 - A. RK&K – Water Allocation Permit

John Ashman, Director of Utility Planning & Design Review

1. Permission to prepare and post notices for Vines Creek Crossing Annexation into the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area)

Old Business

Change of Zone No. 1985 filed on behalf of Love Creek Acquisition, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS” (properties lying on the south side of John J. Williams Highway [Rt. 24], approximately 0.26-mile(s) northeast of Camp Arrowhead Road) (911 Address: 20565 & 20581 John J. Williams Highway, Lewes) (Tax Map Parcel: 234-7.00-111.00 & 112.00)

Change of Zone No. 1989 filed on behalf of Fernando Robles

“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 2.47 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.42 ACRES, MORE OR LESS” (property lying on the northwest side of County Seat Highway [Rt. 9], approximately 0.85 mile southwest of DuPont Boulevard [Rt. 113]) (911 Address: 19724 Justin Drive, Georgetown) (Tax Map Parcel: 135-19.00-23.03 [p/o])

Grant Requests

1. East Sussex Public Broadcasting Incorporated for Radio Rehoboth computer upgrades
2. United Way of Delaware Inc. for Delaware Goes Purple
3. Trinity Foundation for their 2023 Golf Tournament

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Land Acquisition & Personnel 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 September 5, 2023 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, AUGUST 29, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 29, 2023, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 416 23
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda as presented.

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 from August 15, 2023, were approved by consensus.

**Corre-
spondence**

Mr. Moore reported a letter was received from Society of St. Andrew thanking Council for their support.

**Public
Comments**

Public comments were heard.

Mr. Paul Reiger spoke about public comment period for Planning and Zoning and Board of Adjustment matters.

Ms. Janet Le Digabel spoke about a recent application that was presented for development and the time frame that developers submitted paperwork. She also commented about the phone in comment period for Planning and Zoning Commission meetings no longer being an option.

Ms. Eul Lee spoke about Planning and Zoning Commission phone in comment period and Quality of Life Act, Section 61 Titled "Information

from State and Local Agencies and School Districts”.

Presentation Carvel Research & Education Center Mark Issacs, Director, University of Delaware Carvel Research and Education Center, thanked Council for its continued support of the outreach, research and extension programs at the College of Agriculture and Natural Resources at the Carvel Research and Education Center. Mr. Isaacs gave a brief overview of the how the County’s funding is used by the Center in Sussex County for: Agricultural Courses, 4-H and Youth Development Programs, Family Consumer Science Program, Field Research, Crops Research, Poultry Research, Lasher Lab Poultry Research and Student Work-Based Learning Internship Program.

**Adminis-
trator’s
Report** Mr. Lawson read the following information in his Administrator’s Report:

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for July 2023 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 190 troopers assigned to Sussex County for the month of July.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Egret Shores – Phase 2 (Construction Record) and Patriots Glen – Phase 1A (Construction Record) received Substantial Completion effective August 11th and August 18th respectively.

3. FY 2024 Human Service Grant Program

Applications for the Fiscal Year 2024 Human Service Grant Program are now being accepted. The Human Service Grant Program provides grants to county-wide nonprofit agencies for the purpose of enhancing health and human services which contribute to a safe, healthy, and self-sufficient community. Funds provide grants that assist organizations with resources in support of programs or capital purchases.

To be eligible for a grant, organizations must fill out an application which is available on the County’s website at www.sussexcountyde.gov.

The deadline for filing grant requests is Friday, September 29th.

4. Council Meeting Schedule

**Adminis-
trator's
Report
(continued)**

A reminder that Council will not meet on Tuesday, September 5th. The next regularly scheduled Council meeting will be held on Tuesday, September 12th at 10:00 a.m.

County offices will be closed Monday, September 4th, for the Labor Day holiday.

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

**DE Transit
Reimburse-
ment
Program
Request**

Mrs. Jennings reported that DART, a division of DelDOT has allocated \$796,868.00 for funding of transportation expenses for various senior centers in Sussex County. Mrs. Jennings noted that this amount is the same as last year. The County's responsibility is to approve a recommended funding amount for Fiscal Year 2024 as per State law; this process is an allocation of State grant funds to various senior agencies for transportation purposes. The recommended funding for each agency is the same as the previous year:

Nanticoke Senior Center	\$ 44,962
Indian River Senior Center	2,100
Laurel Senior Center	99,083
Lewes Senior Center	27,123
Cape Henlopen Senior Center	43,066
CHEER, Inc.	<u>580,534</u>
TOTAL	\$796,868

**M 417 23
Approve
Allocation of
DART
Funds**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that the Sussex County Council approve the allocation to various senior centers as presented.

Motion Adopted: 5 Yeas

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

**Third
Quarter
Shining Star
Awards**

Karen Brewington, Human Resources Director presented the Third Quarter Shining Star Awards. Mrs. Brewington reported that there were 25 submissions received for the quarter. The following employees were selected for the third quarter: Jamie Marine, Nathan Spencer, Jody Palmer, and Bob Kreitzer from the Environmental Services Department.

**DE CBP/CO
No. 4**

Mark Parker, Assistant County Engineer presented change order no. 4 for the Delaware Coastal Business Park Improvements, Project A21-1 for Council's consideration.

M 418 23
Approve CO
No. 4/DE
Coastal Bus.
Park

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that be it moved based upon the recommendation of the Sussex County Engineering Department that change order no. 4 for contract A21-11, Delaware Coastal Business Park Improvements, be approved, for an increase of \$56,970.00.

Motion Adopted: 5 Yeas

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

Bond Recall/
Solitude on
White Creek

Mark Parker, Assistant County Engineer presented a proposed bond recall for Solitude on White Creek for Council's consideration. Mr. Parker reviewed the background and timeframe for the development. Currently, 119 lots have been sold in the community, the last building permit was issued in January 2021 and the last CO was granted in June 2021. The agreements with the developer are listed in the memo in the packet. Mr. Parker reported that based on the department's estimate, the bond amount should be enough to complete the outstanding street improvements. The County Engineer has reached out numerous times to the developer for a status update but has been unsuccessful.

M 419 23
Approve
Bond Recall/
Solitude on
White Creek

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that be it moved based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approves the initiation of bond recalls associated with developer agreements 623-2, 623-3, and 623-4; and that outstanding pavement work in the community be completed under a contracting mechanism with approval of the financing department.

Motion Adopted: 5 Yeas

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

Old
Business/
CU2364

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A 26.72 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 40.97 ACRES, MORE OR LESS" filed on behalf of Seaford Community Energy Initiative, LLC.

On August 15, 2023, Council deferred action for further consideration at the conclusion of the Public Hearing.

M 420 23
Amend

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to add Condition L to read "The solar panels, solar farm or solar array area shall

**Conditions/
CU2364**

be designed using best efforts to site solar panels and equipment 200 feet from any dwelling on property of other ownership. Where physical on-site constraints are proven to exist, the Planning & Zoning Commission may approve a reduced separation provided that the separation is not reduced to less than 180 feet.”

Motion Adopted: 5 Yeas

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

**M 421 23
Adopt
Ordinance
No. 2949/
CU2364**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2949 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A 26.72 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 40.97 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows and amended:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar farm will be located on approximately 26.72 acres of a larger 40.97-acre tract.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms. There was testimony that this solar farm will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. Although the submission of this application pre-dated the adoption of Ordinance No. 2920 governing solar farms, this project generally complies with that ordinance as to buffers and setbacks.**
- 5. With the conditions imposed in this recommendation including landscaped buffers, the proposed use will not have any adverse impact on the neighborhood.**
- 6. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 7. The Applicant has included a Decommissioning Plan in the record for when their solar farm is no longer in use.**
- 8. Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.**
- 9. There will be a buffer of planted or retained vegetation along the**

**M 421 23
Adopt
Ordinance
No. 2949/
CU2364
(continued)**

- northern, western, and southern sides of this site to screen the view of the solar farm while allowing the solar arrays to function properly.
10. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.
 11. There was no opposition to this Application.
 12. This recommendation is subject to the following conditions:
 - a. The use shall be for a ground-mounted solar farm. No other types of electric generation shall be permitted at the site.
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar farm as well as the remaining acreage that is not part of this Conditional Use.
 - c. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - d. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
 - e. The site shall be secured by gated fencing with interwoven screening and a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown on the Final Site Plan.
 - f. The location of all transformers or similar equipment or structures shall be shown on the Final Site Plan.
 - g. The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.
 - h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
 - i. There shall be a 25-foot-wide buffer of planted vegetation along the northern, western, and southern sides of the solar area. These buffer areas shall be clearly shown on the Final Site Plan. These buffers shall screen solar arrays while allowing them to function properly. No buffering shall be required along the eastern boundary of the site adjacent to other lands that are being farmed. The Final Site Plan shall include a landscape plan showing the proposed tree and shrub landscape design in this buffer area.
 - j. The Final Site Plan shall identify a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
 - k. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.
 - l. The solar panels, solar farm or solar array area shall be designed using best efforts to site solar panels and equipment 200 feet from any dwelling on property of other ownership. Where physical on-site

**M 421 23
Adopt
Ordinance
No. 2949/
CU2364
(continued)**

constraints are proven to exist, the Planning & Zoning Commission may approve a reduced separation provided that the separation is not reduced to less than 180 feet.

Motion Adopted: 5 Yeas

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

**Old
Business/
CU2365**

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 42.95 ACRES, MORE OR LESS” filed on behalf of Frankford Community Energy Initiative II, LLC.

On August 15, 2023, Council deferred action for further consideration at the conclusion of the Public Hearing.

**M 422 23
Approve
CU2365/
DENIED**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt an Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 42.95 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission.

Motion DENIED: 3 Nays, 2 Yeas

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

Mr. Schaeffer and Mrs. Green voted no based on the reasons given by Mr. Hudson.

**Old
Business/
CU2353**

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A 14.64 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.09 ACRES, MORE OR LESS” filed on behalf of Sussex CSG2, LLC.

On June 6, 2023, County Council deferred action for further consideration at the conclusion of the Public Hearing.

**M 423 23
Adopt
Ordinance
No. 2950/
CU2353**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2950 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A 14.64 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 28.09 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 2. This is an adaptive use of farmland that will preserve it from more intensive development. The solar farm will be located on approximately 28.09 acres of a larger 54-acre tract.**
- 3. The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms. There was testimony that this solar farm will benefit residential, business, and municipal subscribers with lower power costs.**
- 4. With the conditions imposed in this recommendation including landscaped buffers, the proposed use will not have any adverse impact on the neighborhood.**
- 5. The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
- 6. The Applicant has included a Decommissioning Plan in the record for when their solar farm is no longer in use.**
- 7. Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.**
- 8. There will be a buffer of planted vegetation along the southern, southeastern, and southwestern sides of this site to screen the view of the solar farm from the nearby residential properties while allowing the solar arrays to function properly.**
- 9. The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
- 10. There was no opposition to this Application.**
- 11. This recommendation is subject to the following conditions:**
 - a. The use shall be for ground-mounted solar farm. No other types of electric generation shall be permitted at the site.**
 - b. The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar farm as well as the remaining acreage that is not part of this Conditional Use.**

M 423 23
Adopt
Ordinance
No. 2950/
CU2353
(continued)

- c. Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- d. One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.
- e. The site shall be secured by fencing with a gate with a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown on the Final Site Plan.
- f. The location of all transformers or similar equipment or structures shall be shown on the Final Site Plan.
- g. The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.
- h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.
- i. There shall be a 25-foot-wide buffer of planted vegetation along the southern, southeastern, and southwestern sides of the solar area. These buffer areas shall be clearly shown on the Final Site Plan. These buffers shall screen solar arrays while allowing the solar arrays to function properly. The Final Site Plan shall include a Landscape Plan showing the proposed tree and shrub landscape design in this buffer area. Areas where the 25-foot required buffer depth cannot be achieved shall be clearly shown on the Landscape Plan.
- j. The Final Site Plan shall identify a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.
- k. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & 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**

**Grant
Requests**

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

**M 424 23
Friends of
Cape
Henlopen
State Park**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,500 (\$1,500 from Mr. Schaeffer’s Councilmanic Grant Account) to Friends of Cape Henlopen State Park for their Borrow-a-bike program.

Motion Adopted: 5 Yeas

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

M 425 23 **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give**
Rehoboth **\$1,000 (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account) to**
Concert **Rehoboth Concert Band for their 12th concert season.**
Band

Motion Adopted: 5 Yeas

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

M 426 23 **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give**
Urban **\$1,625 (\$625 from Mr. Vincent's Councilmanic Grant Account and \$1,000**
Youth Golf **from Countywide Youth Grant Account) to Urban Youth Golf Program**
Program **Association for their Sussex County expansion.**
Association

Motion Adopted: 5 Yeas

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

M 427 23 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$500**
DE Seaside **(\$250 from Mr. Hudson's Councilmanic Grant Account and \$250 from Mr.**
Railroad **Rieley's Councilmanic Grant Account) to Delaware Seaside Railroad Club,**
Club **Inc. for their annual Georgetown Library holiday display.**

Motion Adopted: 5 Yeas

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

M 428 23 **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,200**
New **(\$1,200 from Mrs. Green's Councilmanic Grant Account) to New Coverdale**
Coverdale **Outreach Mission Inc. for Back-to-School supplies.**
Outreach

Motion Adopted: 5 Yeas

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

Mr. Moore noted that Mr. Schaeffer is recusing himself from the next item.

M 429 23 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,000**

West Rehoboth Community Land Trust (\$1,000 from Mr. Hudson’s Councilmanic Grant Account) to West Rehoboth Land Trust for their Low-Income Housing Support.

Motion Adopted: 4 Yeas, 1 Recusal

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

Introduction of Proposed Ordinances Mr. Hudson reintroduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I, SECTION 115-4 “DEFINITIONS” OF THE CODE OF SUSSEX COUNTY REGARDING “YARD, FRONT” AND “YARD, REAR” OF THROUGH LOTS, AND CHAPTER 115, SECTION 115-183 “SIDE AND REAR YARDS”

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AI-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 12.44 ACRES, MORE OR LESS” filed on behalf of G&M Route 24, LLC

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A PORTION OF CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 37.04 ACRES, MORE OR LESS” filed on behalf of Consolidated Edison Development, Inc.

Mr. Vincent reintroduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SOLAR FARM ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 53.891 ACRES, MORE OR LESS” filed on behalf of Consolidated Edison Development, Inc.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.614 ACRES, MORE OR LESS” filed on behalf of Oceans Six.

The Proposed Ordinances will be advertised for a Public Hearing.

**Council
Member
Comments**

Mrs. Green commented that at the last meeting, she attempted to clarify on the appointment for Planning and Zoning relating to her district. For the record, her information was that this is the first time in history that a Council Member has appointed for another district. She add that there were other Members that did not receive the 3 votes to be appointed. However, never has a Council Member nominated for another Council District. She stated that the people in her District feel that Mr. Rieley has two nominations on the PZ Commission and that they do not have a voice or vote. She added to Mr. Rieley that when an Oath of Office is taken, you swear to place the public interest above any special or personal interest. Mrs. Green stated that apparently Bob Mitchell being voted down had to do with him being involved in John Rieley's reelection campaign. So, it is a personal vendetta and vindictive towards Mrs. Green and her nominee.

Mr. Rieley commented that he did not appoint anyone to the Planning and Zoning Commission, he made a nomination that Council voted to approve. He added that his no vote for Mr. Mitchell was based on the fact that he had expressed a point of view of development, particularly on the Eastern side of the County that was an extreme variance from his point of view. Mr. Rieley stated that Mr. Mitchell supported a proposition to rezone Route 1 to High Density for one mile on either side from Lewes to Milford which he does not support. He added that he will not vote to support to put someone on Planning and Zoning who supports that point of view.

**M 430 23
Go into
Executive
Session**

At 11:09 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess the Regular Session, and go into Executive Session to discuss matters relating to land acquisition.

Motion Adopted: 4 Yeas, 1 Absent

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

**Executive
Session**

At 11:14 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 11:51 a.m.

**M 431 23
Reconvene**

At 11:54 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to come out of Executive Session back into Regular Session.

Motion Adopted: 4 Yeas, 1 Abstain

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

There were no public comments.

The Public Hearing and public record were closed.

**M 434 23
Adopt
Ordinance
No. 2951/
CU2415**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Ordinance No. 2951 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 37.7482 ACRES MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. The Conditional Use for an electrical substation is of a public nature, and it will promote the health, safety, and welfare of the residents of Sussex County.**
- 2. The Co-op has stated that the substation is necessary to maintain and improve its electrical service to current and future residents of Sussex County.**
- 3. The construction and use of an electrical substation on this site will not adversely affect neighboring properties or roadways.**
- 4. No parties appeared in opposition to this application.**
- 5. This Conditional Use is subject to the following conditions:**
 - a. The perimeter of the substation shall be fenced.**
 - b. Two signs shall be permitted on the fencing around the property to identify the site and emergency contact information.**
 - c. Any security lighting shall be shielded and downward screened so that it does not shine on neighboring properties and County Roads.**
 - d. Landscaping shall be provided to screen the facility from adjacent properties and roadways.**
 - e. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CZ1985**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS” (properties lying on the south side of John J. Williams Highway [Rt. 24], approximately 0.26-mile(s) northeast of Camp Arrowhead Road) (911 Address: 20565 & 20581

**Public
Hearing/
CZ1985
(continued)**

John J. Williams Highway, Lewes) (Tax Map Parcel: 234-7.00-111.00 & 112.00) filed on behalf of Love Creek Acquisition, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on July 27, 2023. At the meeting of August 10, 2023, the Planning & Zoning Commission recommended approval of the application for the 10 reasons stated.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Applicant, Love Creek Acquisition, LLC; that also present was Mr. Joseph Calabro, Representative for the Applicant, and Mr. Alan Hill, Professional Engineer with Hillcrest Associates, Inc. Mr. Hutt stated the Application is very unique in some ways; that the Applicant is attempting to find the right zoning designation to accomplish an appropriate zoning designation for the area; that in his career, he had seen few places on the Sussex County Zoning Map designated as Marine District; that the current request is for a Change in Zone from AR-1 (Agricultural Residential) to M (Marine) District; that there are two things pointed to this being the right zoning district for this property; that the first being the zoning of the adjacent property; that the second being the planning tools being afforded to this body when it evaluates zoning changes; that the property is located within a very busy area of Sussex County, both commercially and residentially; that the proposed property, along with the Residences at Rehoboth Bay and the Love Creek Marina are located along Love Creek itself; that there are additional residential uses located on the opposite side of the Love Creek Bridge as well; that the property is located along Rt. 24, being John J. Williams Hwy; that the property located near Camp Arrowhead Road, which runs toward the Rehoboth Bay; that the property is located near Peddler's Village, Dollar General and a Valero gas station; that there are a number of residential uses and manufactured home communities currently existing along the southern side of Rt. 24; that the Application is comprised of two parcels that total 5.1 acres; that historically, the property was used for various boat and marine related storage and maintenance; that the Office of State Planning Coordination Map contains five level designations, being Level 1 going to Level 4 and an Out of Play designation; that the proposed 5.1 acres contain four of the five designations; that approximately half of the property is located within Level 2; that the remaining portion of the property is located within Level 3 and Level 4, with a wetland area being located within the Out of Play area; that the PLUS comments noted that Investment Level 2 areas where State investments and policies should support and encourage a wide range of uses and densities; that investments should encourage departure from the typical single-family dwelling developments and promote a broader mix of housing types; that he requested to emphasize that it stated commercial sites encourage compact mixed use development where applicable; that the Office of State Planning Coordination had no objection to the Change of Zone request; that because the properties are located within Level 2 and

**Public
Hearing/
CZ1985
(continued)**

Level 3 along Rt. 24, it is an appropriate location for the requested zoning classification; that the subject properties are located adjacent to property currently zoned as M (Marine); that other zoning districts located within the area are AR-1 (Agricultural Residential), B-1 (Neighborhood Business), C-1 (General Commercial), and MR (Medium-Density Residential) District; that the Future Land Use Map, located within the 2018 Comprehensive Plan, shows the properties as having a split designation between the Commercial Area and the Coastal Area, which are both known as two of the County's seven Growth Areas; that he believes there to be a mapping area for the parcel across the street zoned as B-1; that the Comprehensive Plan described the uses within the Commercial Area to include concentrations of retail and services uses, services uses that are mainly located along arterials and highways; that mixed-use buildings may also be appropriate for these areas; that similarly, the Coastal Area, being the rear half of the properties, are also located within a Growth Area according to the Comprehensive Plan; that the Comprehensive Plan states that within the Coastal Area a range of housing types should be permitted, including single-family homes, townhomes, and multi-family units; that retail and offices uses are appropriate and mixed-use development should also be allowed; that the surrounding area is primarily located within the Coastal Area, except for the commercial corridors along Rt. 24; that it is important to note that Rt. 24 designated by DelDOT as a Major Collector road, being appropriate for growth areas and commercial areas; that upon receiving a Change of Zone application, Planning & Zoning staff compare the requested zoning classification to Table 4.5-2 of the Comprehensive Plan, which identifies specific zoning districts that are applicable to Future Land Use Maps categories; that the Marine District does appear in both the Coastal Area and Commercial Area as an appropriate zoning district; that according to the Sussex County's Sewer Tier Map, public utilities are available to the site through Tidewater and Sussex County; that a small area of the site does contain wetlands; that there is a tiny portion, located in the front corner of the property, located within the Well Head Protection Area; that within that area the project would have to comply with the requirements of Chapter 89; that the property is located within Flood Zone X, not being located within the 100 Year Flood plain, and AE Flood Zone; that a Service Level Evaluation request was filed with DelDOT for the application; that because the application was for a Change of Zone, DelDOT reported they did not have enough information to determine whether or not a Traffic Impact Study (TIS) would be required; that DelDOT did note, that it would be appropriate to request a Service Level Evaluation once a use is chosen, with a Site Plan or Subdivision Plan for DelDOT to review; that DelDOT additionally stated, the property is located within the Henlopen Transportation Improvement District (Henlopen TID); that the TID will require the Applicant to construct the entrance, but then submit a per unit or per square foot fee, depending on how the site plan was ultimately developed; that although a site plan is not necessarily relevant to a Change of Zone, the Applicant provided a concept of what could occur with a zoning change to Marine; that the Applicant intends to propose a mixed use; that there would be a building constructed with parking

Public
Hearing/
CZ1985
(continued)

provided around it; that to the rear of the site there will be a marine shop for repairs, with marine storage around the building; that one of the concerns expressed by the Planning and Zoning Commission was that the Marine District has a broad number of uses; that it is expansive and similar to the old C-1 District; that the planning tools and proximity to the Marine District, those all pointed to the Marine District as being requested; that one of the comments was of the maximum density; that it was noted that currently under AR-1, if you meet all of the qualifications which this property does, this could also have 12 units to the acre; that when you look at the aerial image, the surrounding properties are manufactured homes communities; that they are small in acreage but high in number of units so they have a similar density; that this is a multi-family use that would be appropriate at this location; that in the County Zoning Districts, he could only locate two that allow for a mixed use; that the Marine District is supported by the site's proximity to Love Creek and the Island Bays; that they carefully went through each of the Zoning Districts in the attempt to find a zoning that would allow for mixed-use, along with a bait and tackle store or a marine repair store, with some type of residential component as well; that those districts are few and far between; that the only other district that would permit the proposed use, would be C-4 which is intended for large scale commercial, and would not be an appropriate zoning designation for a 5.1 acre site; that the Marine District allows for a number of marine related uses, along with residential uses; that one complicating factor is the split designation on the Future Land Use Map; that when they began trying to align the various zoning districts with the Future Land Use Map categories, in the attempt to accomplish a project that has mixed-uses; that mixed-use is called out in the Comprehensive Plan and the State Strategies; that for the area, the concern is that anything permitted within the Marine District would be permitted on the property; that a permitted use within Marine would be multi-family dwellings, which would include townhomes, apartments, and any other non-single family dwelling; that the permission for multi-family leads to questions of density; that within the current zoning of AR-1, there can be a maximum of up to 12 units to an acre on the site through the Sussex County Rental program, which would be a multi-family; that when looking at uses that currently exists between the Love Creek Bridge and Camp Arrowhead Road, they are higher density uses; that nearby the property there is a manufactured home park, where there are at least 20 units on a little over two acres, which results in a density of 10 units to the acre; that similar densities carry forward as one continues to look down Rt. 24 towards Camp Arrowhead Road to where Peddler's Village is located; that the basis of the Application is to seek a zoning change to M (Marine) District, that with all the previously mentioned considerations, such as the intended use of the site, trying to carefully maneuver through the Comprehensive Plan and the various Zoning Districts; that he addressed the letters of opposition in the file; that every one of those came from an individuals resides in a newly constructed condominium unit along the Love Creek Marina; that this past Saturday, Mr. Calaboro met with the Condominium Association to discuss this application and plans; that many of the concerns expressed raised site plan

**Public
Hearing/
CZ1985
(continued)**

concerns regarding wetlands, impact of stormwater management at the site and road improvements; that any development of this site would be an enhancement of all of those features; that stormwater is not regulated for this site presently; that if any development were to occur, stormwater would be regulated; that DeDOT would require road improvements to occur when development happens; that another concern mentioned was about the easement that starts at the Love Creek Marina; that the easement was shown; that the concern was that the nearby residents were buying into a gated community and they did not want people outside of the community to drive through; that the easement does not allow for people to have access to the Residences at Rehoboth; that they come in off of Route 24 to access the property; that this access easement would be for the Love Creek Marina between the two parcels; that boat owners hopes to put their boat in once in the Spring and once out in the Fall; that this is not a public boat ramp; that the letter in support was submitted by the Freedom Boat Club, who encapsulated well the vision and concept for the property; that the applicants requests that the Council adopt the Planning Commission recommendation for the rezoning of these parcels to the Marine District.

Mr. Calaboro stated that the boat storage and repair facility will only be large enough to support the 59 existing tenants at the marina.

Mr. Hudson questioned how many buildable acres are on the property; that Alan Hill stated there it is known that there are wetlands in the rear of the property; that the site plan was shown to share where the wetlands were located on the property.

It was discussed why a Change of Zone request was applied for rather than a Conditional Use.

Public comments were heard.

Mr. Dave Lyons spoke regarding the proposed application; that he urged the Council to defer if not, deny the application; that this is a precedent setting decision to go from AR-1 to Marine; that Marine is extremely wide in terms of what it allows; that there was a lack of notice to the residents of Rehoboth Bay; that the homeowners association is still controlled by the developer at this point; that he believes that approval of this without any regard to the sewer, environment, traffic and roads has not been mentioned; that it was not shared that the developer had any plans to develop the property; that there is no knowledge of what the marine maintenance facility looks like.

The Public Hearing and public record were closed.

**M 435 23
Defer
Action/
CZ1985**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN

INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS”.

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/
CZ1987**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR CHANGE OF ZONE NO. 1557 (ORDINANCE NO. 1763) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 63.71 ACRES, MORE OR LESS” (property lying on the southeast side of Double Bridges Road [S.C.R. 363], approximately 0.32 mile southwest of Muddy Neck Road [S.C.R. 361]) (911 Address: N/A) (Tax Map Parcel: 134-17.00-39.00)

The Planning & Zoning Commission held a Public Hearing on the application on July 27, 2023. At the meeting of July 27, 2023, the Planning & Zoning Commission recommended approval of the application for the 2 reasons as outlined.

Mr. Whitehouse noted that when the Planning and Zoning Commission made a recommendation, one was the reason and the second was a condition that staff review the record which has been completed.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Gregory Dressel, President of the Jefferson Creek Community Association, spoke on behalf of the Association; that they petitioned, the developer for the removal of the fence because that is what the residents of the community want; that there are 123 homes in Jefferson Creek of which 45 being single-family, 14 being twin homes and the balance of 64 being townhomes; that there are about 22 houses that area affected by this fence; that it was also an unanimous vote that was polled among the community that they wish to not have the fence due to the expense of maintaining it that it would increase the dues; that they desire to have the open space.

There were no public comments.

The Public Hearing and public hearing were closed.

**M 436 23
Adopt
Ordinance
No. 2952
/CZ1987**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 2952 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AN MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR CHANGE OF ZONE NO. 1557 (ORDINANCE NO. 1763) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 63.71 ACRES, MORE OR LESS” for the reason given by the Planning and Zoning Commission as follows:

- 1. The fence no longer serves any purpose, and installation of a fence would be detrimental to the existing, fully-grown vegetation, and wildlife in the area.**

Motion Adopted: 5 Yeas

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

**M 437 23
Adjourn**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn at 2:31 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.}



SUSSEX COUNTY EMERGENCY MEDICAL SERVICES

Caring People, Quality Service

21911 Rudder Lane • P.O. Box 589 • Georgetown, DE 19947 • 302-854-5050 • FAX 302-855-7780

Robert W. Murray
Director



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

FROM: Robert Murray, Director 

RE: Beebe Healthcare Vendor Agreement

DATE: September 6, 2023

In 2022, Beebe Healthcare began discussions regarding the lack of a vendor agreement with Sussex County EMS. We have, for more than thirty years, purchased medications from Beebe.

With changes and tightening of controlled substances laws Beebe Healthcare has requested that we enter into a formal agreement outlining the obligations of each party. This vendor agreement also clearly defined the transfer of legal responsibility once we take possession of the medications.

The attached vendor agreement was drafted by county legal counsel and agreed upon by Beebe Healthcare. The initial agreement is for three years and renews annually until terminated by either party.

All local hospitals have agreed to allow one-for-one exchanges for controlled substances administered to a patient who was taken to their facility. Only Beebe Healthcare has agreed to order controlled substances to replace expired medications, medications that were wasted, or for ordering new medications due to expansion of service. Their agreement is contingent upon this vendor agreement.

Enclosure

- Beebe Healthcare Vendor Agreement
- Proposed Motion

Todd F. Lawson
Administrator



Motion – Beebe Healthcare Vendor Agreement

Be it moved that Sussex County Council approve the Vendor Agreement with Beebe Healthcare allowing Sussex County EMS to order medications, including controlled substances, through Beebe Healthcare Pharmacy.

HOSPITAL PHARMACY VENDOR AGREEMENT

THIS HOSPITAL PHARMACY VENDOR AGREEMENT (“Agreement”) is made this ____ day of _____, 2023, by and between **Beebe Medical Center, Inc.** (alternatively referred to as “Beebe” or “the Hospital”), a Delaware nonprofit corporation located in Lewes, Delaware, and **Sussex County**, a political subdivision of the State of Delaware, together with **Sussex County Emergency Medical Services**, a department of Sussex County (alternatively referred to as “the County” or “SCEMS”), located in Georgetown, Delaware.

WITNESSETH THAT:

WHEREAS the Hospital, the County and SCEMS are mutually desirous of entering into this Agreement to permit the SCEMS to purchase medications from the Hospital, and to enable the Hospital to supply such medications to SCEMS, in order for SCEMS to provide quality health care to the patients SCEMS encounters while performing its duties; and

WHEREAS the parties hereto desire to enter into this Agreement to set forth their mutual obligations to each other.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), the premises and mutual representations, warranties and covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The Recitals are incorporated herein by reference as though fully set forth.
2. The initial term of this Agreement shall be for three (3) years commencing on the Effective Date. After the initial term, this Agreement shall automatically renew for consecutive one (1) year terms until terminated by either party as described in Section 10 of this Agreement.
3. That the Hospital will:
 - a. Provide the medications requested by the SCEMS in timely manner if requested in compliance with the terms of this Agreement.
 - b. Exchange one-for-one all medications that have been administered to patients who have been transported to any Beebe facility. The cost of the medication administered to such patient shall be billed directly to the patient and not to SCEMS.
 - c. Provide the initial purchase of SCEMS medications that: (i) have been depleted, have expired or are damaged; (ii) have been administered to patients who have been transported to medical facilities other than Beebe facilities; and (iii) are necessary to allow for SCEMS system expansion, as may be needed from time to time. The cost of the medications shall be billed to SCEMS in accordance with Section 7.
 - d. Provide SCEMS with written instructions outlining the medication ordering process. The Hospital shall timely notify SCEMS in writing of any changes in the ordering process.

- e. Meet with designated SCEMS personnel as needed to discuss any concerns that may arise upon receipt of a written request from SCEMS to do so.

4. That the SCEMS will:

- a. Identify SCEMS personnel who shall have the authority to place and receive medication orders with the Hospital Pharmacy.
 - i. All paramedics may remove medications from the automated dispensing cabinet as outlined in Sections 3b. and 3c.(i) and (ii).
 - ii. Monthly orders for expiring medications as outlined in Section 3c.(i) shall only be placed and received by supervisory staff.
 - (1) Supervisory Staff shall include District Supervisors, PIIs and Senior Administrative Personnel.
 - (2) Senior Administrative Personnel shall include the SCEMS Director, Deputy Director and Managers.
 - iii. Orders for expansion of services as described in Section 3c.(iii) shall only be placed and received by Senior Administrative Personnel.
 - iv. Orders for medications as described in Section 5 below, shall only be placed and received by Senior Administrative Personnel.
- b. Follow proper channels to place and receive medication orders with the Hospital, as more fully set forth herein.
- c. Track the location and use of all medications, as required by law, from the time SCEMS takes possession of the medications from the Hospital.
- d. Properly store and secure all medications to ensure that: (1) medications shall remain effective for the intended shelf life; and (2) all medications are securely locked up and monitored, such that no unauthorized persons can gain access to them.

Meet with designated Hospital personnel as needed to discuss any concerns that may arise upon receipt of a written request from the Hospital to do so.

5. The purchase, tracking and storage of medications from the Hospital shall be in compliance with the Beebe Pharmacy Manual, as may be amended from time to time, which is attached hereto as Exhibit A and is incorporated herein by reference. In the event the Hospital modifies the Manual during the term of this Agreement, the Hospital shall provide SCEMS with at least thirty (30) days' written notice of the changes. In addition, the following shall apply:

- a. For each Scheduled II narcotics purchase, SCEMS shall be required to complete a DEA Form 222, as may be amended from time to time ("Form 222"). Form 222 shall be signed by the State or County EMS Medical Director and delivered to the Hospital by the SCEMS. Schedule II controlled substances shall require a signed hard copy of Form 222 prior to purchase. Schedule III, IV and V narcotics require a written request prior to purchase, or a Form 222, if required by law.
 - b. At the time of pick-up, SCEMS shall be required to sign a release for all medication purchases from the Hospital.
 - c. Upon receipt thereof, SCEMS shall assume all legal responsibility for the proper tracking, storage and use of all medications it receives from the Hospital pursuant to the terms of this Agreement.
6. SCEMS acknowledges that, in the course of the performance of its obligations hereunder, it may come into possession of confidential and/or proprietary data and information regarding patients, agents, businesses and activities and, accordingly, shall abide by all State and Federal regulations, in particular those associated with Health Insurance Portability and Accountability Act (HIPAA) and the Health Information Technology for Economic and Clinical Health Act (HITECH). If SCEMS receives any individually identifiable health information from the Hospital ("Protected Health Information" or "PHI") or creates or receives any PHI on behalf of Covered Entity, SCEMS will maintain the security and confidentiality of such PHI as required by the Hospital and all applicable laws and regulations.
7. Except as set forth in Section 3b., SCEMS shall be required to pay for all medications it purchases from the Hospital equal to the Hospital's cost for each medication plus ten percent (10%). The Hospital shall provide monthly invoices to SCEMS. SCEMS shall tender payment to the Hospital within thirty (30) days of the invoice date. Invoices shall be sent to the County at the following address:

Sussex County EMS
Attn. EMS Office Manager
P.O. Box 589
Georgetown, DE 19947
8. The County and the Hospital shall each secure and maintain, at their own expense, professional and general liability insurance, with such coverages as is customary, but with limits not less than \$1 million per occurrence and \$3 million for annual aggregate. Prior to the commencement of services hereunder, the County will submit to the Hospital, and the Hospital will submit to the County, a certificate of insurance evidencing their respective insurance. The County and the Hospital will maintain this coverage at all times while this Agreement is in effect. Each Party shall notify the other at least thirty (30) days in advance prior to cancellation of coverage. Each Party will also maintain, at their own expense, workers' compensation insurance with statutory limits.

Each party agrees to indemnify, defend and hold harmless the other party, its affiliates and their respective officers, directors, employees, agents and staff from and against any and all claims, demands, liabilities, damages, settlements, judgments, orders, decrees, actions, suits, proceedings, fines, penalties, deficiencies, losses, interest, costs and expenses (“Losses”) to the extent arising from (a) (i) the alleged material inaccuracy or material breach of any of the representations or warranties made by the indemnifying party in or under this Agreement, and (ii) any and all negligent and willful acts and omissions attributable to the indemnifying party in connection with this Agreement; (b) *except that* such indemnification obligation shall not apply to (i) Losses related to professional negligence that are covered and paid by insurance required above, or (ii) to the extent caused by (x) the indemnified party’s breach or default in the performance of this Agreement, or (y) the negligent or willful acts and omissions attributable to the indemnified party in connection with this Agreement.

9. Any modifications to the Agreement shall be mutually agreed upon by both parties.
10. This Agreement may be terminated without cause by either party, provided that written notification to terminate is submitted at least ninety (90) days prior to such termination.
11. The relationship between Hospital and SCEMS is that of independent contractors. SCEMS employees shall in no way be deemed to be employees, representatives or agents, of the Hospital under any appropriate hospital policy, law or statute. Likewise, Hospital employees shall in no way be deemed to be employees, or agents, of the County under any County policy, law or statute. Nothing contained in this Agreement shall be construed so as to create a partnership or joint venture between any of the parties hereto.
12. All notices required to be given hereunder shall be sent by registered or certified mail, return receipt requested or by a nationally recognized overnight delivery service with all charges pre-paid to the addresses set forth in this Section.

To the Hospital:

Beebe Medical Center, Inc.
424 Savannah Road
Lewes, DE 19958
Attn: Bruce Leshine, Vice President & General Counsel

To the County:

Sussex County
2 The Circle
P.O. Box 589
Georgetown, DE 19947
Attn: Robert W. Murray, Director OR
Robert Mauch, Deputy Director of Administration

With a copy to:

J. Everett Moore, Jr., Esquire
Moore & Rutt, P.A.
122 W. Market Street
P.O. Box 554
Georgetown, DE 19947

Any party shall be entitled to change the address to which notices shall be given hereunder by giving notice to the other parties in accordance with the provisions set forth herein.

13. Nothing contained herein is intended to waive, alter, or otherwise amend the County's immunity under the Delaware Code or otherwise, including but not limited to the County and Municipal Tort Claims Act. Additionally, nothing contained herein is intended to violate any constitutional principles of the State of Delaware or United States. To the extent that any obligations contained in this Agreement are determined by court or other judicial action to waive, alter, or otherwise amend such immunity or to be constitutionally prohibited or otherwise not in accordance with the laws in effect at the time of any such claim, liability, cost or expense, the offending language shall be stricken from this Agreement by such authority and considered invalid and unenforceable to the extent necessary to allow the application of such immunity to any claims, losses, damages, or suits asserted against either party or to the extent necessary to correct such violation of the law. The parties agree that any claims, liabilities, damages, costs and expenses shall be subject to the provisions of the County and Municipal Tort Claims Act, including the limitations on damages.
14. This Agreement constitutes the entire Agreement between the parties, and it supersedes any and all prior understandings or commitments concerning the subject matter hereof. The parties hereto acknowledge and agree that this Agreement has been freely negotiated by all parties.
15. This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware, with venue lying in Sussex County. In the event of a dispute between the parties, each party shall be entitled to pursue any action at law or in equity in a court of competent jurisdiction in the State of Delaware.
16. Each party hereby waives all right to trial by jury and in a summary or other action, proceeding or counterclaims out of or in any way connected with this Agreement, and any claim or injury or damages relating thereto.
17. Any party's waiver of any right or remedy available to it in the event of any default hereunder, or any breach by any party of the terms and conditions of this Agreement, shall not constitute a waiver of any succeeding default of the same or other terms and conditions of this Agreement.
18. If any provision of this Agreement, or the application thereof, shall to any extent be held invalid, then the remainder of this Agreement, or the application of such provision other than those as to which it is held invalid, shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

19. This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, successors and assigns.
20. All pronouns and any variations thereof used in this Agreement shall be deemed to refer to the masculine, feminine, neuter, singular or plural as the context may require.
21. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Electronic signatures and photocopies or facsimile copies of signatures shall be deemed to have the same force and effect as originals.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY.
SIGNATURE PAGE TO FOLLOW.]

IN WITNESS WHEREOF, this Agreement has been executed by the parties on the respective date(s) set forth below.

**Beebe Medical Center, Inc., a
corporation of the State of Delaware**

Date: _____

By: _____
David A. Tam, M.D., President & CEO,
Authorized Person

Attest: _____

**Sussex County, a political subdivision of
the State of Delaware**

Date: _____

By: _____
Michael H. Vincent,
President of the Sussex County Council

Attest: _____
Tracy Torbert,
Clerk of the Sussex County Council

**Sussex County Emergency Medical
Services, a department of Sussex County**

Witness

By: _____
Robert W. Murray, Director

Date: _____

EXHIBIT A

Beebe Pharmacy Manual

BEEBE HEALTHCARE

Pharmacy Manual

SUSSEX COUNTY EMERGENCY MEDICAL SERVICES 6470	Date: 06/23
Issued By: Joshua Coffield, PharmD, MBA, Director of Pharmacy Approved By: Joshua Coffield, PharmD, MBA, Director of Pharmacy William Chasanov, DO, MBA, FACP, P&T Committee Chair	

PURPOSE

To ensure compliance with county, state, and federal regulations

SCOPE

Beebe Healthcare Emergency Departments and Pharmacy (pharmacy), Sussex County Emergency Medical Services (SCEMS)

DEFINITIONS

One to one exchange – an exchange of an equal size and strength of medication, when SCEMS administers a dose of medication to a patient who is transported to one of Beebe Healthcare’s emergency departments.
 Distribution – An exchange of medication pursuant to an appropriate order form to stock Emergency Medical Services (EMS) units or replace expired products. Distribution will not exceed the allowable volume for a registered hospital pharmacy.

POLICY

1. Beebe pharmacy may supply SCEMS with medications in compliance with state and federal regulations.
2. SCEMS may retrieve a one-to-one exchange from the SCEMS assigned automated dispensing cabinet (ADC).
3. The one-to-one exchange will not be considered distribution.
4. The Emergency Medical Services (EMS) Medical Director or licensed designee shall register with the DEA and the Delaware Division of Professional Regulations – Controlled Substance Registration to obtain initial purchases from Beebe Healthcare in a limited distribution agreement.
5. Beebe Healthcare and SCEMS will audit administration, distribution, and dispensing records to ensure exchanges and distribution are done in accordance with policies. Discrepancies will be reported to both SCEMS and the Director of Pharmacy which may result in accountability actions including termination of distribution agreement, reporting to the Drug Enforcement Agency (DEA), the Delaware Board of Profession Regulation, the Delaware Board of Pharmacy and/or the Food and Drug Administration (FDA)
6. Narcotic distribution will be pursuant to the appropriate DEA form 222.
7. Controlled substance diversion or loss will be filed by SCEMS utilizing the DEA form 106.
8. Beebe Healthcare and SCEMS will ensure compliance with the Drug Supply Chain Security Act (DSCSA) and all applicable state and federal regulations or guidelines for storage, security, and handling of medications.

REFERENCES

Emergency Medical Service that Administer Controlled Substances. 21 U.S.C. §823 (2020).

<https://www.govinfo.gov/content/pkg/USCODE-2020-title21/pdf/USCODE-2020-title21-chap13-subchapI-partC-sec823.pdf>

Drug Supply Chain Security Act (DSCSA). Pub. L. No. 113-54 (2013).

<https://www.govinfo.gov/app/details/PLAW-113publ54>

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
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. 30
B. Modification of Unit Cost Item C-6 Grit Removal (Aeration Tanks)

DATE: September 12, 2023

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 County surplus materials.

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 in addition to the concrete repairs conducted per the awarded contingent unit price schedules.

The County initiated RFP-019 for interior headworks piping modifications 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 vertical influent pipes has a shut off valve and Environmental Services requested a second valve. In addition, two of the existing headworks slide gates were compromised in need of 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 and RFP-041 correcting the elevation difference in the headworks cross channel. On July 13, 2021, Council approved Change Order No. 12 to M.F. Ronca & Sons in the aggregate amount of \$14,700.07.

The contract as bid included concrete repairs to the City's headworks and influent splitter box. With the structures by-passed and accessible, the full extent of the damage required an alternative approach detailed in RFP-037 including full demolition of the upper level as well as the channel between it and the splitter box. 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. Therefore, Council approved Change Order No. 13 to M.F. Ronca & Sons in the amount of \$1,043,243.92 on August 10, 2021.

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 was 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 Change Order No. 18 in the amount of \$ 31,101.61, which Council approved on January 25, 2022.

Under RFP-053 the Environmental Services staff 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.

Starting in 2021, Environmental Services started experiencing 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. The Engineering Department requested the assistance of Michael F. Ronca & Sons, Inc. and their investigation revealed that a full replacement could be accomplished for \$ 253,417.58, which was only 10% more expensive than a full rebuilt. Therefore, County Council approved Change Order No. 20 in the aggregate amount of \$260,844.17 on March 8, 2022 for the replacement in kind of two screens at Inland Bays and the masonry work at the City's plant.

The South Coastal facility requires alkalinity adjustments. In the past caustic soda was used however with the upgrade project the approach was switched to magnesium hydroxide. The as bid design included an innovative low energy consumption type Enviromix gas mixing system with a performance guarantee which was not met at start up. Therefore, the design approach was switched to a traditional impeller type mixing system. Michael F. Ronca & Sons, priced the modification including the full contract credits relating to the original

Enviromix system and on March 29, County Council approved Change Order No. 21 in the aggregate amount of \$45,989.72.

The FY2022 Environmental Services budget included roof repairs of the South Coastal administration building and conversion of an existing pole building to an electrical panel shop. M. F. Ronca & Sons already has subcontractors in their scope of work who perform this type of work. They priced the building modification and selectively investigated the roof conditions. The roof dating to the original construction needs full replacement and has areas of compromised decking. Due to market volatility, long lead times and anticipated incremental increases in roofing material (membrane & tapered insulation) costs, pricing includes a material escalation allowance. Upon delivery of roofing materials final costs will be incorporated in a corrective change order reflecting actual material increases. Roof decking replacement will be performed at a unit cost of \$25.00 per SF incorporated into the corrective change order. On May 10, 2022, Council approved Change Order No. 22 in the aggregate amount of \$306,692.52 for pole building enclosure and admin building roof replacement followed by a later corrective change order adjusting unit costs and material pricing.

Environmental Services initiated RFP-067 for painting of the original 1970s mechanical building pump room and M. F. Ronca & Sons proposed to perform the work for \$7,893.90. On June 7, 2022, Council approved Change Order No. 23 in the amount of \$7,893.90.

Environmental Services initiated RFPs-072 & 073. The first deals with a new isolation valve on the existing 8-inch equalization return line in the Mechanical Building Pump Room. The second one modifies the PLC control logic in motor circuit protection of the new turbo blowers and the human machine interfaces graphic displays. On August 23, 2022, Council approved Change Order No. 24 to M.F. Ronca & Sons in the aggregate amount of \$12,829.83.

The headworks at the SCRWF are covered and the ventilated air treated for odors. The contract included unit pricing repair items for the headworks. The damage discovered during the rehabilitation work in the headworks and grit tanks indicated corrosion way above the anticipated levels. Therefore, the Engineering Department initiated RFP-071 for improvements to the headworks ventilation. After value engineering by M. F. Ronca & Sons they proposed to perform the work for \$126,590.76. On October 11, 2022, Council approved Change Order No. 25, significantly extending the asset life of the headworks in the amount of \$126,590.76.

Upon condition exploration of the City's main system pump station on State Street, GHD formulated an initial repair scope and subsequently issued RFP-075 for the repairs. This station also carries the County's Henlopen Acres Sewer District Area flows, and the County participates in the repair effort. With the urgency of the repair evident, the City requested inclusion in the

project. M. F. Ronca & Sons, Inc. proposed to perform the modified repair scope for \$2,270,000.00. GHD, the City Engineer and the County Engineer supported the modified approach. On December 6, 2022, Council approved Change Order No. 26 to Michael F. Ronca & Sons, Inc. to perform the expanded State Street Pump Station repair scope for \$2,270,000.00. The City will pay for this change order directly out of City funds with separate invoice by contractor. In addition, with concurrence of the City, County Council granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 as of November 14, 2022.

In January of 2023, GHD conducted a factory acceptance test of the new turbo blower system controls. The test revealed that modifications to the PLC and HMI programs were necessary. All parties agreed that the quantity of the desired modifications would trigger RFP-079. M. F. Ronca & Sons, Inc. proposed to perform the additional scope for \$4,412.55.

The original bid contained a unit cost for grit removal from the sludge holding lagoons. For Lagoon B a hydraulic removal was considered but due to the quantity of grit a mechanical removal was analyzed. It would result in the destruction of the 20-years+ old liner. However, despite the replacement cost of the liner in the amount of \$84,375.17 the overall approach proved to be more cost effective and resulted in a new liner. On March 21, 2023 Council concurred and approved M. F. Ronca & Sons, Inc.'s Change Order No. 27 in the aggregate amount of \$88,787.72.

The project includes a new aeration basin and the associated above ground air supply piping. The air supplied by the turbo blowers is compressed and heats up in the process. Therefore, the piping has to balance the expansion and contraction via a specialized support system. GHD conducts routine construction phase QC inspections. During the last one in April, GHD identified opportunities to further reduce pipe stress and increase service life summarized in the attached RFP-081. The additional made to order components were administratively authorized after review of preliminary pricing to maintain the project schedule. On June 6, 2023, Council approved M. F. Ronca & Sons, Inc.'s Change Order No. 28 in the amount of \$108,583.52.

During the start-up of the upgraded mechanical plant pump station a one-time pressure transient was experienced. In an abundance of caution GHD recommended under RFP-088 to replace the gauge with a pressure transmitter in the same location. M. F. Ronca & Sons, Inc. proposes to install the modified tap and piping for \$1,656.00.

The original project bid included a complex winch system moving biosolids containers back and forth under the belt press shoots to allow for uniform loading. Staff has been operating the regional biosolids system for two years and found the occasional moving of the containers to be unproblematic. This

allows for the elimination of the winch system under RFP-088. M. F. Ronca & Sons, Inc. proposes a credit of (-\$282,145.60).

On July 18, 2023, Council approved Change Order No. 29 for M. F. Ronca & Sons, Inc. in the aggregate credit amount of (-\$280,489.60).

Environmental Services initiated RFPs-096 & 098. The first creates a hydraulic bypass for each of the two effluent filter banks allowing part of the filtration system to stay in operation during maintenance. The second one deals with the replacement of the compromised 40-year-old LTS Digester Building roof. M. F. Ronca & Sons proposes to accomplish the tasks for \$68,284.99 and \$24,675.00 respectively.

The original bid contains a walkway from the mechanical building to the equalization tanks. It was in part supported by the original parapet wall. When the wall cap was removed it was determined that the wall was completely compromised and had to be rebuilt. M. F. Ronca & Sons is proposing to complete this task for \$71,547.30.

The original bid only contained trench hot mix restoration resulting in a patchwork of pavement conditions as depicted on the attachment. The Engineering Department requested the contractor to provide an alternate road reclamation based base course proposal combined with a site wide 2-inch hot mix overlay. M. F. Ronca & Sons agreed to limit the mark up on the cost delta only and is proposing to complete this task for \$149,674.16.

In summary the Engineering Department recommends approval of Change Order No. 30 in the aggregate amount of \$314,181.45.

The original bid contained a \$315.00 per ton unit cost for grit removal & disposal from the existing aeration basins. The bid quantity was based on pictures provided by Environmental Services, but the actual quantity is close to three times the estimate. Therefore, the Engineering Department and M. F. Ronca developed an alternate on-site grit storage approach which as a side benefit provides for new aeration diffusers in the existing tanks at a \$219.61 per ton unit price. The Engineering Department requests Council's concurrence with the modified unit cost pricing of item C-6 Grit Removal.

- 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.

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. However, 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.

On August 10, 2021, Council approved Change Order No. 10 in the aggregate amount of \$7,320.00 covering RFP- 035 for waterproofed convenience receptacles at the return sludge building's pump room and RPP-040 for additional site lighting in the area of the generator and blower buildings.

On October 12, 2021, Council approved Change Order No. 11 in the aggregate amount of \$47,328.70 covering the City's initiated RFPs-042 & 44. The first one replaces the deteriorated pull box at building B-10 with a stainless steel one and the second one addresses modifications to the garage feeder.

Also on October 12, 2021, Council approved Change Order No. 12 in the amount of \$4,779.38 covering RFP-045 for modification to the aeration basin lighting out of operational safety concerns.

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

Also On January 11, 2022, County Council issued Change Order No. 14 in the credit amount of (\$6,485.87) for the elimination of four valve actuators.

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.

On March 29, 2022, County Council issued Change Order No. 16 in the aggregate amount of \$52,003.13 for the DP&L metering modifications at the City's plant and dedicated VFD cabinet ventilation.

The following RFPs were requested by Environmental Services:

1. RFP-064 for float-controlled effluent pump backup control panel in the event of a failure in the digital pump control system or level transmitter in the amount of \$29,895.13.
2. RFP-065 for the demolition and replacement of the original 1970s lighting in the Headworks Pump Room, Headworks Grit Dewatering Room, Mechanical Building Pump Room, and outdoor wallpacks around perimeter of Mechanical Building in the amount of \$80,099.11.
3. RFP-066 for additional circuits and conduits associated with a conveyor warning alarm in the Cake Storage Building, and for separation of 120 VAC circuits from 24 VDC circuits originating in Cake Storage Building in the amount of \$3,090.30.
4. RFP-068 for the electrical work associated with replacing the compressed gas mixing system with a mechanical mixing system in the amount of \$83,738.84. This is the companion change order to Michael F. Ronca & Sons' Change Order No. 21 for the mechanical work.
5. RFP-069 for a change in the existing 6-way DB-5A allowing for the MH-47 to be eliminated at a credit of (\$7,500.00).

On May 10, 2022, Council approved BW Electric, Inc.'s Change Order No. 17 in the aggregate amount of \$189,323.38.

The pumps and rail systems in the existing filtrate return pump station were upgraded under Change Order No. 18 by M. F. Ronca & Sons. RFP-060 covers the electrical and control upgrades associated with that station. This work was not part of the original plant upgrade scope. BW Electric, Inc. proposed to complete the work for \$92,713.82. In order to address operator safety and access cameras, as well as network access points, proposals were requested at aeration tanks 5-8 requiring a series of additional conduits and pull boxes. BW Electric, Inc. proposed to complete the work for \$50,362.91. On June 7, 2022, Council approved Change Order No. 18 to BW Electric, Inc in the aggregate amount of \$143,076.73.

Provide a credit proposal to remove the Off-Site Manufacturer Course Training specified in the construction documents. This will be conducted as part of the startup process resulting in a credit of \$17,758.13. On October 11, 2022, Council approved Change Order No. 19 in the amount of \$17,758.13.

On October 11, 2022, Council approved M. F. Ronca & Sons' Change Order No. 25 for the SCRWF for improvements to the headworks ventilation. GHD issued the companion RFP-077 for the odor control electrical modifications. In response BW Electric, Inc. proposed to complete the work for \$19,401.62.

GHD also issued companion RFP-076 for the electrical components associated with City's State Street pump station repair scope. In response BW Electric, Inc. proposed to complete the work for \$462,938.82. The City has concurred in the issuance and again will pay for this change order directly out of city funds with separate invoice by the electrical contractor.

On December 6, 2022, Council approved Change Orders No. 20 in the amount of \$19,401.62 & 21 in the amount of \$462,938.82 to BW Electric, Inc. for the headworks ventilation and the expanded State Street Pump Station electrical repair scope. The latter paid for by the City via direct reimbursements to the contractor.

BW Electric, Inc. submitted RFI-102 questioning the absence of a neutral bonding conductor in the electrical feeder 5A. GHD investigated the information request and concluded that the least costly solution to achieve the NEC required bonding was to add a conductor. Since this was an omission in the original documents, all of GHD's work associated with this item was not billed. On March 21, 2023 Council concurred and approved BW Electric's Change Order No. 22 in the amount of \$33,342.10.

The following RFPs were requested by Environmental Services:

1. RFP-082 deals with now required generator building feeder replacement since the "spare" shown on record drawings turned out to be already occupied. BW Electric proposes to complete the task for \$4,736.24.

2. RFP-083 for the shop feeder conductor replacements required due County's equipment changes. BW Electric proposes to complete the task at no cost.
3. RFP-084 covers the complete replacement of original 1970s lagoon sludge lighting system. It is largely inoperative, and the poles and fixtures are heavily corroded. BW Electric proposes to complete the task for \$86,480.73.
4. RFP-085 for the welder receptacles upgrades. BW Electric proposes to complete the task at no cost.
5. RFP-087 for the electrical components and signal wiring associated with the pressure sensor in the mechanical pump station. This is the electrical companion scope to Michael F. Ronca & Sons' RFP-088 for the mechanical work. BW Electric proposes to complete the task for \$10,340.23.

On July 18, 2023, Council approved Change Order No. 23 for BW Electric, Inc. in the aggregate amount of \$101,557.20.

BW Electric is still assessing the electrical cost associated with the winch system elimination and the associated programming under RFP-089 & 090. In addition, an electrical safety issue at the SC administration building is investigated by GHD.

- f. Mobile Belt Filter Press; awarded on January 7, 2020, Council to Kershner Environmental Technologies. The unit is currently stationed at South Coastal in anticipation of the aeration basin transfer.
- g. DP&L direct expenses; on February 4, 2020, Council approved the electric utility service relocation contract with the utility.
- 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. 30
4. Date Change Order Initiated - 9/12/23
5.
 - a. Original Contract Sum \$39,526,400.00
 - b. Net Change by Previous Change Orders \$5,870,617.58
 - c. Contract Sum Prior to Change Order \$45,397,017.58
 - d. Requested Change \$ 314,181.45
 - e. Net Change (No. of days) 0
 - f. New Contract Amount \$45,711,199.03
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:

Create a hydraulic bypass for two effluent filter banks, replacement of the LTS Digester Building roof and an alternate road reclamation.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No _____

E. APPROVALS

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



Signature 9/7/2023
Date

David A. Ronca, CEO & General Manager

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date

Michael F.
RONCA
& Sons, Inc.



CONTRACTORS

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

179 Mikron Road, Bethlehem, PA 18020

August 29, 2023

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. 554-045
SCRWF Mechanical Bldg Parapet Mods

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 Seventy One Thousand Five Hundred Forty Seven Dollars and 30 Cents.....(\$71,547.30).

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-RBWTP CIP Phase 2 Upgrades

PCOR 554-045 SCRWF Mechanical Bldg Parapet Mods

8/29/2023

CHANGE ORDER SUMMARY

Item 1 Modify Mechanical Building Parapets and Install New Mechanical Bldg. Walkway Support Piers Including Roofing Mods in Accordance with GHD;s Response to RFI-109 and Subsequent Correspondence.

Labor	\$5,408.40
Materials	\$7,500.00
Equipment	\$313.20
Subcontract	\$53,659.49
Subtotal	\$66,881.09
Contractor Overhead & Profit @ 15%	\$1,983.24
Contr. Overhead & Profit on Subcontr. @ 5%	\$2,682.97
Item Total	\$71,547.30
Change Order Total	\$71,547.30

Sussex County - SCRWF-RBWTP CIP Phase 2 Upgrades

PCOR 554-045 SCRWF Mechanical Bldg Parapet Mods

8/29/2023

<u>Item</u>	<u>Description</u>					
Item 1	Modify Mechanical Building Parapets and Install New Mechanical Bldg. Walkway Support Piers Including Roofing Mods in Accordance with GHD;s Response to RFI-109 and Subsequent Correspondence.					
	Labor:	Qty	Unit	Unit Cost	Total	
	Foreman	20.00	MH	\$120.65	\$2,413.00	
	Carpenter	20.00	MH	\$78.45	\$1,569.00	
	Laborer	20.00	MH	\$71.32	\$1,426.40	
						Labor Total: \$5,408.40
	Materials:	Qty	Unit	Unit Cost	Total	
	SS Pier Support Plates (6 EA)	1.00	LS	\$6,400.00	\$6,400.00	
	4500 PSI Concrete S/L	4.00	CY	\$275.00	\$1,100.00	
						Material Total: \$7,500.00
	Equipment:	Qty	Unit	Unit Cost	Total	
	STS	20.00	HR	\$15.66	\$313.20	
						Equipment Total: \$313.20
	Subcontract:	Qty	Unit	Unit Cost	Total	
	Masonry Subcontractor	1.00	LS	\$26,784.49	\$26,784.49	
	Roofing Subcontractor	1.00	LS	\$26,875.00	\$26,875.00	
						Subcontract Total: \$53,659.49
						Item Total: \$66,881.09



Change Order Request No. 001

Project: SCRWF upgrade RBWWTP
Client: Ronca
Originator of Change: Scott
Reason for Change: Additional material

6287 Lincoln highway, Wrightsville PA 17368
 Phone: 717-252-3948 Fax: 717-252-4738

SWF Project #: 200288
Date COR Submitted: 8/18/2023
Type of Work: Adder

Item #	Description of change	Item Totals
1	(2) 3/8 x 16" x 36" 304 SS parapit plates with (3) 1/2 x 12" fabricated headed concrete anchors on each plate, per drawing provided. (4) 3/8 x 16" x 72" 304 SS parapit plates with (6) 1/2 x 12" fabricated headed concrete anchors on each plate, per email. Delivery of above plates to the project site	\$ 6,400.00
2		\$ 0.00
4	Change order totals do not include sales tax. If the project is taxable that amount would need to be added to the total cost.	\$ 0.00
Subtotal C.O. Amount:		\$ 6,400.00

NOTE: Number of hours includes detailing, checking, backchecking and coordinating info received. Tax amounts are not included in pricing, if the project is taxable tax will need to be added

Approved by: _____ Date: _____

Diamond State Masonry INC.

540 Terminal Ave
New Castle, DE 19720

Ph. (302) 656-9612; Fax (302) 656-9640

JOB# 20D015-SCRWWF

8/7/2023

CE3 - Mechanical Building Parapet Modifications

LABOR

Description	Unit Qty	Unit Type	Unit Amt		Amt Due
DSM- Foreman	80	Hours	\$79.84	\$	6,387.20
DSM- Mason	80	Hours	\$71.45	\$	5,716.00
DSM- Labor	160	Hours	\$62.23	\$	9,956.80
				Total Labor	\$ 22,060.00

MATERIAL & SUPPLIES

Description	Unit Qty	Unit Type	Unit Amt		Total
Wall Tie/TAPCON	45	Each	\$5.00	\$	225.00
MODBRK PATCH	1,020	Pieces	\$1.50	\$	1,530.00
MODBRK SOLID PATCH	102	Pieces	\$2.25	\$	229.50
Brick Demo	75	SqFt	\$5.00	\$	375.00
Type S 2PORT/1 EZ SPREAD/9CBC SAND	20	CbcFt	\$10.00	\$	200.00
General Toothings	24	LinFt	\$5.00	\$	120.00
Hot-Dip9gaLadDER 8"	65	LinFt	\$0.75	\$	48.75
				Total Material:	\$ 2,728.25

Equipment

Equipment	Unit Qty	Unit Type	Unit Amt		
Forklift	8	Day	\$160.00	\$	1,280.00
Sq Ft of Scaffold Needed	100	SqFt	\$1.00	\$	100.00
				Total Equipment	\$ 1,380.00

Total Overhead & Profit on Material & Equipment

\$ 616.24

Total CE Cost \$26,784.49

QUALITY EXTERIORS, INC.

60 HOPKINS CEMETERY ROAD
HARRINGTON, DELAWARE 19952

Telephone 302-398-9283
Fax 302-398-9290

Change Order Request and Execution Form

Date: 08-28-23

Project Name: SCRWF No.3

Contract: 08

Change Order Number: QE - 07

The following is a summary of the request submitted for the above referenced project. All supporting documents have been attached and described herewith. This summary shall contain a breakdown of labor, materials, etc., for Extra Work, RFP's, etc.

Summary Description: Extra Work at the Mechanical Building for Bridge Supports.

- 1) Bridge Support (6 locations). Remove TPO membrane and insulation. Supply and install PT wood blocking. Cover with TPO.
- 2) Perimeter Walls (3 locations). Remove TPO wall covering. Recover with TPO after bridge support walls are installed. Install wall flashing as required.

Total Cost Changes: Lump Sum \$26,875.00

Quality Exteriors, Inc.

Signed by:

Title:

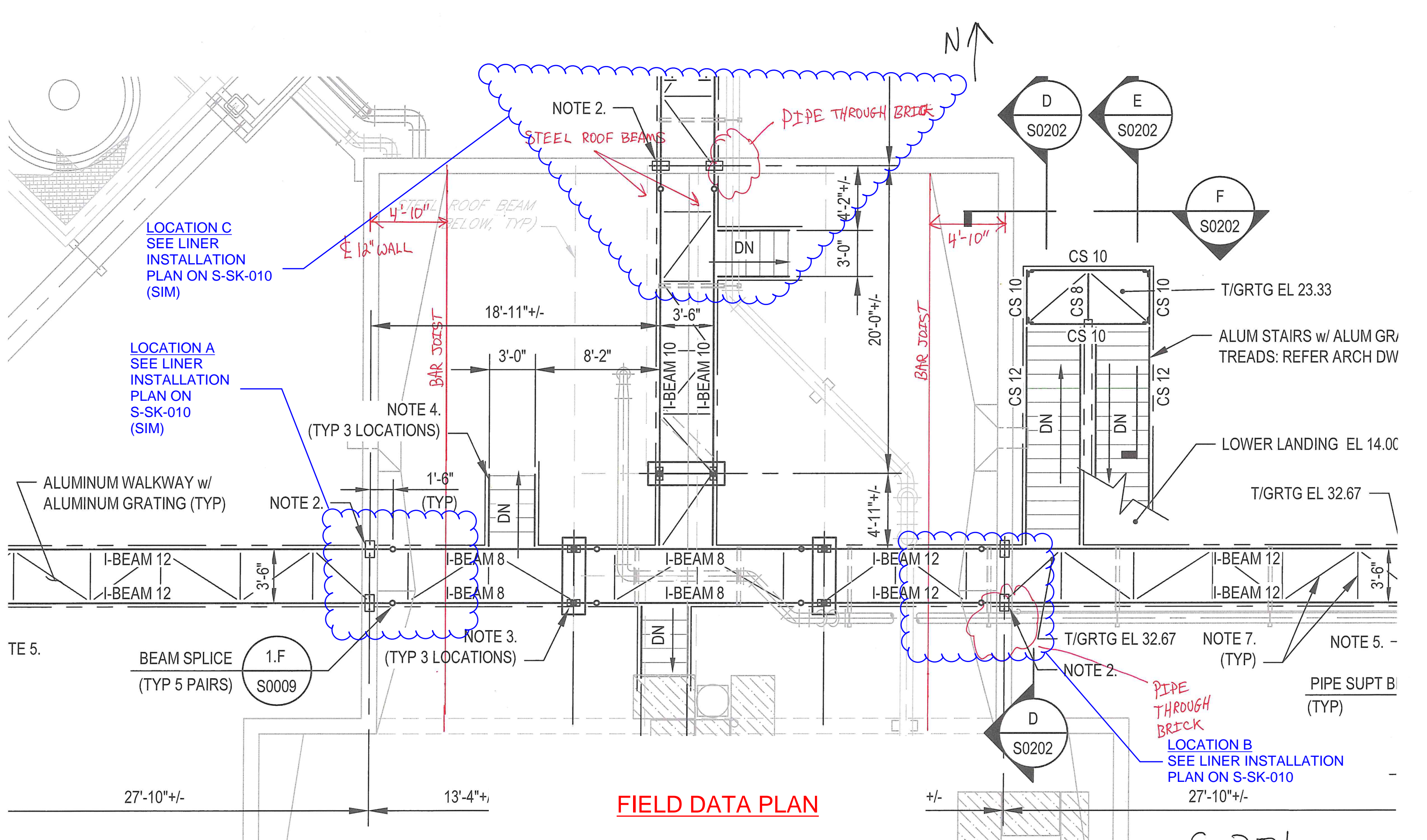
Date:

Signed by:

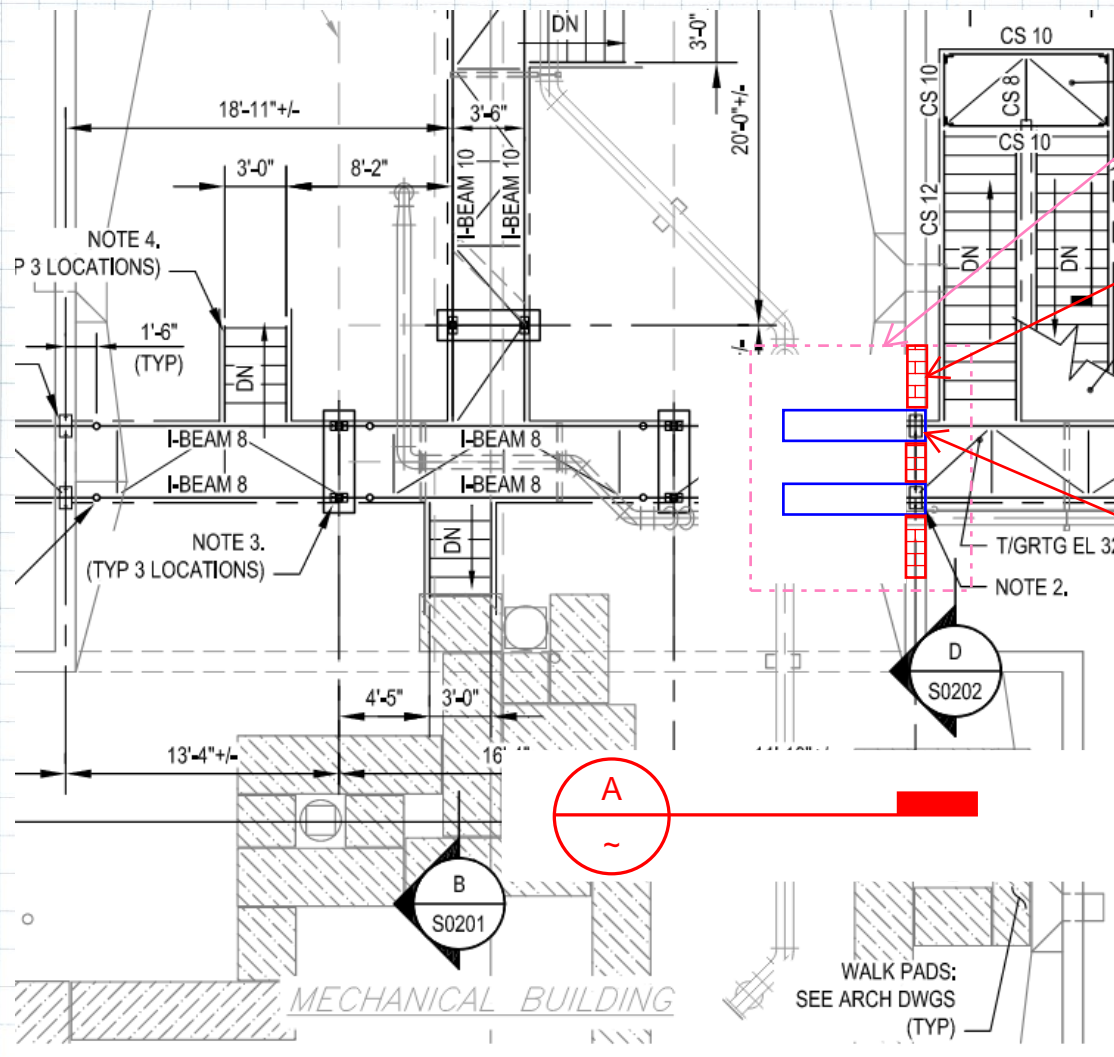
Title:

Date:

Please sign for approval of Change Order #07 _____



S-201



REPAIR AREA

REPLACE EXISTING MASONRY BETWEEN NEW CONCRETE AND EXISTING PARAPET (SEE SSK011)

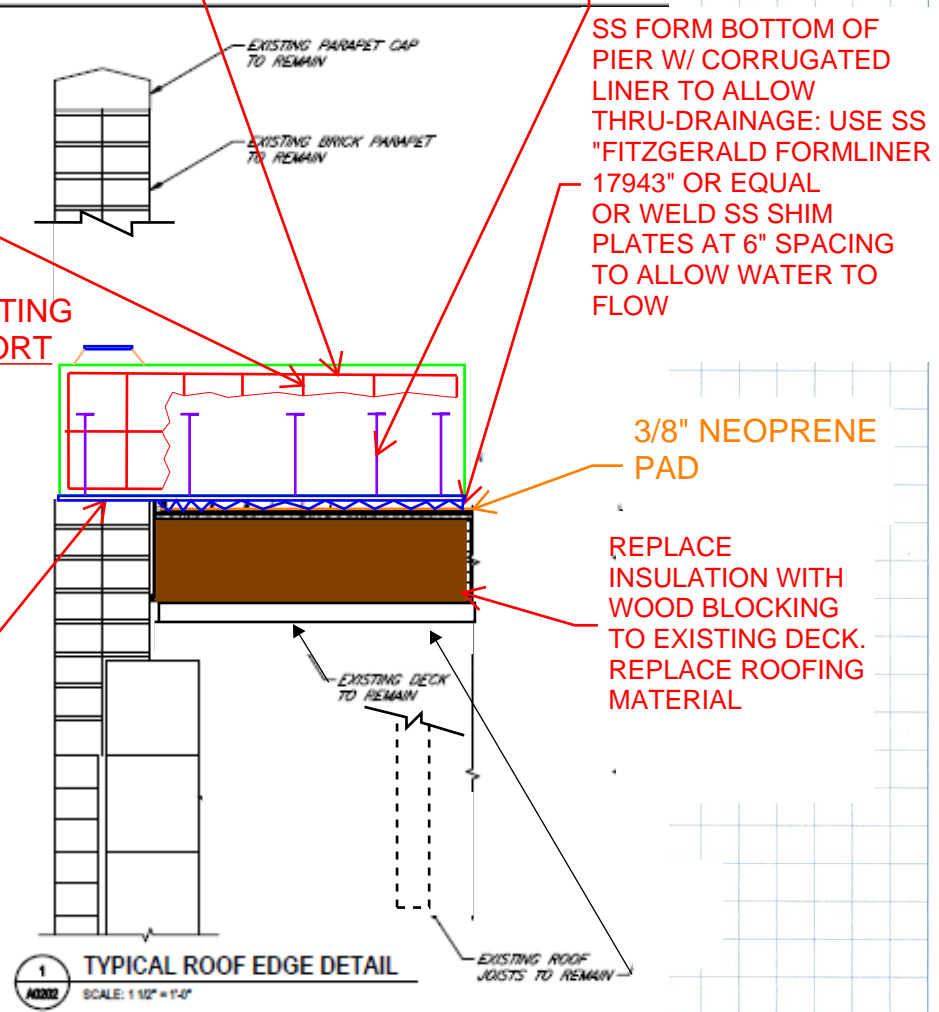
SS BASE PLATE PL 3/8" x 12" x 36"

Vertical #4 bars with standard hooks (turned to concrete width) 12" max spacing

3 horizontal #4 bars spaced evenly (2 SETS)

(3) 1/2" x 12" studs welded to baseplate 3" spacing from rods

MATCH HEIGHT OF EXISTING BRICK WALKWAY SUPPORT



1 TYPICAL ROOF EDGE DETAIL
SCALE: 1/16" = 1'-0"

SECTION A THIS SHEET

1 OVERALL WALKWAY AND STAIR PLAN
SCALE: 1/8" = 1'-0"

LINER INSTALLATION PLAN
EXTRACT FROM DRAWING S0201

MOD NOTE:
1. Use Mix A concrete and 60 KSI rebar
2. Place rebar with 2" minimum cover

WORK THIS SKETCH WITH SSK011

No.	Revisions	Approved	Date
E	RESTORED BASE PLATE AND STUDS		7 13 23
D	REVISED FOR MEETING COMMENTS		7 12 23
C	REVISED FOR FIELD DATA		7 3 23
B	REVISED FOR QA/QC COMMENTS		6 14 23
A	INITIAL REPAIR DESIGN		6 8 23

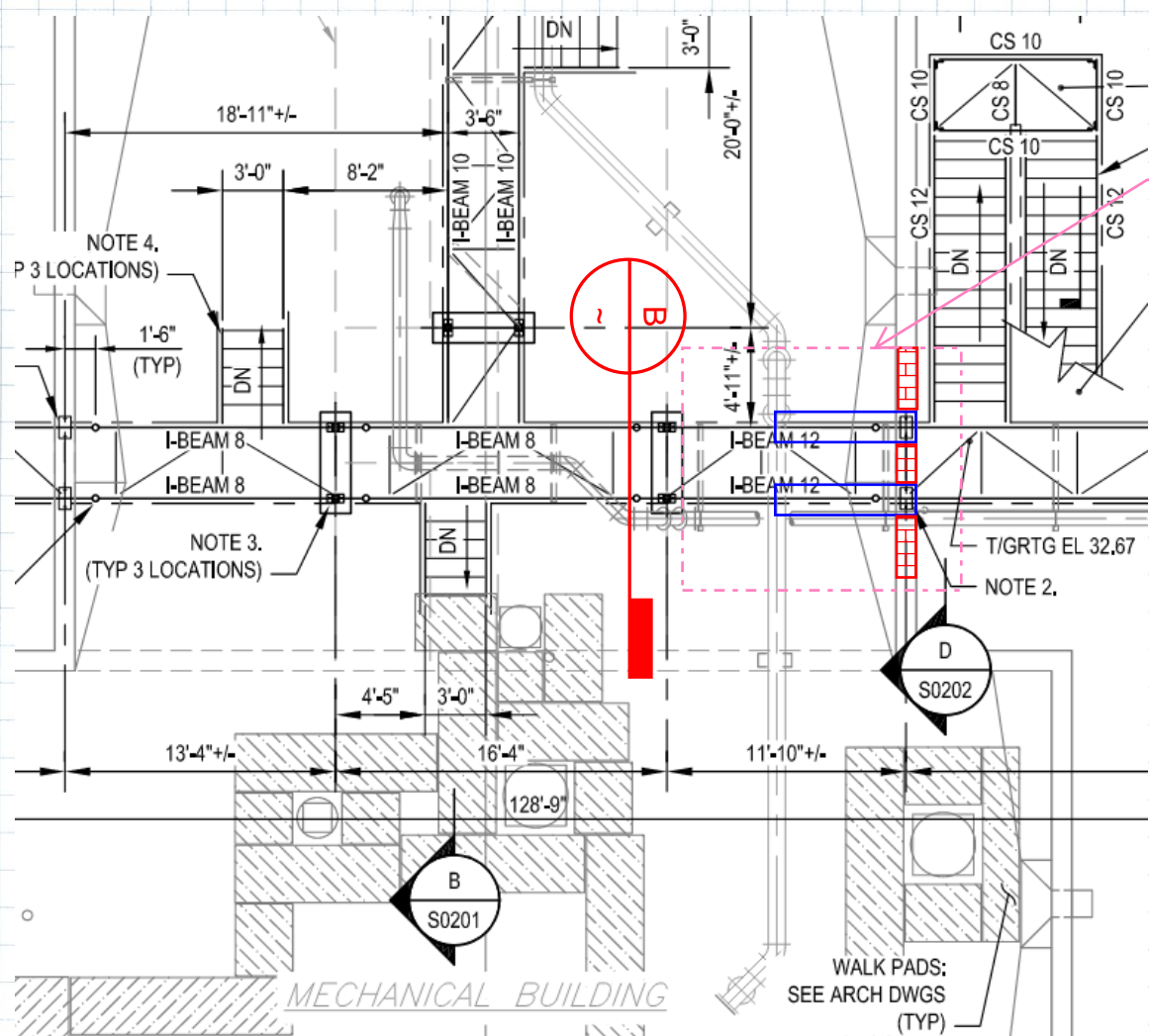
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GHD Pty Ltd ABN 39 008 488 373



Drawn	/ /	Client and project	SUSSEX COUNTY, DELEWARE
Designed	TTN 6/12/23		SCRWF NO. 3
Draft check	/ /	Title	Masonry demo / concrete replacement for walkway support
Design check	BK 6/12/23		
Approved	CF 6/12/23	A3 Drawing no.	SSK010
		Scale	NTS
		Rev	E



1 OVERALL WALKWAY AND STAIR PLAN
SCALE: 1/8"=1'-0"

CONCRETE / MASONRY INSTALLATION PLAN
EXTRACT FROM DRAWING S0201



END REPAIR AT HIGH WALL

REPAIR AREA

REMOVE ALL BRICKS ON TOP OF LEDGE

END REPAIR AT HIGH WALL

MATCH HEIGHT AND WIDTH OF EXISTING MASONRY SECTION

PIPE OPENING NO LONGER IN USE CONTINUE NEW CONCRETE SECTION THROUGH EXISTING OPENING

REMOVE ALL BRICKS ON TOP OF LEDGE

FIELD DETERMINE DIMENSIONS

REPLACE EXISTING MASONRY

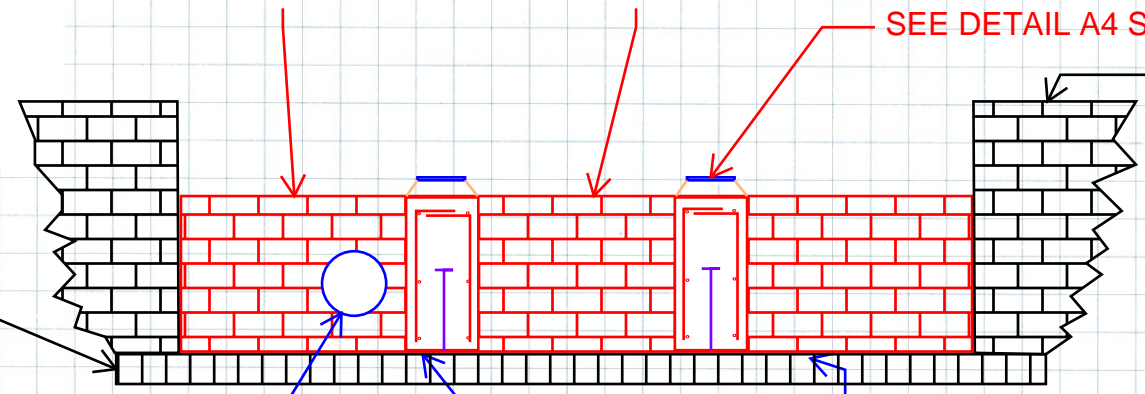
FILL IN MASONRY BETWEEN CONCRETE

SEE DETAIL A4 S0202

parapet (exists)

Layer of bricks (exists)

INSTALL PREFERRED SS PIPE SLEEVE AS REQUIRED FOR LOCATION B AND C



SECTION B THIS SHEET

NEW CONCRETE AND MASONRY DETAIL

WORK THIS SKETCH WITH SSK011

No.	Revisions	Approved	Date
E	RESTORED BASE PLATE AND STUDS		7 13 23
D	REVISED FOR MEETING COMMENTS		7 12 23
C	REVISED FOR FIELD DATA		7 3 23
B	REVISED FOR QAQC COMMENTS		6 14 23
A	INITIAL REPAIR DESIGN		6 8 23

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GHD Pty Ltd ABN 39 008 488 373



Drawn	/ /	Client and project	SUSSEX COUNTY, DELEWARE
Designed	TTN 6/8/23		SCRWF NO. 3
Draft check	/ /	Title	Masonry demo / concrete replacement for walkway support
Design check	BK 6/9/23		
Approved	CF 6/9/23	A3 Drawing no.	SSK011
		Scale	NTS
		Rev	E

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-047 Aeration Basin 1-4 Grit Removal - Rev

8/23/2023

CHANGE ORDER SUMMARY

Item 1a Prepare Onsite Containment Area for Material Stock Pile/Drying, Including Grading, Lining, Liquids Pumping, Stockpile Maintenance During Removals w/ lime placement, Underdrain w/ Observation Sumps, Etc.

Labor	\$26,175.20
Materials	\$10,576.20
Equipment	\$14,856.00
Subcontract	\$0.00
Subtotal	\$51,607.40
Contractor Overhead & Profit @ 15%	\$7,741.11
Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
Item Total	\$59,348.51

Item 1b Remove Grit and Transport to Onsite Stockpile/Drying Area (Assumes All Ex. Aeration Equipment Removed).

Labor	\$128,774.88
Materials	\$0.00
Equipment	\$104,665.60
Subcontract	\$10,000.00
Subtotal	\$243,440.48
Contractor Overhead & Profit @ 15%	\$35,016.07
Contr. Overhead & Profit on Subcontr. @ 5%	\$500.00
Item Total	\$278,956.55

Item 1 Total **\$338,305.06**

Cost/Ton Based on Est. 2,500 Tons **\$135.32**

Item 2a Demo Addl. Ex. Aeration Equipment

Labor	\$8,558.40
Materials	\$1,500.00
Equipment	\$0.00
Subcontract	\$0.00
Subtotal	\$10,058.40
Contractor Overhead & Profit @ 15%	\$1,508.76
Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
Item Total	\$11,567.16

Item 2b Replace Addl. 12 Aeration Zone Headers (Diffuser Membrane Replacement incl. in Base Contract)

Labor	\$42,371.20
Materials	\$128,300.00
Equipment	\$2,505.60
Subcontract	\$0.00
Subtotal	\$173,176.80
Contractor Overhead & Profit @ 15%	\$25,976.52
Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
Item Total	\$199,153.32
Item 2 Total	\$210,720.48
Est Total Including Diffuser Replacement	\$549,025.54
Est. Cost/Ton Including Diffuser Replacement	\$219.61

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-047 Aeration Basin 1-4 Grit Removal - Rev

8/23/2023

<u>Item</u>	<u>Description</u>					
Item 1a	Prepare Onsite Containment Area for Material Stock Pile/Drying, Including Grading, Lining, Liquids Pumping, Stockpile Maintenance During Removals w/ lime placement, Underdrain w/ Observation Sumps, Etc.					
	Labor:	Qty	Unit	Unit Cost	Total	
	Foreman	40.00	MH	\$120.65	\$4,826.00	
	Operating Engineer	120.00	MH	\$106.59	\$12,790.80	
	Laborer	120.00	MH	\$71.32	\$8,558.40	
						Labor Total: \$26,175.20
	Materials:	Qty	Unit	Unit Cost	Total	
	20mil Liner Material, Tape & Acc.	1.00	LS	\$7,200.00	\$7,200.00	
	Geofabric Textile	1.00	LS	\$750.00	\$750.00	
	6" Perf. HDPE Piping	120.00	LF	\$5.75	\$690.00	
	ASSHTO #57 Aggr. (Underdrain Bedding)	30.00	TN	\$39.54	\$1,186.20	
	Misc. Material	1.00	LS	\$750.00	\$750.00	
						Material Total: \$10,576.20
	Equipment:	Qty	Unit	Unit Cost	Total	
	2.5 CY Tr. Load	40.00	HR	\$113.74	\$4,549.60	
	D4 Dozer	40.00	HR	\$92.71	\$3,708.40	
	Skid Loader	40.00	HR	\$59.95	\$2,398.00	
	Pumping Equipment w/ Acc.	120.00	HR	\$35.00	\$4,200.00	
						Equipment Total: \$14,856.00
	Subcontract:	Qty	Unit	Unit Cost	Total	
				\$0.00	\$0.00	
						Subcontract Total: \$0.00
						Item Total: \$51,607.40
Item 1b	Remove Grit and Transport to Onsite Stockpile/Drying Area (Assumes All Ex. Aeration Equipment Removed).					
	Labor:	Qty	Unit	Unit Cost	Total	
	Foreman	208.00	HR	\$120.65	\$25,095.20	
	Operating Engineer	416.00	HR	\$106.59	\$44,341.44	
	Laborer	832.00	HR	\$71.32	\$59,338.24	
						Labor Total: \$128,774.88
	Materials:	Qty	Unit	Unit Cost	Total	
				\$0.00	\$0.00	
						Material Total: \$0.00
	Equipment:	Qty	Unit	Unit Cost	Total	
	150 T Crawler Crane	208.00	HR	\$234.00	\$48,672.00	
	30 T Art. Hauler	208.00	HR	\$133.64	\$27,797.12	
	Skid Loader w/ Attachments	416.00	HR	\$59.95	\$24,939.20	
	STS	208.00	HR	\$15.66	\$3,257.28	
						Equipment Total: \$104,665.60
	Subcontract:	Qty	Unit	Unit Cost	Total	
	Material Testing Allowance	1.00	LS	\$10,000.00	\$10,000.00	
						Subcontract Total: \$10,000.00
						Item Total: \$243,440.48
Item 2a	Demo Addl. Ex. Aeration Equipment					
	Labor:	Qty	Unit	Unit Cost	Total	
	Laborer (3 Men 1 Day per Tank)	120.00	MH	\$71.32	\$8,558.40	
						Labor Total: \$8,558.40
	Materials:	Qty	Unit	Unit Cost	Total	
	Disposal Fees	1.00	LS	\$1,500.00	\$1,500.00	
						Material Total: \$1,500.00
	Equipment:	Qty	Unit	Unit Cost	Total	
				\$0.00	\$0.00	
						Equipment Total: \$0.00
	Subcontract:	Qty	Unit	Unit Cost	Total	
				\$0.00	\$0.00	
						Subcontract Total: \$0.00
						Item Total: \$10,058.40

Item 2b Replace Addl. 12 Aeration Zone Headers (Diffuser Membrane Replacement incl. in Base Contract)

Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
Mechanic/Fitter	160.00	HR	\$122.18	\$19,548.80	
Laborer	320.00	HR	\$71.32	\$22,822.40	
					Labor Total: \$42,371.20
Materials:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
Diffuser Header Equipment	1.00	LS	\$128,300.00	\$128,300.00	
					Material Total: \$128,300.00
Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
STS	160.00	HR	\$15.66	\$2,505.60	
					Equipment Total: \$2,505.60
Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
			\$0.00	\$0.00	
					Subcontract Total: \$0.00
					Item Total: \$173,176.80

Notes:

- N1 PCOR Assumes No offsite hauling or disposal of Grit/Sludge Residual Materials.
- N2 PCOR Assumes Ex. Sludge Residual Materials in tanks to be transferred to lagoons prior to start of grit removals, performed by Sussex Cnty.
- N3 PCOR Assumes lime material available from ex. silo to be demolished.
- N4 PCOR Assumes Est. 2,500 CY/TN Quantity of Grit



Michael F.
RONCA
& Sons, Inc.

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



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

August 31, 2023

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

Re: Sussex County
SCRWF-RBWWTP CIP Phase 2 Upgrades
Proposed Change Order Request No. 554-050
Base Reclamation Paving

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 One Hundred Forty Nine Thousand Six Hundred Seventy Four Dollars and 16 Cents.....(\$149,674.16).

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 554-050 Base Reclamation Paving

8/31/2023

CHANGE ORDER SUMMARY

Item 1 Install Approx. 18,210 SY 8" Base Reclamation at 8% Concrete and 2" HMA 9.5 MM Superpave Surface Pavement Including Credit for Original Contract Scope Pavement Budget. Limits of Base Reclamation and 2" Surface Pavement as Outlined in Attached Drawing.

Original Pave Scope Credit	(\$437,169.48)
Revised Paving Scope:	\$579,716.30
Subtotal	\$142,546.82
Contr. Overhead & Profit on Net Subcontr. Increase @ 5%	\$7,127.34
Item Total	\$149,674.16
Change Order Total	\$149,674.16

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-050 Base Reclamation Paving

8/31/2023

Item **Description**

Item 1 Install Approx. 18,210 SY 8" Base Reclamation at 8% Concrete and 2" HMA 9.5 MM Superpave Surface Pavement Including Credit for Original Contract Scope Pavement Budget. Limits of Base Reclamation and 2" Surface Pavement as Outlined in Attached Drawing.

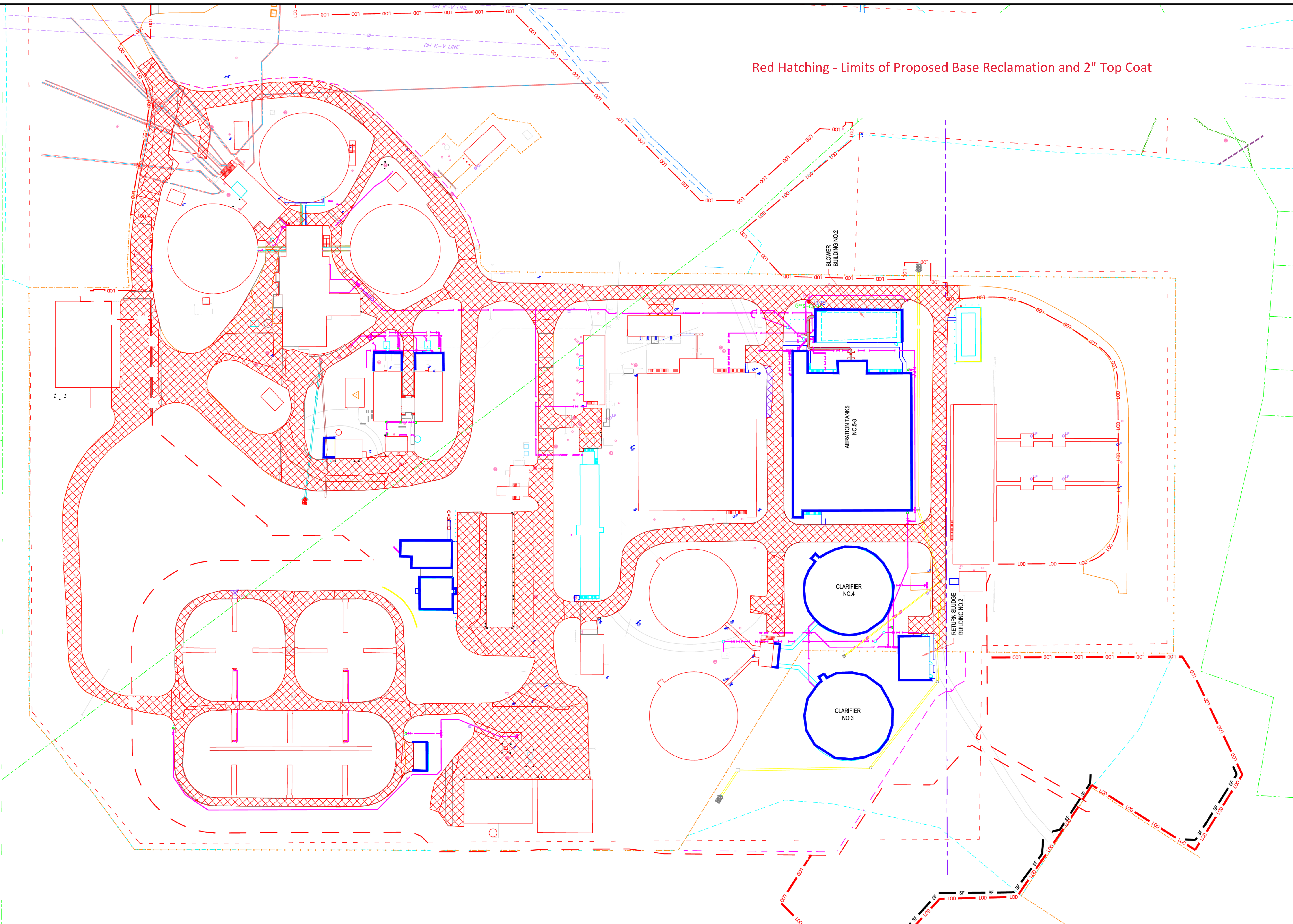
Original Pave Scope Credit	Qty	Unit	Unit Cost	Total	
Sawcut Ex. Paving Edges	-1.00	LS	\$2,299.90	(\$2,299.90)	
MFR Site Milling	-1.00	LS	\$22,703.32	(\$22,703.32)	
Place 7" CR-1 Stone Base	-1.00	LS	\$60,966.26	(\$60,966.26)	
Paving Sub	-1.00	LS	\$351,200.00	(\$351,200.00)	
					Total: (\$437,169.48)
Revised Paving Scope:	Qty	Unit	Unit Cost	Total	
Reclamation Subcontractor	1.00	LS	\$278,705.00	\$278,705.00	
Paving Subcontractor (2" 9.5 MM Superpave Top Coat)	18,210.00	LS	\$16.53	\$301,011.30	
					Total: \$579,716.30
					Item Total: \$142,546.82

Notes:

N1 PCOR Based on 8" Depth at 8% Cement Reclamation. Final Reclamation Design Subject to Geotech Testing. Should Design Differ Significantly From 8" Depth and 8% Cement Cost Adjustments May be Required.



Red Hatching - Limits of Proposed Base Reclamation and 2" Top Coat



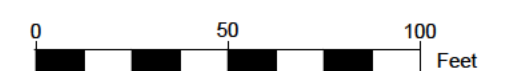
PRINT DATE:
8/3/2023 9:48 AM

U:\Ronca PUBLIC\Ronca Projects\554 - South Coastal & Rehabilit STP\DRAWINGS\MFR\5 Coastal - Paving\554 - S Coastal - PAVING - 2" ONLY.dwg

Michael F.
RONCA
& Sons, Inc.
CONTRACTORS

179 Mikron Road
Bethlehem, PA 18020
Web: www.mfronca.com
Phone: (610) 759-5100
Fax: (610) 746-0974
Email: admin@mfronca.com

NO	REVISION	DATE	BY	APR



SOUTH COASTAL WWTP
SUSSEX CO, DE

ENG. RECORD	GHD
DRAWN BY :	BRH
CHECKED	
APPROVED	
APPROVED	
SCALE	AS NOTED

S. COASTAL WWTP
PAVING PLAN

JOB NO 554 SO. COASTAL WWTP
DRAWING NO. 554-1

REV. 0

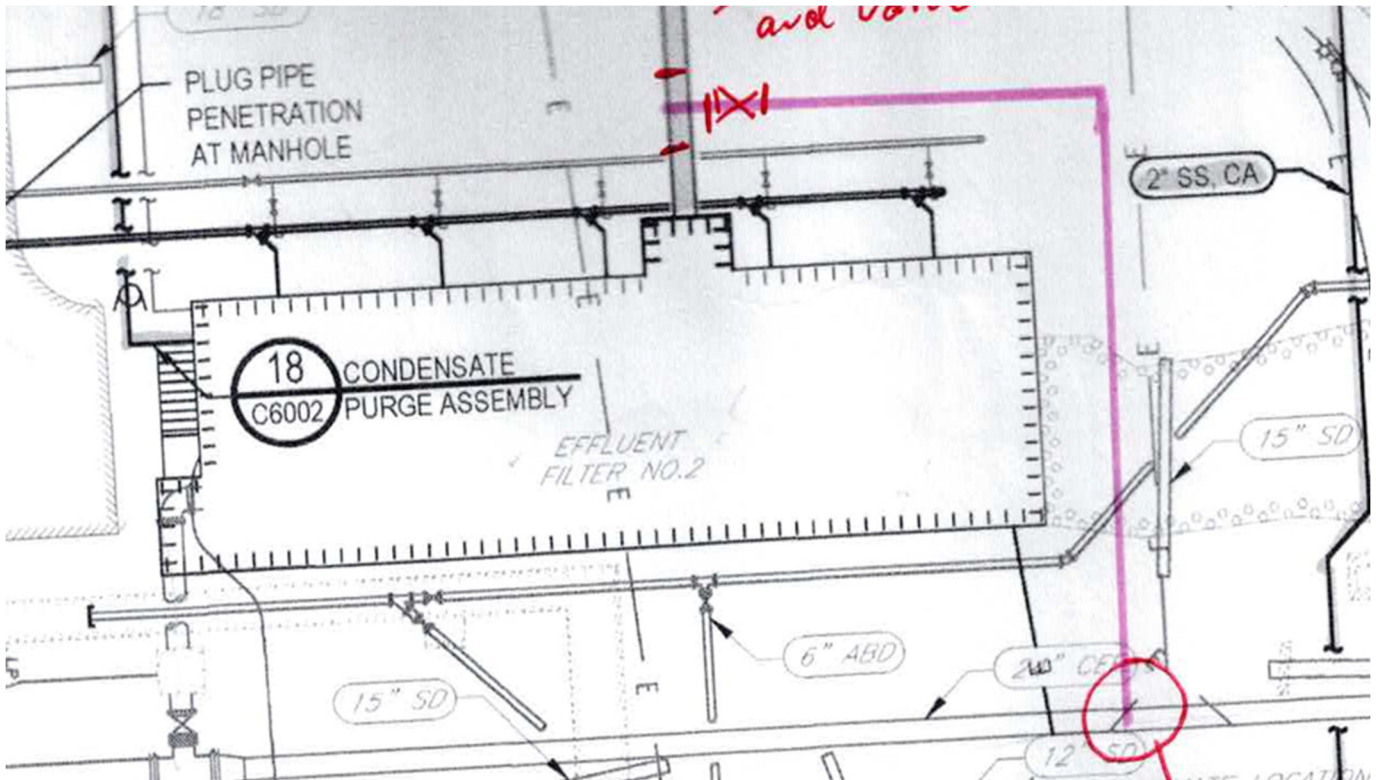


Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2			
Owner	Sussex County, Delaware			
Contract No.	C19-11: General Construction	GHD Project No.	11121182	
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.				
RFP No.	096			
RFP Subject	Effluent Filter Bypass			
Issued By	S. Clark	<i>SC</i>	Issue Date	Aug. 21, 2023

Description of proposed changes:

The Owner requests the addition of 24" bypass piping between the 24" CEF at the northeast side of Effluent Filter No. 2 and the 24" FEF downstream of Effluent Filter No. 2 as indicated in the following sketch. The scope for this change includes two new 90 bends and a new tee. In addition, the Owner will furnish an isolation valve for Contractor installation in the new bypass piping.



Michael F.
RONCA
& Sons, Inc.

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



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

August 21, 2023

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. 554-046
24in Filter Bypass

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 Sixty Eight Thousand Two Hundred Eighty Four Dollars and 99 Cents.....(\$68,284.99).

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-RBWTP CIP Phase 2 Upgrades

PCOR 554-046 SCRWF 24in Filter Bypass

8/21/2023

CHANGE ORDER SUMMARY

Item 1 Install 24" DI Filter Bypass per Sussex Co.'s Request.

Labor	\$14,232.80
Materials	\$33,599.85
Equipment	\$11,545.60
Subcontract	\$0.00

Subtotal	\$59,378.25
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Contractor Overhead & Profit @ 15%	\$8,906.74
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Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
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Item Total	\$68,284.99
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Change Order Total	\$68,284.99
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Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-046 SCRWF 24in Filter Bypass

8/21/2023

<u>Item</u>	<u>Description</u>					
Item 1	Install 24" DI Filter Bypass per Sussex Co.'s Request.					
	Labor:	Qty	Unit	Unit Cost	Total	
	Operating Engineer	80.00	MH	\$106.59	\$8,527.20	
	Laborer	80.00	MH	\$71.32	\$5,705.60	
						Labor Total: \$14,232.80
	Materials:	Qty	Unit	Unit Cost	Total	
	Pipe, Fittings & Access.	1.00	LS	\$31,470.55	\$31,470.55	
	ASSHTO 57 Aggr.	45.00	TN	\$39.54	\$1,779.30	
	Misc.	1.00	LS	\$350.00	\$350.00	
						Material Total: \$33,599.85
	Equipment:	Qty	Unit	Unit Cost	Total	
	40 K lb. Hyd. Exc.	40.00	HR	\$109.19	\$4,367.60	
	RT Backhoe AWD	40.00	HR	\$90.42	\$3,616.80	
	Tri. Ax. Dump Truck	40.00	HR	\$73.37	\$2,934.80	
	STS	40.00	HR	\$15.66	\$626.40	
						Equipment Total: \$11,545.60
	Subcontract:	Qty	Unit	Unit Cost	Total	
				\$0.00	\$0.00	
						Subcontract Total: \$0.00
						Item Total: \$59,378.25

Notes:

- N1 24" MJ Valve Required for Bypass to be Furnished by Sussex County and Installed by Ronca.
- N2 Bypass Pumping and Flow Management for Connection of the Bypass is Specifically Excluded. Flow Management to be By Sussex County.
- N3 PCOR Assumes Use of Push Joint Pipe with Restraint Gaskets Due to Material Lead Time.

FERGUSON WATERWORKS #920

Price Quotation
Phone: 410-677-6793
Fax: 410-543-9646

Bid No: B464798
Bid Date: 08/07/23
Quoted By: MPB

Cust Phone: 610-759-5100
Terms: NET 10TH PROX

Customer: MICHAEL F RONCA & SONS INC
SOUTH COASTAL
179 MIKRON ROAD
BETHLEHEM, PA 18020

Ship To: MICHAEL F RONCA & SONS INC
33711 SOUTH COASTAL LANE
SOUTH COASTAL
FRANKFORD, DE 19945

Cust PO#:

Job Name: SOUTH COASTAL

Item	Description	Quantity	Net Price	UM	Total
AFR200PD24	24 CL200 DCL DI FLEX RING PIPE	80	189.950	FT	15196.00
	APPROX. 12 WEEKS ARO				
MJ9LA24	24 MJ C153 90 BEND L/A	2	2022.800	EA	4045.60
MJTLA24	24 MJ C153 TEE L/A	1	2238.600	EA	2238.60
E112400	24 MEGALUG F/ DI	9	484.470	EA	4360.23
IMJBG24	24 MJ C153 BLT GSKT PK L/ GLAND	11	83.320	EA	916.52
MJLSLA24	24X15 MJ C153 LONG SLV L/A	1	1117.050	EA	1117.05
DI350TJP24	24 DI CL350 TYTON JT PIPE (18' LENGTHS)	90	163.550	FT	14719.50
PST350G24	24 SURESTOP 350 LCK GSKT	5	814.610	EA	4073.05
			Net Total:		\$46666.55 \$31,470.55
			Tax:		\$0.00
			Freight:		\$0.00
			Total:		\$46666.55

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTRACTOR CUSTOMERS: IF YOU HAVE DBE/MBE/WBE/VBE/SDVBE/SBE GOOD FAITH EFFORTS DIVERSITY GOALS/ REQUIREMENTS ON A FEDERAL, STATE, LOCAL GOVERNMENT, PRIVATE SECTOR PROJECT, PLEASE CONTACT YOUR BRANCH SALES REPRESENTATIVE IMMEDIATELY PRIOR TO RECEIVING A QUOTE/ORDER.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



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Scan the QR code or use the link below to complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=1883&on=25060>



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2			
Owner	Sussex County, Delaware			
Contract No.	C19-11: General Construction	GHD Project No.	11121182	
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.				
RFP No.	098			
RFP Subject	LTS Digester Building Roof			
Issued By	S. Clark	<i>SC</i>	Issue Date	Aug. 23, 2023

Description of proposed changes:

The Owner requests the replacement of roofing materials on the LTS Digester Building matching the details and specifications for the Mechanical Building roof replacement.

Michael F.
RONCA
& Sons, Inc.

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



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

August 22, 2023

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. 554-049
Replace LTS Building Roof

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 Twenty Four Thousand Six Hundred Seventy Five Dollars and 00 Cents.....(\$24,675.00).

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-RBWTP CIP Phase 2 Upgrades

PCOR 554-049 Replace LTS Building Roof

8/22/2023

CHANGE ORDER SUMMARY

Item 1 Replace LTS Building Roof per Sussex Co.'s Request.

Labor	\$0.00
Materials	\$0.00
Equipment	\$0.00
Subcontract	\$23,500.00
Subtotal	\$23,500.00
Contractor Overhead & Profit @ 15%	\$0.00
Contr. Overhead & Profit on Subcontr. @ 5%	\$1,175.00
Item Total	\$24,675.00
Change Order Total	\$24,675.00

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-049 Replace LTS Building Roof

8/22/2023

<u>Item</u>	<u>Description</u>						
Item 1	Replace LTS Building Roof per Sussex Co.'s Request.						
	Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Labor Total:	\$0.00
	Materials:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Material Total:	\$0.00
	Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Equipment Total:	\$0.00
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
	Roofing Subcontractor	1.00	LS	\$23,500.00	\$23,500.00	Subcontract Total:	\$23,500.00
						Item Total:	\$23,500.00

Notes:

- N1 Work/Repairs to Ex. Masonry Copings is Excluded.
- N2 Replacement of any Ex. Decking is Excluded.
- N3 Adjustments to Mechanical Equipment if Required are Excluded.

QUALITY EXTERIORS, INC.

60 HOPKINS CEMETERY RD.
HARRINGTON, DELAWARE 19952

Telephone 302-398-9283x14
Fax 302-398-9290

August 21, 2023

We hereby submit our proposal for the roofing work to be performed at the LTS Building of the SCRWF No.3.

Quality Exteriors Inc. will provide and install the following:

1. Remove the existing roof down to the deck.
2. Install new roof assembly to match Mechanical Building. Assembly as follows:
 - a) Install 5/8" Dens Deck base layer. Mechanically fastened.
 - b) Cover with self-adhered vapor barrier.
 - c) Install 6" s of flat Polyisocyanurate insulation. Foam adheres each layer.
 - d) Install tapered insulation sloped to drains. Foam adhered.
 - e) Install 1/2" HD cover board. Foam adhered.
 - f) Install self-adhered TPO roof membrane.
 - g) Complete all flashings and terminations.
 - h) Supply a manufactures 15year watertight warranty with 100 mph extended wind speed.
3. Remove all trash and debris from jobsite.
4. Exclude: any work at masonry copings, damaged decking, mechanical equipment.

Our price for this work is: \$23,500.00

This job carries a two (2) year warranty on all workmanship.

Any alteration or deviation from the above specifications involving extra costs, not herein specified, will be executed only upon written orders, and will become an extra charge over and above the base bid. Workmen's Compensation Insurance on this work is covered by American Interstate Insurance Company and Liability Insurance on this work is covered by Westfield Insurance.

Due to rapidly escalating prices and extreme volatility in the pricing of metal and petroleum-based construction products, the prices set forth in this proposal applies only to orders that are placed within 30-days of the date of this proposal. All other orders shall be subject to change based upon changes in material costs.

We appreciate the opportunity to provide you with a quotation for this work. If you have any questions or require additional information regarding this proposal, please feel to contact Doug Stephens.

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment terms are Net 30 days with a 1.5% Late Charge per month added to any open balance over 30 days.

Please submit invoice to:

Name: _____
Company Name (if applicable): _____
Address: _____

If Quality Exteriors, Inc must initiate proceedings of any kind to enforce its rights under this Agreement; the customers shall be responsible for all costs, including attorney's fees.

Quality Exteriors:

Signature: _____
Jason Stallings, President

Dated: _____

Owner:

Approved by (print name): _____

Signature: _____

Date: _____

South Coastal RWF & Rehoboth Beach WTF Upgrade

9/7/2023

Vendor/Contract	Description	Contract Value
Michael F. Ronca & Sons, Inc.	SCRWF/RBWWTP General Construction	45,711,199.03
BW Electric Inc.	SCRWF/RBWWTP Electrical Construction	22,956,546.73
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
	State Street Pump Station Repair	2,732,938.82
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		84,472,483.71

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

DATE: September 12, 2023

RE: *2019 Miscellaneous Engineering Base Contract*
A. *Davis, Bowen & Friedel - Amendment No. 10 – Blackwater Village*
B. *George, Miles & Buhr - Amendment No. 2 – Warwick Park*

On May 14, 2019, County Council awarded a five (5) year base contracts for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. (DBF) and George, Miles & Buhr (GMB). Since then, Council utilized the DBF base contract by approving 9 amendments totaling \$1,837,000.00. GMB's base contract has one previous amendment in the amount of \$295,000.00 in addition to several standalone contracts.

County Council annexed Blackwater Village and Warwick Cove in the Unified Sanitary Sewer District on February 9th, 2021, and January 10th, 2023, respectively.

The projects are ranked number 1 and 2 in the Delaware Water Pollution Revolving Loan Fund (WPCRF) 2023 Project Priority List and Environmental Finance solicited applications for project funding consideration through the WPCRF. In June of 2023, the Engineering and Finance Departments finalized the Preliminary Engineering Report, the Environmental Information Documents, and the overall funding application. We have been advised that the Binding Commitment Letters from DNREC Environmental Finance will be received in the near future and project design could proceed.

Therefore, the Engineering Department solicited two proposals based on relevant design experience. DBF has previously designed the vacuum collection system for the Lochwood project and with Blackwater Village slated to be served with an identical system they were selected for it. GMB had previously designed a series of pump station under the Western Sussex project which uniquely situated them for the Warwick Cove project.



In summary, the Department requests approval of Amendment No. 10 of DBF's Engineering Base Contract providing survey and design services for the Blackwater Village Project in the amount of \$292,500.00 and Amendment No. 2 of GMB's Engineering Base Contract in the amount of \$108,495.00, both contingent on DNREC concurrence.



State of Delaware
Water Pollution Control Revolving Fund
Federal Fiscal Year 2023
Project Priority List

prepared by the

**Department of Natural Resources and Environmental
Control**

Office of the Secretary

Environmental Finance

Issued: March 15, 2023

FFY 2023
PROJECT PRIORITY LIST
for the
DELAWARE WATER POLLUTION CONTROL REVOLVING FUND

I. NARRATIVE

This Federal Fiscal Year 2023 Project Priority List (PPL) is the thirty-fifth prepared for the Delaware Water Pollution Control Revolving Fund (WPCRF). The Secretary of the Department of Natural Resources and Environmental Control (DNREC) is empowered to administer the WPCRF in accordance with the requirements set forth in Title VI of the Federal Clean Water Act (CWA) as amended by the Water Quality Act of 1987, and by 29 Del C., Chapter 80, §8003.

The preparation of the PPL is a semi-annual function specified in the WPCRF Operating Agreement between the DNREC and the USEPA, Region III. This is the first PPL prepared for FFY 2023.

A public hearing in accordance with the provision of 29 Del C. Chapter 80, §8003(11)(d)(2) was noticed to the Public Meeting Calendar on February 15, 2023. Newspaper notices were posted in the Delaware News Journal and Delaware State News on February 19 and February 26, 2023, informing the public of a Public Hearing to be held on March 15, 2023, to receive public comment on the 2023 PPL and Intended Use Plan (IUP). The Water Infrastructure Advisory Council will meet on March 15, 2023, and will review and approve the PPL and IUP, subject to no adverse public comments received by April 15, 2023. No adverse public comments are anticipated.

II. WPCRF PROGRAM

The first step in the preparation of this PPL was the filing of Project Notices-of-Intent (NOIs) by eligible applicants. On January 12, 2023, a CWSRF – DWSRF Workshop was held to provide a detailed overview of the respective programs; and to inform municipalities, private businesses, consulting engineering firms, non-profits, and other interested parties of the need to submit NOIs for the 2023 PPL process by February 15, 2023. Based upon the responses received, the PPL was developed. The procedure for preparing the PPL is established in the Standard Operating Procedures for the Delaware Water Pollution Control Revolving Loan Fund. The PPL establishes a ranking of the projects that may be funded. Requested project assistance from this PPL may be funded in part from a FFY2023 Federal Capitalization Grant. The IUP identifies all projects which may be funded.

Seventeen (17) new NOIs were received totaling \$86,095,114. Approximately \$1.5 million is allotted for a Green Project Reserve (GPR) solicitation.

III. FFY 2023 Project Priority List

Note: These new PPL Project Estimates are based on original Notices of Intent (NOIs) submitted and are subject to change with final applications and binding commitments.

Rank	Year	Priority Points	Applicant / Project Title / Contact			Community/County/Population	Waterbody / NPDES	WPCRF Loan Requested
			Green Project Reserve			Statewide	Statewide	
N/A	2023	95	Water Pollution Control Loan Program Greg Pope, P.E. DNREC/EF Chief of Operations 302-739-9941			Statewide 897,934		\$1,500,000
			Land Conservation Loan Program			Statewide	Statewide	
N/A	2023	95	Water Pollution Control Loan Program Greg Pope, P.E. DNREC/EF Chief of Operations 302-739-9941			Statewide 897,934	Land Conservation Loan Program	TBD
			Water Quality Improvement Loan Sponsorship Program			Statewide	Statewide	
N/A	2023	95	Water Pollution Control Loan Program Greg Pope, P.E. DNREC/EF Chief of Operations 302-739-9941			Statewide 897,934	Water Quality Improvement Loan Sponsorship Program	TBD
			Sussex County Council Warwick Park Area Pumpstation & Forcemain			Sussex County Council Sussex	Inland Bays - Indian River Bay DNREC permit # 359141-05	
1	2023	79	John Ashman Director of Utility Planning & 302-855-7370			1,183		\$1,225,000
			Sussex County Council Blackwater Village			Sussex County Council Sussex	Inland Bays -Indian River WPCC-3042C-90	
2	2023	76	John Ashman Director of Utility Planning & 302-855-7370			231		\$13,060,913
			The Town of Millsboro Sussex Central School Reclaimed Water Irrigation Pump Station and Pivots			The Town of Millsboro Sussex	Inland Bays - Indian River N/A	
3	2023	70	Mr Jamie Burk Town Manager 302-934-8171			7,000		\$750,000
			Sussex County Council Briarwood Estates			Sussex County Council Sussex	Inland Bays - Rehoboth Bay WPCC-3042C-90	
4	2023	68	John Ashman Director of Utility Planning & 302-855-7370			231		\$4,200,150
			The Town of Millsboro Sussex Central School Reclaimed Water Irrigation Beneficial Reuse Main			The Town of Millsboro Sussex	Inland Bays - Indian River N/A	
5	2023	60	Mr Jamie Burk Town Manager 302-934-8171			7,000		\$3,600,000
			City of Wilmington Wilmington WWTP Main Switchgear & Electrical Substations – Phase 1			City of Wilmington New Castle	Piedmont - Shellpot Creek NPDES DE0020320	
6	2023	60	Vincent Carroccia Deputy Commissioner Department 302-576-3081			70,898		\$5,500,000
			Sussex County Council North Ellendale Diversion			Sussex County Council Sussex	Delaware Bay & Estuary - Cedar DNREC permit # 359288-01 (Artesian)	
7	2023	60	John Ashman Director of Utility Planning & 302-855-7370			2,132		\$4,239,236
			Town of Camden Camden Drainage Improvement and Sediment Control			Town of Camden Kent	Delaware Bay & Estuary - St. N/A	
8	2023	55	Harold Scott Jr Town Manager 302-697-2299			3,400		\$80,000
			SOUTHWOOD ACRES LLC SOUTHWOOD ACRES SWAII PUMP STATION & FORCE MAIN			SOUTHWOOD ACRES LLC Kent	Delaware Bay & Estuary - 181784-B-OP	
9	2023	53	DAVE GILGENAST PROJECT MANAGER 302-736-0270			400		\$1,775,000
			City of Wilmington Digester Improvements Flare			City of Wilmington New Castle	Piedmont - Shellpot Creek NPDES DE0020320	
10	2023	50	Vincent Carroccia Deputy Commissioner Department 302-576-3081			70,898		\$4,000,000
			Town of Delmar Delmar Sewer Replacement Phase 3			Town of Delmar Sussex	Chesapeake Bay - Wicomico NDPES # MD0020532	
11	2023	45	Jeff Fleetwood Town Manager (410) 896-3368			5,816		\$1,725,815
			New Castle County Dept of Special Services Christina River Force Main Rehabilitation Project Segments 3 and 4			New Castle County New Castle	Delaware Bay& Estuary - N/A	
12	2023	40	Vincent Carroccia Deputy Commissioner Department 302-576-3081			330,000		\$33,150,000
			Kent County Levy Court - Public Works Department Pipeline Condition Investigation (Pipe > 12 In. Diameter)			Kent County Kent	Delaware Bay & Estuary - NPDES Permit No. DE0020338	
13	2023	40	Diana Golt, P.E. Public Works Director 302-744-2430			150,000		\$2,300,000
			Kent County Levy Court - Public Works Department Pipeline Condition Investigation (Pipe < 12 In. Diameter)			Kent County Kent	Delaware Bay & Estuary - NPDES Permit No. DE0020338	
14	2023	40	Diana Golt, P.E. Public Works Director 302-744-2430			150,000		\$3,100,000
			Southern Delaware Communities Colonial Estates MHP Wastewater Treatment Facility			Southern Delaware Communities Sussex	Inland Bays -Indian River	
15	2023	40	Brian McKinley Managing Member 302-359-3200			280		\$189,000
			City of Newark Sanitary Sewer Study and Repairs			City of Newark New Castle	Piedmont - Christina River N/A	
16	2023	35	Tim Filasky, PE Director of Public Works and 302.366.7000			33,000		\$2,200,000
			City of Wilmington 11th St Sewage Pump Station Replacement and Upgrades			City of Wilmington New Castle	Piedmont - Brandywine Creek NPDES DE0020320	
17	2023	30	Vincent Carroccia Deputy Commissioner Department 302-576-3081			70,898		\$5,000,000
							2023 NOI TOTAL	\$86,095,114

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

September 1, 2023

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

Attn: Mr. Randy Duplechain

RE: **Engineering Base Contract
Professional Engineering Services
Blackwater Village Sewer Service**
Sussex County, Delaware
DBF #P1897B23.071

Dear Mr. Duplechain:

Davis, Bowen & Friedel, Inc., (DBF) is pleased to submit this proposal for providing basic services for the above-referenced project. Basic Services include survey, vacuum conveyance system, vacuum building, collection and discharge system, geo-technical investigation, wetland/waterway investigation, agency approvals, bid document preparation and bid assistance. The project provides sanitary sewer to the 292 residential lots of Blackwater Village Subdivision and the proposed expansion per the Keith Properties SSCE via a vacuum sewer system, vacuum station and force main that will ultimately discharge into a gravity manhole along Vines Creek Road along the frontage of tax parcel 1-34-11.00-152.00.

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

A. SURVEY SERVICES

Our office will perform a complete boundary and topographic survey of the existing subdivision. The survey will include deed research (unless a title search is provided), location of property corners, road cross sections every 50 feet (as are visible from the surface, including roadway, swales, drainage structures, utilities, manholes, cleanouts, valves, fences, landscaping, mailboxes, signs), building corners of the primary structure, location of sewer cleanout, drain field and septic tank, and natural and man-made features pertinent to the design of the project. We will determine the elevations of all stormdrain piping and inverts of valves or other items that might be affected within the subdivision area. Our office will also verify right-of-way and topographically survey the force main route (approximately 3,500 linear feet) along Vines Creek Road and as-build the tie-in gravity manhole.

B. DESIGN AND PERMITTING

Utilizing the survey information completed in Item A, our office will design a vacuum conveyance sewer system, vacuum collection building and force main to provide sanitary sewer to the existing subdivision. Our office will prepare a preliminary plan for initial review and comment from County staff. Upon concurrence of the County Staff, we will prepare construction documents meeting Sussex County Code, DNREC and DeIDOT regulations. The documents will be prepared in a format to obtain approval from the respective agency having jurisdiction. Our office will also assist in obtaining the DNREC Wastewater Construction Permit and DeIDOT Utility Permit. This work shall include:

This work shall include:

- Preparation of plans, profiles, and details for the proposed sewer system. Preparation of plans, profiles, and details for the proposed force main.
- Preparation of site plans for the proposed vacuum building to include electrical design. All work will be in accordance with the latest Sussex County and/or State standards.
- Preparation of pre-final design documents consisting of construction drawings, contract documents and specifications, including a meeting with the County to review prior to sending out for construction permitting.
- Preparation of submittals to Sussex County, Sussex Conservation District (standard plan), Delaware Department of Natural Resources and Environmental Control (DNREC) for the notice of intent and wastewater construction permit, DeIDOT for the utility permit, and other agencies as necessary to obtain construction permits. *(Please note the County will be responsible for any fees associated with agency submittals.)*
- Address agency comments and resubmit for obtaining final plan approval and approval.

C. GEO-TECHNICAL INVESTIGATION

Soil borings will be needed for the location of the pump station to determine seasonal high groundwater and groundwater elevations. The roads are owned and maintained by the State of Delaware, and they will perform pavement cores to determine pavement restoration. Our office will prepare the core request and coordinate with DeIDOT. We propose to perform additional investigation in the grass area within the subdivision to determine groundwater and seasonal high groundwater elevations.

D. WETLAND / WATERWAY INVESTIGATION / PERMITTING

The proposed force main will cross a navigable waterway. A permit will be required from DNREC Subaqueous Lands Section, and a permit may be required from the Army Corps of Engineers. Our office will coordinate with a subcontractor, Environmental Resources, Inc., for the permitting requirements.

E. BID ASSISTANCE

Our office will assist the County during the bid process. Our services may include, attending a pre-bid meeting, responding to requests for information, bid tabulation, bid review and award.

F. EASEMENT ASSISTANCE

Our office will assist with easement exhibits and provide legal descriptions should they be needed for this project.

G. FEES

We propose to complete the basic scope of services as described above for the following fees for a total not to exceed fee of:

A. Survey Services:	\$90,000.00
B. Design and Permitting:	\$145,000.00
C. Bid Assistance:	\$6,500.00
D. Geo-Technical:	\$25,000.00
E. Wetland Investigation / Permitting:	\$20,000.00
F. Easement Preparation (4 at \$1,500 each)	\$6,000.00

The total estimated engineering services is \$292,500.00. For proposal purposes, we estimate four (4) easements will be needed on the project.

H. EXCLUDED SERVICES

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

- Phase 1 or 2 Environmental Assessments or Permitting
- Easement Acquisition Services (Appraisals / Solicitation)
- Historic or Cultural Reviews
- Construction Administration/Inspection Services
- Construction Survey Services
- As-Built Surveys
- Application and Permit Fees
- Financial Administration Services

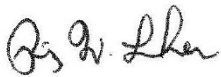
We propose to complete the basic scope of services as described above on an hourly basis.in accordance with our Master On-Call Engineering Contract.

Proposal – Blackwater Village Sewer Service
Mr. Randy Duplechain
September 1, 2023
Page 4

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

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

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Ring W. Lardner, P.E.
Principal

Enclosures

\\Proposals\Sussex...\P1897B23.071 — RD Blackwater Village Sewer Service

ACCEPTED BY:

Signature

Date

Printed Name



GEORGE, MILES & BUHR, LLC



ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801

PH: 410.742.3115

PH: 800.789.4462

salisbury@gmbnet.com

SALISBURY
BALTIMORE
SEAFORD
LEWES
OCEAN VIEW

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JAMES H. WILLEY, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

PETER A. BOZICK, JR., P.E.
JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.
BENJAMIN K. HEARN, P.E.

September 7, 2023

Sussex County Engineering Department
2 The Circle
PO Box 589
Georgetown, DE 19947

Attn: Mr. Hans Medlarz, PE
County Engineer

Re: Proposal for Engineering Professional Services
Warwick Sewer Project – Phase 1

Dear Hans:

George, Miles & Buhr, LLC (GMB) is pleased to present this proposal for a pump station design, force main extension, and gravity sewer extension for the Warwick Cove and Gull Point developments located in Millsboro, Delaware. Our proposal is more particularly described as follows.

PROJECT LOCATION

Warwick Cove and Gull Point are both located off River Road in Millsboro, Delaware and are adjacent to the Indian River.

PROJECT DESCRIPTION

Warwick Cove and Gull Point are each served by separate privately-owned and maintained on-site treatment and disposal systems. This project aims to remove both non-confirming treatment systems and connect both developments to the County sewer.

The project proposes a new pump station sized for an ultimate capacity of 360 EDUs to be constructed near Warwick Cove's entrance, located along River Road, with an internal access from Warwick Cove. Gravity sewer would be extended approximately 600 feet from the proposed pump station to connect Gull Point and Warwick Cove. The force main would be extended approximately 1,300 feet along River Road from the proposed pump station to a County sewer manhole located in River Road east of Warwick Drive.

The project design will follow the recommendations as stated in the Warwick Sewer Project – Phase 1 Preliminary Engineering Report, dated June 2023. The project area is best summarized in Figure 6 of the report.

SCOPE OF SERVICES:

A. Design Phase Services

1. Kickoff meeting to review the project scope, expected deliverables, and milestones.
2. With the assistance from SCED, determine the appropriate gravity sewer route from Warwick Cove to the new pump station site. Identify potential easements

necessary to facilitate construction. Prepare a maximum of four (4) easement exhibits for SCED to use in negotiating easements.

3. Site survey to establish horizontal and vertical control and prepare base drawings showing topographic contours and locations of existing structures and site features, i.e., entrances, pavement, utilities, woods line, ditches, culverts, etc. as needed to prepare a base drawing. The surveying effort is limited to the proposed route provided in the PER and as discussed and confirmed in advance with the Sussex County Engineering Department.
4. Coordinate soil borings with the County's on-call Geotechnical Subconsultant, HCEA, to provide soil analysis and verify the presence of ground water. Costs excluded from this proposal.
5. Perform hydraulic calculations to preliminarily size and select the proposed pump. Based on conversation with SCED, the basis of design shall be 360 EDUs with a design flowrate of 100 GPM in a 4-inch force main.
6. Adequately size a wet well for the proper depth and diameter based on the design criteria stated above.
7. Perform a preliminary review of the available onsite power.
8. Evaluate the space requirements for the power and control equipment which is proposed to be in an existing onsite structure. The power and control equipment will follow Sussex County standard details.
9. Size and select a generator for the sole purpose of providing adequate secondary power in the event of loss of utility power.
10. Prepare 30% preliminary design concept and submit to SCED for review and comment. This will include the proposed pump selection, wet well configuration, suggested electrical upgrades and/or improvements, and force main and gravity sewer alignment.
11. 30% Design Meeting with SCED to review the proposed layout. Once the preliminary design concept is approved, GMB will proceed with completing the design. Any changes to the approved preliminary design concept resulting in redesign are not included and will be performed as additional services upon written authorization by the SCED.
12. Prepare and submit to SCED for review and comment 60% design documents inclusive of plans and profiles, construction and standard County details, temporary bypass plan (if necessary), draft specifications, proposed maintenance of traffic (MOT) plan, and preliminary construction cost estimate. Note: Proposed MOT plan is based on a single lane closure and does not include any road or pedestrian detours.
13. Prepare and submit to SCED for review and comment 90% design documents which addresses the 60% review comments and includes the Erosion and

Sediment Control plans and details, updated specifications, and an updated construction cost estimate.

14. At the 90% submittal stage, submit to the following permitting and review agencies: Sussex Conservation District for linear disturbance, DNREC for Authorization to Construct, and DeIDOT Utility Permit; to be submitted by SCED, GMB to provide assistance.
15. Address the 90% review comments and resubmit to the review agencies and SCED 100% Contract Documents.

B. Bid Phase Services

1. Assist SCED with the advertisement to bid. SCED to place the advertisement in the appropriate newspapers.
2. Assist SCED with issuing the contract documents to prospective contractors, and maintain a record of those that have received the documents.
3. Attend and chair the pre-bid meeting and distribute meeting minutes.
4. Prepare and issue addenda as necessary.
5. Respond to potential bidder's questions.
6. Review bids received and prepare bid tabulation.
7. Provide SCED with a letter of recommendation to award.

C. Construction Phase Services – Not included, a separate proposal can be provided.

EXCLUSION, ASSUMPTIONS, AND CONSIDERATIONS

- Excludes value engineering or substantial modification of the 30% approved submittal.
- Excludes cost for soil borings. Soil borings are to be performed by the County's on-call Geotechnical engineer, HCEA.
- Excludes DeIDOT entrance permit.
- Excludes demolition of either onsite WWTP and/or disposal field.
- Excludes hydraulic analysis of the downstream sewer system.
- Assumes the proposed force main along River Road will be located within the Right-of-Way.
- Coordination with the electric utility company is limited to the service required for the proposed pump station. Excludes any additional coordination related to relocation or rerouting of existing powerlines, poles, etc.
- Proposed MOT plan is based on a single lane closure and does not include any road or pedestrian detours.
- Maximum of four (4) easement exhibits.

- Permitting and application fees are excluded. Permitting fees are estimated as: DNREC NOI \$195, SCD \$575, DNREC \$825, and DNREC legal notices \$300.
- Advertisement fees are excluded.
- Construction Administration and Inspection services are excluded from the proposed fee.
- It is assumed that wetlands do not exist.
- Any item not specifically indicated herein is excluded from this agreement.

FEE SUMMARY

We propose to provide the above defined Design Phase Services in accordance with EJCDC, EXHIBIT C - COMPENSATION PACKET BC-2: Basic Services – Standard Hourly Rates per the following breakdown of fees:

Design Phase Services:	\$98,895.00
Bid Phase Services:	\$9,600.00

TOTAL ESTIMATED FEE: \$108,495.00

This proposal is valid for a period of sixty (60) days at which time GMB reserves the right to modify the fee and/or schedule.

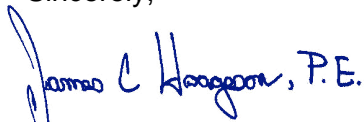
SCHEDULE

We propose to begin the Preliminary Design for this project within three (3) weeks upon receipt of this signed proposal. We estimate five (5) months to complete 90% documents and submit to SCED and the various permitting and review agencies. Once the plans are submitted to the various permitting and approval agencies, we are no longer in control of the schedule. We will maintain communication with the agencies to facilitate the review process.

If this proposal meets with your approval, please execute in the space provided below and return one (1) copy to our office as acceptance and notification to proceed.

If you have any questions, do not hesitate to call me. We thank you for this opportunity.

Sincerely,



James C. Hoageson, P.E.
Sr. Project Manager

JCH/slh
Enclosures

Manhour Estimates – Design Services
Manhour Estimates – Bid Services

APPROVED BY SUSSEX COUNTY ENGINEERING:

By: _____

Printed Name: _____

Date: _____

Title: _____

Phone Number: _____

Email Address: _____

EXHIBIT A.1 - WORK PROGRAM MANHOOR ESTIMATES, STANDARD HOURLY RATES & REIMBURSABLES

PART 1 - GENERAL

1. <i>Grantee</i> Sussex County, Delaware		2. <i>Grant Number</i>	
3. <i>Name of Consultant</i> George, Miles & Buhr, LLC		4. <i>Date of Proposal</i> 7-Sep-23	
5. <i>Address of Consultant</i> 206 West Main St Salisbury, MD 21801-4907		6. <i>TYPE OF SERVICE TO BE FURNISHED</i> Design Phase Services - Warwick Park	

PART II - COST SUMMARY

7. <i>DIRECT LABOR</i>	<i>ESTIMATED HOURS</i>	<i>HOURLY RATE</i>	<i>ESTIMATED COST</i>	<i>TOTALS</i>
Project Director JCH	74	\$ 205.00	\$ 15,170.00	
Project Manager(s)	-	\$ 190.00	\$ -	
Project Engineer JES	-	\$ 140.00	\$ -	
Graduate Engineer JBM	281	\$ 120.00	\$ 33,720.00	
Construction Rep DC	-	\$ 125.00	\$ -	
Project Coordinator SLH	18	\$ 105.00	\$ 1,890.00	
Sr. Designer DLB	60	\$ 125.00	\$ 7,500.00	
Designer MMD	88	\$ 100.00	\$ 8,800.00	
Surveyor DG	50	\$ 130.00	\$ 6,500.00	
Cad Operator	68	\$ 65.00	\$ 4,420.00	
DIRECT LABOR TOTAL:	639			\$ 78,000.00
8. <i>INDIRECT COSTS</i>	<i>RATE</i>	<i>x BASE =</i>	<i>ESTIMATED COST</i>	
Overhead and Fringe	-	\$ 78,000.00	\$ -	
INDIRECT COSTS TOTAL:				\$ -
9. <i>OTHER DIRECT COSTS</i>				
a. <i>TRAVEL</i>			<i>ESTIMATED COST</i>	
(1) <i>TRANSPORTATION</i> mileage	1,000.00	mi @ \$0.58/mi	\$ 580.00	
(2) <i>PER DIEM</i> meals				
TRAVEL SUBTOTAL:			\$ 580.00	
b. <i>EQUIPMENT, MATERIALS, SUPPLIES</i>			<i>ESTIMATED COST</i>	
plots/prints	100	\$ 3.00	\$ 300.00	
copies b/w	1,500	\$ 0.20	\$ 300.00	
copies color	-	\$ 0.50	\$ -	
postage	1	\$ 50.00	\$ 50.00	
survey equipment	1	\$ 1,265.00	\$ 1,265.00	
EQUIPMENT SUBTOTAL:			\$ 1,915.00	
c. <i>SUBCONTRACTS</i>				
Electrcial			\$ 18,400.00	
Geotechnical			\$ -	
Private Utility Locator			\$ -	
SUBCONTRACTS SUBTOTAL:			\$ 18,400.00	
OTHER DIRECT COSTS TOTAL:				\$ 20,895.00
10. ESTIMATED COST				\$ 98,895.00
11. FEE Included in Standard Hourly Rate				\$ -
12. TOTAL ESTIMATED STANDARD HOURLY RATE FEE				\$ 98,895.00

EXHIBIT A.1 - WORK PROGRAM MANHOOR ESTIMATES, STANDARD HOURLY RATES & REIMBURSABLES

PART 1 - GENERAL

1. Grantee Sussex County, Delaware		2. Grant Number	
3. Name of Consultant George, Miles & Buhr, LLC		4. Date of Proposal 7-Sep-23	
5. Address of Consultant 206 West Main St Salisbury, MD 21801-4907		6. TYPE OF SERVICE TO BE FURNISHED Bid Phase Services - Warwick Park	

PART II - COST SUMMARY

7. DIRECT LABOR	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Project Director JCH	9	\$ 205.00	\$ 1,896.25	
Project Manager(s)	-	\$ 190.00	\$ -	
Project Engineer JES	-	\$ 140.00	\$ -	
Graduate Engineer JBM	33	\$ 120.00	\$ 3,960.00	
Construction Rep DC	-	\$ 125.00	\$ -	
Project Coordinator SLH	7	\$ 105.00	\$ 735.00	
SR. Designer DLB	-	\$ 125.00	\$ -	
Designer MMD	-	\$ 100.00	\$ -	
Surveyor DG	-	\$ 130.00	\$ -	
	-	\$ -	\$ -	
DIRECT LABOR TOTAL:	49			\$ 6,591.25
8. INDIRECT COSTS	RATE	x BASE =	ESTIMATED COST	
Overhead and Fringe	-	\$ 6,591.25	\$ -	
INDIRECT COSTS TOTAL:				\$ -
9. OTHER DIRECT COSTS				
a. TRAVEL			ESTIMATED COST	
(1) TRANSPORTATION	mileage	100.00 mi @ \$0.58/mi	\$ 58.00	
(2) PER DIEM	meals			
TRAVEL SUBTOTAL:			\$ 58.00	
b. EQUIPMENT, MATERIALS, SUPPLIES			ESTIMATED COST	
	QTY.	COST		
plots/prints	200	\$ 3.00	\$ 600.00	
copies b/w	1,500	\$ 0.20	\$ 300.00	
copies color	-	\$ 0.50	\$ -	
postage	1	\$ 50.75	\$ 50.75	
survey equipment	-	\$ 1,265.00	\$ -	
EQUIPMENT SUBTOTAL:			\$ 950.75	
c. SUBCONTRACTS				
		Electrcial	\$ 2,000.00	
		Geotechnical	\$ -	
		Private Utility Locator	\$ -	
SUBCONTRACTS SUBTOTAL:			\$ 2,000.00	
OTHER DIRECT COSTS TOTAL:				\$ 3,008.75
10. ESTIMATED COST				\$ 9,600.00
11. FEE Included in Standard Hourly Rate				\$ -
12. TOTAL ESTIMATED STANDARD HOURLY RATE FEE				\$ 9,600.00

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

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

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

RE: ***Professional Environmental Services
A. RK&K – Water Allocation Permit***

DATE: September 12, 2023

The County's five (5) year capital plan, as approved in the FY 24 Capital Budget, contains several projects at the Inland Bays Regional Wastewater Facility including the Cannon Road –Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05. It will reduce storm runoff to Guinea Creek as well as nuisance flooding in the Cannon Road area and ponding within the spray fields. This project is also creating a significant water quality credit which can be used as a stormwater management offset for future projects including the upcoming treatment plant expansion.

The initial design for the constructed wetlands portion of the project was first submitted to the Delaware Department of Natural Resources and Environmental Control (DNREC) in 2020. As a result of DNREC's comments additional data acquisition, soil testing, hydrogeologic evaluations and surface water assessments were conducted summarized in the October 2022 Hydrogeological Report. The wetland is an innovative land application enhanced polishing and disposal option for wastewater effluent **and** groundwater with elevated nutrient levels.

The wetland was designed in coordination with DNREC under a 5-year "operational-testing" program. Once wetland dosing commences spray irrigation on the North Burton Field will cease and the center pivot equipment will be removed. On November 17, 2022, invitations to bid for the Cannon Road/Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05 were publicly advertised and on December 21, 2022, six (6) bids were received.



Kinsley Construction, Inc. of Dagsboro, Delaware submitted the lowest, responsive base bid and on January 10, 2023, Council awarded the project to Kinsley Construction, Inc. in the amount of \$11,467,000.00.

Environmental Services staff made three improvement requests associated with the South Field irrigation area. The first one involved an expanded hydroseeded buffer area on the downstream southern end of the field; the second one involved an additional structure and piping next to Wetland 1 to drain an adjacent low area ponding along the wetland maintenance access area; the third one was associated with the stabilization of the irrigation rig ruts. On June 6, 2023 County Council approved Change Order No. 1 in the aggregate amount of \$34,953.00.

Sussex County's five (5) year capital projects plan, as approved in the FY 20 Capital Budget, contained projects requiring specialized environmental engineering services. Therefore, a Request for Proposals (RFP) was in May of 2018 and on August 14, 2018, Council approved the selection of RK&K to provide a range of environmental services. The base contract, in the approved amount of \$250,000 was set to cover the County's water quality enhancement program as well as the design of "constructed wetlands" at the Inland Bays Regional Wastewater Facility.

Since then, Council approved Amendment Nos. 1-3 for the respective tasks (i) assistance to the Sussex County's Working Group on buffers, (ii) for the initial FAA compliant contract documents for a remediation project in the Eli Walls Tax Ditch and (iii) associated with the Statewide Community Water Quality Improvement project within Delaware's portion of the Chesapeake Bay watershed.

Kinsley is progressing well, starting on the constructed wetland in the second half of July requiring RK&K's on-site geotechnical services. However, Amendment No. 1 had insufficient funding to complete the construction phase scope of work. Therefore, County Council approved RK&K's construction phase services agreement in the amount of \$96,738.42 and a transfer of the remaining amount from Amendment 1 for a total of \$113,273.67 on July 18, 2023.

The constructed wetland will be ready to receive flow by the beginning of October and the Department has been discussing the groundwater allocation approach with DNREC. We expect the project will require a supplemental groundwater source to provide between 150,000 and 550,000 gallons per day (gpd) throughout the initial 5-years of the demonstration project. A Groundwater Appropriation Permit will be required. Although the daily withdrawals exceed the threshold for permitting the actual consumptive use will be markedly lower due to the direct groundwater recharge from the SGW. RK&K proposed to prepare the submittal of the permit application and supporting documents as required by 7 Del.C. §7303 for a not to exceed fee, in accordance with the approved hourly rates, of \$25,000.00. The Engineering Department recommends acceptance of RK&K's proposal.

August 29, 2023

Valerie Thompson, P.E.
Sussex County Engineer
Engineering Administration
Sussex County Engineering Department
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

**RE: Professional Environmental Services
Inland Bays Wastewater Treatment Plant
Groundwater Appropriation Permit Application**

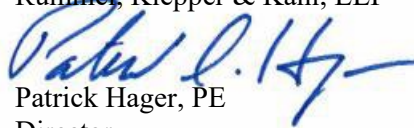
Dear Mrs. Thompson:

Rummel, Klepper, and Kahl, LLP (RK&K) appreciates the opportunity to continue our work with Sussex County under the Professional Environmental Services for the Inland Bays Wastewater Treatment Plant, Sussex County project. Based on our discussions with you, RK&K's new services will include work under the following tasks:

- Prepare and submit a water appropriation permit application.

We propose to provide these services under time and material with a not-to-exceed contract in the amount of \$25,000.00. Monthly invoices will be prepared based on percent complete and will include a project summary. If you have any questions, please contact Patrick Hager at (410) 462.9234 or John Mayhut at (757) 306.6897.

Sincerely,
Rummel, Klepper & Kahl, LLP



Patrick Hager, PE
Director

SCOPE OF WORK FOR PROFESSIONAL ENVIRONMENTAL SERVICES FOR THE INLAND BAYS WASTEWATER TREATMENT PLANT

Background

On behalf of Sussex County, RK&K submitted a Construction Permit for a Submerged Gravel Wetland (for the Inland Bays Regional Wastewater Facility) on June 1, 2020 to the Groundwater Discharges Section (GDS) of the Delaware Department of Natural Resources and Environmental Control (DNREC) Division of Water. Upon review, the DNREC GDS provided a response requiring additional information (RAI), dated October 30, 2020. In Phase I, the project includes a new constructed wetland (Rapid Infiltration Basin) with the construction of four (4) discharge cells on a former spray field on the northeastern section of the subject property (site). Since changes to the source water for the facility changed from 100% stormwater runoff to include wastewater effluent, the facility falls under the large on-site wastewater treatment and disposal systems (LOWTDS) regulations.

Based on the results of the Subsurface Investigation scope of services, it was observed that two distinct hydrogeological conditions exist on the transect which was investigated. It was determined that testing both conditions would result in a better understanding of the discharge potential and would benefit the project since the low conductivity sediments were absent on the eastern margin to the transect. Testing plans were prepared for review by the County and DNREC. This testing was conducted in accordance with the testing plans and a hydrogeologic report was prepared and submitted to DNREC. Following the review period, the construction plans were finalized and the SGW was incorporated into a larger county stormwater management project. The project was bid and awarded on January 10, 2023. The following Scope of Work addresses RK&K's responsibilities during construction and following the testing events to be conducted on the SGW.

DNREC sought to limit the volume of treated effluent processed in the SGW to a volume that would likely be insufficient to maintain a healthy environment for the plantings. DNREC suggested that additional water needed to maintain a wet environment for the plantings be sourced from the shallow water-table aquifer. The SGW design was altered to provide groundwater from two (2) shallow wellfields. Groundwater supplies may have to be increased up to the maximum permitted allowance if the infiltration capacity is higher than originally anticipated. The source of SGW irrigation water will be provided by groundwater wells tapping the water-table aquifer. The primary challenges to obtaining the requested allocations for consumptive use are the potential for adverse impacts to natural systems, wetlands from the groundwater withdrawals, or to various existing legal users of the shallow, freshwater aquifer that surround the project site. Although most of the water will be directly returned to the aquifer, assumptions will be made regarding evaporation losses and the system will be modeled based on the system losses (consumptive use).

Scope of Work

The following list of activities comprises the Scope of Work (SOW) to be performed by RK&K for this project task, to include:

Task I – Water Allocation Permit Application

The project will require a groundwater source to provide between 150,000 and 550,000 gallons per day (gpd) throughout the initial 5-years of the demonstration project. A Groundwater Appropriation Permit (GAP) will be required by the DNREC Water Allocations Branch of the Division of Water Supply since the daily withdrawals exceed 50,000 gpd. Although the daily withdrawals exceed the threshold for permitting the actual consumptive use will be markedly lower due to the direct recharge from the SGW. The work elements in Task I relate to preparation and submittal of the permit application and supporting documents as required by 7 Del.C. §7303. RK&K will prepare a GAP and supporting documents. This task includes:



- Conduct a pre-application meeting with DNREC to present the groundwater allocation request in advance of the permit application submittal.
- Prepare completed permit application forms, with supporting geological and hydrogeological information:
 - Prepare maps showing known wells, wetlands and surface waters within the zone of influence.
 - Prepare a schedule showing groundwater withdrawal-facility expansions based on the preliminary demonstration period withdrawal schedule.
 - Perform a limited survey of permitted water users and private water users (using public records) to aid in identifying potential users of groundwater in the immediate area of the project site and to determine existing legal users.
 - Prepare an assessment of the total evaporative losses and the ratio of groundwater to effluent to demonstrate the volume of groundwater that is being consumed (ie., not returned to the source) through evapotranspiration and plant uptake.
 - Prepare a summary of groundwater and effluent water quality and the treatment process utilized onsite.
 - Prepare a single-layer analytical groundwater model to evaluate the aquifers response to pumping under the maximum daily withdrawals of 550,000 gpd as required in Year 5 dosing schedule.
 - The model will include the groundwater withdrawals and recharge to the aquifer from the SGW.
 - The SGW will be modeled as a constant head recharge boundary.
 - The model will be run to evaluate each annual step until Year 5 of the dosing plan and then for another five (5) years to evaluate steady state conditions.

Deliverables

RK&K shall submit all deliverables in electronic portable document format (PDF) either by email or by electronic file transfer protocol (FTP). The following deliverables will be submitted to the client in fulfillment of the project SOW. The permit application will be submitted as a hard copy file with appropriate original signatures and notary stamps as required.

Task I – Water Allocation Permit Application

RK&K will provide the following:

- Draft water use application and support documents for review prior to submittal to DNREC.
- Final water use permit application and support documents and submittal to DNREC.

RK&K shall address one (1) round of comments from Sussex County on the draft of each identified deliverable. RK&K shall review the County comments and, as appropriate, incorporate agreed to revisions in final versions of the deliverables. RK&K will submit the final report to DNREC as a PDF file. No hard copy files will be prepared.

Schedule

The proposed schedule for the submittal of deliverables is presented in the table below. This schedule may be impacted by regulatory requirements. If there is an anticipated schedule impact, RK&K will notify you immediately and provide details regarding the level of impact to our scope of services.

Deliverable	Due Date (Calendar days from date of acceptance)
Task I - Water Allocation Permit Application - Draft	30
Task I – Water Allocation Permit Application - Final	15

Fee

RK&K proposes to provide the services presented in the SOW described above for a time and materials with a not to exceed (NTE) fee of twenty-five thousand dollars and zero cents (\$25,000.00). The fee was prepared using the estimated hours to complete each task in accordance with the 2020 fee structure. RK&K will present this project as an irrigation project, as such, will be exempt from a DNREC application fee of \$375.00. Additionally, the anticipated DNREC fee of \$100.00 for public noticing is included in the cost of this work.

Assumptions and Exclusions

The following assumptions and exclusions were used for the preparation of the scope and fee. The above SOW does not include new, site specific information gathering activities and related analysis, testing or evaluation beyond those expressly noted. DNREC may require site-specific testing, additional groundwater modeling and/or wetlands assessment after the review of the application, and if so, a proposal for additional services may be prepared for these excluded services. While not comprehensive, the following list of activities are excluded from the proposed SOW:

- The project is exempt from the DNREC application fee of \$375.00.
- Multi-layer numerical models (MODFLOW).
 - It is likely that DNREC could insist on a numerical model due to the volume of water requested, and the potential for impacts to surface waters and wetlands downgradient of the project site. Numerical models for systems, such as, the Inland Bays SGW can be quite complex and will be provided as an additional scope item if required by DNREC.
 - A numerical model would consist of two layers: Layer 1 would be the dry soils above the water table aquifer (Layer 2). Layer 1 would serve as the recharge layer for precipitation and the SGW.
 - The restrictive layer would be represented with a leakance value derived nearby aquifer test or from data in the public record.
- Estimated hydraulic characteristics of the water-table aquifer based on existing data from nearby projects.
- Wellfield capacity testing.
- In-person meetings are not included in this SOW. [Note: Coordination activities are limited to video conferencing, telephone and email. Meetings may be attended in person, upon County's request.
- Response(s) to requests for additional information.

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Vines Creek Crossing Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area)
- Includes parcels 533-1.00-38.00, 533-4.00-28.00 & 28.01 located between Pepper Road and Frankford School Road.
- The Engineering Department has received a request from Davis, Bowen & Friedel on behalf of their client Double H Development, LLC the developers of the proposed Vines Creek Crossing project (Cress Farm).
- The Vines Creek Crossing project consists of 584 units and a clubhouse. The properties were recently annexed into the Town of Frankford.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area at this time with a Public Hearing date proposed for November 7, 2023



Permission to Prepare and Post Notices Cress Farm

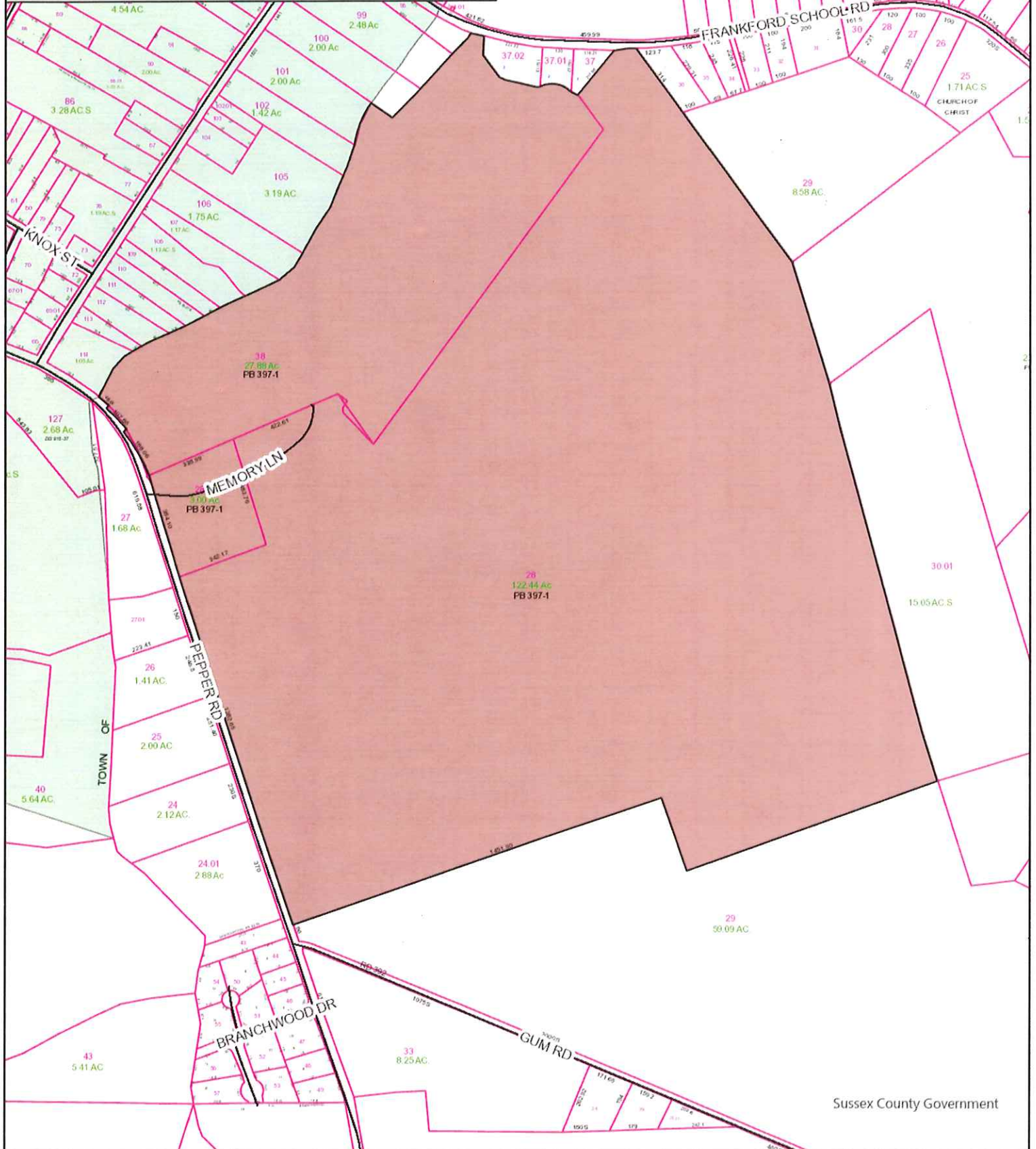
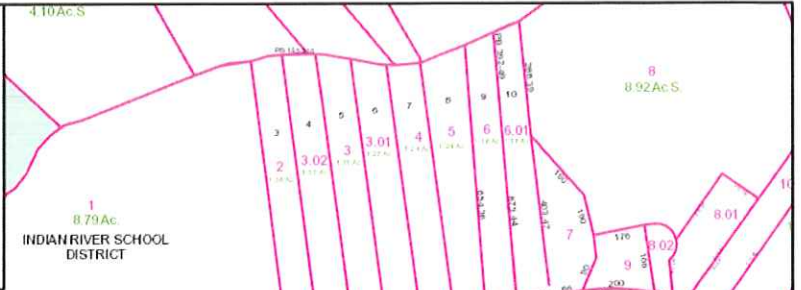
Existing SSD Parcels of Interest



0 155 310 620 Feet



Map created: 8/7/2023





Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 8, 2023

RE: County Council Report for C/Z 1985 filed on behalf of Love Creek Acquisition, LLC

The Planning and Zoning Department received an application (C/Z 1985 filed on behalf of Love Creek Acquisition, LLC) for a change of zone from an AR-1 Agricultural Residential District to a M Marine District for Tax Parcels 234-7.00-111.00 and 112.00. The property is located at 20565 & 20581 John J, Williams Highway, Lewes. The parcel size is 5.1 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 27, 2023. At the meeting of August 10, 2023, the Planning & Zoning Commission recommended approval of the application for the 10 reasons as outlined within the motion (copied below).

The County Council held a Public Hearing at its meeting on August 29, 2023. At the conclusion of the Public Hearing, action on the application was deferred for further consideration.

Below are the minutes from the Planning & Zoning Commission meeting of July 27, 2023, and August 10, 2023.

Minutes of the July 27, 2023, Planning & Zoning Commission Meeting

Mr. Wheatley recused himself from the next public hearing, appointing Ms. Wingate as Madam Chair, and left Council Chambers.

C/Z 1985 Love Creek Acquisition, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR



LESS. The properties are lying on the south side of John J. Williams Highway (Rt. 24), approximately 0.26-mile(s) northeast of Camp Arrowhead Road. 911 Address: 20565 & 20581 John J. Williams Highway, Lewes. Tax Map Parcel: 234-7.00-111.00 & 112.00.

Mr. Whitehouse advised the Commission that submitted into the record were the property legal description, the Applicant's Record Plan, the Applicant's Project Booklet, the PLUS comments, the DelDOT Service Level Evaluation Response, and a letter from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse stated one letter of support and one letter in opposition was received for the Application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the Applicant, Love Creek Acquisition, LLC; that also present was Mr. Joseph Calabro, Representative for the Applicant, and Mr. Alan Hill, Professional Engineer with Hillcrest Associates, Inc. Mr. Hutt stated the Application is very unique in some ways; that the Applicant is attempting to find the right zoning designation to accomplish an appropriate zoning designation for the area; that in his career, he had seen few places on the Sussex County Zoning Map designated as Marine District; that current request is for a Change in Zone from AR-1 (Agricultural Residential) to M (Marine) District; that the property is located within a very busy area of Sussex County, both commercially and residentially; that the property is located along Rt. 24, being John J. Williams Hwy; that the property located near Camp Arrowhead Road, which runs toward the Rehoboth Bay; that that property is located near Peddler's Village, Dollar General and a Valero gas station; that there are a number of residential uses and manufactured home communities currently existing along the southern side of Rt. 24; that the proposed property, along with the Residences at Rehoboth Bay and the Love Creek Marina are located along Love Creek itself; that there are additional residential uses located on the opposite side of the Love Creek Bridge as well; that historically, the property was used for boat and marine related storage; that presently, the property has been cleaned up by the Applicant; that the Application is comprised of two parcels that total 5.1 acres; that the Office of State Planning Coordination Map contains five level designations, being Level 1 going to Level 4 and an Out of Play designation; that the proposed 5.1 acres contain four of the five designations; that approximately half of the property is located within Level 2; that the remaining portion of the property is located within Level 3 and Level 4, with a wetland area being located within the Out of Play area; that the PLUS comments note that Investment Level 2 areas where State investments and policies should support and encourage a wide range of uses and densities; that investments should encourage departure from the typical single-family dwelling developments and promote a broader mix of housing types; that he requested to emphasize that it stated commercial sites encourage compact mixed use development where applicable; that the purpose of the Application is to request marine related industries with some multi-family housing, which fit the description of provided by the Office of State Planning Coordination; that the Office of State Planning Coordination had no objection to the Change of Zone request; that because the properties are located within Level 2 and Level 3 along Rt. 24, it is an appropriate location for the requested zoning classification; that the subject properties are located adjacent to property currently zoned as M (Marine); that other zoning districts located within the area are AR-1 (Agricultural Residential), B-1 (Neighborhood Business), C-1 (General Commercial), and MR (Medium-Density Residential) District; that the Future Land Use Map, located within the 2018 Comprehensive Plan, shows the properties as having a split designation between the Commercial Area and the Coastal Area, which are both known as two of the County's seven Growth Areas; that he did believe there to be a mapping area for the parcel across the street zoned as B-1; that the Comprehensive Plan described the uses within the Commercial Area to include concentrations of retail and services uses, services uses that are mainly located along arterials and highways; that mixed-use buildings may also be appropriate for these area;

that similarly, the Coastal Area, being the rear half of the properties, are also located within a Growth Area according to the Comprehensive Plan; that the Comprehensive Plan states that within the Coastal Area a range of housing types should be permitted, including single-family homes, townhomes, and multi-family units; that retail and offices uses are appropriate and mix-use development should also be allowed; that the surrounding area is primarily located within the Coastal Area, except for the commercial corridors along Rt. 24; that it is important to note that Rt. 24 designated by DelDOT as a Major Collector road, being appropriate for growth areas and commercial areas; that upon receiving a Change of Zone application, Planning & Zoning staff compare the requested zoning classification to Table 4.5-2 of the Comprehensive Plan, which identifies specific zoning districts that are applicable to Future Land Use Maps categories; that the Marine District does appear in both the Coastal Area and Commercial Area as an appropriate zoning district; that according to the Sussex County's Sewer Tier Map, public utilities are available to the site; that there is a tiny portion, located in the front corner of the property, located within the Well Head Protection Area; that within that area the project would have to comply with the requirements of Chapter 89; that the property is located within Flood Zone X, not being located within the 100 Year Floodplain, and AE Flood Zone; that there are wetlands located on the very rear of the property, which form a boundary between the property and adjacent property used for residential use; that a Service Level Evaluation request was filed with DelDOT for the application; that because the application was for a Change of Zone, DelDOT reported they did not have enough information to determine whether or not a Traffic Impact Study (TIS) would be required; that DelDOT did note, that it would be appropriate to request a Service Level Evaluation once a use is chosen, with a Site Plan or Subdivision Plan for DelDOT to review; that DelDOT additionally stated, the property is located within the Henlopen Transportation Improvement District (Henlopen TID); that the TID will require the Applicant to construct the entrance, but then submit a per unit or per square foot fee, depending on how the site plan was ultimately developed; that although a site plan is not necessarily relevant to a Change of Zone, the Applicant provided a concept of what could occur with a zoning change to Marine; that the Applicant intends to propose a mixed use; that there would be a building constructed with parking provided around it; that to the rear of the site there will be a marine shop for repairs, with marine storage around the building; that the Marine District is supported by the site's proximity to Love Creek and the Island Bays; that they carefully went through each of the Zoning Districts in the attempt to find a zoning that would allow for mixed-use, along with a bait and tackle store or a marine repair store, with some type of residential component as well; that those districts are few and far between; that the only other district that would permit the proposed use, would be C-4 which is intended for large scale commercial, and would not be an appropriate zoning designation for a 5.1 acre site; that the Marine District allows for a number of marine related uses, along with residential uses; that one complicating factor is the split designation on the Future Land Use Map; that when they began trying to align the various zoning districts with the Future Land Use Map categories, in the attempt to accomplish a project that has mixed-uses; that mixed-use is called out in the Comprehensive Plan and the State Strategies; that for the area, the concern is that anything permitted within the Marine District would be permitted on the property; that a permitted use within Marine would be multi-family dwellings, which would include townhomes, apartments, and any other non-single family dwelling; that the permission for multi-family leads to questions of density; that within the current zoning of AR-1, there can be a maximum of up to 12 units to an acre on the site through the Sussex County Rental program, which would be a multi-family, and would not require a public hearing; that it would only require Site Plan review; that when looking at uses that currently exists between the Love Creek Bridge and Camp Arrow Head Road, they are higher density uses; that nearby the property there is a manufactured home park, where there are at least 20 units on a little over two acres, which results in a density of 10 units to the acre; that similar densities carry forward as one continues to look down Rt. 24 towards Camp Arrowhead Road to

where Peddler’s Village is located; that the basis of the Application is to seek a zoning change to M (Marine) District, that with all the previously mentioned considerations, such as the intended use of the site, trying to carefully maneuver through the Comprehensive Plan and the various Zoning Districts, that could afford the proposed type of opportunity at the site; that the letter in support was submitted by the Freedom Boat Club, who encapsulated well the vision and concept for the property; that the letter states there is an easement that exists along the property, extending back to Love Creek Arena; that this easement would allow for the movement of boats and boat trailers without the requirement to access John J Williams Highway, and this is another reason of why the proposed Marine zoning would help to complement the existing Marine zoning designation, as well as take part in Sussex County’s wonderful resources, with respect to the Inland Bays and connecting waterways. Mr. Hutt requested to submit proposed Findings of Fact for the property.

Mr. Whitehouse stated there is an online paper copy in the Comprehensive Plan; that the digital version does contain irregularities and he would verify the information prior to the public hearing before County Council.

Mr. Collins stated he understood the Conceptual Site Plan is not being review currently, however, he questioned if interconnectivity is proposed between the sites, taking advantage of the existing easement, and he questioned how the Applicant would ensure that they would be good neighbors in the event they chose to develop more condominiums instead of boat storage.

Mr. Calabro stated that there is common ownership between the existing Marina owner and the applicant or equitable owner of the site; that the interconnectivity would be limited to boats and boat trailers being brought back and forth across the site; that there is not enough room to have a two-lane street; that the space is limited geographically, but there is enough area to be considered a driveway and/or cartway; that the Freedom Boat Club, would have the ability to bring boats over for boat service or boat storage, the could use the access without the requirement to access Rt. 24; that the maximum buildable height is 42 feet above base flood elevation, being the standard maximum height in most zoning districts; that Mr. Collins’ point was well taken regarding the residential component; that their conceptual plan would have a mixed-use component to it; that the ground floor would be a bait & tackle retail shop, with apartments above it; that the rationale is very simple; that they want to provide the services to the existing marina, but in order to make the project work economically, they need to add some multifamily, so that the dollars and cents make sense, and the use for strictly marine services may not do well.

Mr. Robertson stated he understood the reasoning for the proposed project, and that there is common ownership with the adjacent property, located along the water; that he questioned why there is not one “Marina” [type] thing on that property, aside from boat slips that have existed for 40 years; that he questioned why the Commission should think that the proposed site would be developed with Marine uses, when the property, being zoned Marine for a long time, never did; that he stated it seems that the Application may be attempting to seek 12 units to the acre while avoiding the SCRPP (Sussex County Rental Program) and requested to know why the subject site is a better property for marine type uses than the property with the current zoning designation of Marine.

Mr. Hutt stated the Applicant could not seek a residential zoning classification in a commercial area on the Future Land Use Map, which was the biggest barrier they faced.

Mr. Mears questioned why the use could not have requested a Conditional Use approval, he questioned if the proposed site had direct water access, and he stated the site seemed like a very valuable property for the proposed use of marine repair.

Mr. Calabro stated the subject site does not have direct access to water.

Mr. Hutt stated the Applicant is confined by the Future Land Use Map, Table 4.5-2; that the Applicant is confined to the rules that have been created within the Comprehensive Plan; that there is not another zoning designation that allows the proposed use to occur, and it would be a very unique Conditional Use application at best; that the value of the property is the reasoning mixed-use is proposed; that he agreed that the sole use for marine repair would not be the highest or best use for the entire 5.1-acre site; that the issue was attempting to find a designation that allows for mixed-use and is allowed in both the commercial and coastal zoning areas, and Marine Zoning does allow for marine, commercial and multi-family uses.

Mr. Robertson questioned if the proposed use of a bait and tackle store and boat repairs would be permitted within the commercial zone areas.

Mr. Hutt stated that would encourage the Applicant to apply split zoning of the property, requiring the Applicant to place commercial within the front half and some other residential zoning for the rear of the property; that the split zoning is within the realm of possibilities; that the site is located along a major collector road; that the site will be served with public water a sewer, as it is located within the Growth Area; that considering these things, the site is an appropriate place for all of the things just described and being what the Comprehensive Plan shows.

Mr. Robertson questioned why the other property, with an existing zoning designation of Marine, was not developed for mixed-use; that he stated the property was developed strictly as condominiums, with the restaurant pad set up at the front; that it seemed as if everything being proposed, would have made more sense on the other property; that he made the hypothetical question, why the subject site should be rezoned to accommodate what should have been done on the other property, which was historically zoned Marine.

Mr. Calabro stated he understood where Mr. Robertson was coming from; that there is a long history for the property; that the other property is significantly larger; that the 59 boat slips are limited by the waterway; that to take the entire site for only marine uses would have been total overkill; that at that time, the Freedom Boat Club was not a tenant of theirs; the now, Freedom Boat Club is a tenant; that they have expressed interest in having a location close to one of their main facilities to be able to provide service and repairs; that they can only offer their word that their proposal is not a type of Trojan horse to get high density, and they are being genuine with their concept proposal.

Ms. Wingate stated the Commission does understand the proposed plan is just a concept; that she stated she liked the proposed concept; that the proposal of a marine repair shop next to the water makes sense, as the boats can be brought up for repair, worked on, and then be placed back out into the water; however, she did understand the real estate questions expressed by Mr. Mears as well.

Mr. Collins stated the proposed use would provide the opportunity to keep traffic off the road and to keep the pulling of boats onto and off a major highway.

Mr. Mears stated that most of the questions are generated by the zoning change and the idea of what could be permitted under Marine if the Application were to be approved.

The Commission found there was no one present who wished to speak in support of or in opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/Z 1985 Love Creek Acquisition, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0. Chairman Wheatley abstained.

Minutes of the August 10, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since July 27th, 2023.

Mr. Collins moved that the Commission recommend approval of C/Z 1985 Love Creek Acquisition, LLC for a Change in Zone from an AR-1 Agricultural Residential District to an M – Marine District based upon the record made during the public hearing and for the following reasons:

1. The purpose of the M - Marine District is “to provide for and to preserve waterfront land in appropriate locations for commercial docking, waterfront sales, storage and repair of small boats, including out-of-water repairs, and for seafood packing and processing establishments, subject to applicable sanitation and processing laws and ordinances. Marinas, yacht clubs, and tourist-oriented services are permitted uses. Since land in the district is limited, construction of dwellings should be discouraged, but since marine development will be gradual, low-density residential uses are permitted.”
2. This site is adjacent to a property that is Zoned M – Marine that has been developed residentially and with boat docking facilities. The adjacent property has frontage on Love Creek and Route 24. This is a reasonable expansion of that existing M-Marine property.
3. In addition to the existing M-Marine zoned property next door, there are properties in the vicinity that are zoned C-1, B-1, and MR. This rezoning to M-Marine is consistent with the area uses and zoning.
4. The Applicant has stated that they intend to use the property for the purposes of the M-Marine District, including uses that may include boat storage and repairs, boat and marine equipment sales, bait, and tackle shops, and other similar uses. A restaurant or similar “tourist-oriented” service may also be developed on the site. All of these uses are appropriate within the M-Marine District.
5. There was support in the record from a marine service company that operates on the adjacent M-Marine land stating that the rezoning of this parcel would provide a suitable and convenient location for such things as boat storage and repairs to supplement that company’s operations along Love Creek.

6. In addition to its location next to existing M-Marine land, the property also has frontage along Route 24, which is classified as a “Major Collector” Road by DelDOT. This is an appropriate location for this rezoning.
7. The property is designated as both the Commercial Area and the Coastal Area according to the Sussex County Comprehensive Plan. The M-Marine zoning and the types of uses permitted in that zone are appropriate in both areas according to the Comprehensive Plan.
8. The property is served by central water and sewer, making this rezoning from AR-1 appropriate at this location.
9. Any future development of this property will still be subject to site plan review by the Sussex County Planning & Zoning Commission as well as all other agencies that have jurisdiction over it.
10. For all of these reasons, I move that we recommend approval of this rezoning to M-Marine.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1985 Love Creek Acquisition, LLC, for the reasons stated in the motion. Motion carried 3-0. Chairman Wheatley abstained.

Vote by roll call: Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea,

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: July 27th, 2023

Application: C/Z 1985 – Love Creek Acquisition

Applicant: Love Creek Acquisition, LLC (Attn: Joseph Calabro)
300 Delaware Avenue, Suite 1370
Wilmington, DE 19801

Owner: Charles M. Ash
20581 John J. Williams Highway
Lewes, DE 19958

Site Location: Lying on the southeast side of John J. Williams Highway (Rt. 24) approximately 0.26-mile(s) northeast of the intersection of John J. Williams Highway, Camp Arrowhead Road (S.C.R. 279), and Fairfield Road.

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Marine (M) Zoning District

Proposed Use: Boat Storage and other uses permitted within the Marine Zoning District

Comprehensive Land Use Plan Reference: Commercial/Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Co.

Sewer: Sussex County (Sewer Tier 1)

Water: Tidewater Utilities, Inc.

Site Area: 5.1 acres +/-

Tax Map ID: 234-7.00-111.00 & 112.00



JAMIE WHITEHOUSE, AICP MRTPI
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Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: July 19, 2023
RE: Staff Analysis for CZ 1985 Love Creek Acquisition

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1985 Love Creek Acquisition to be reviewed during the July 27, 2023, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 234-7.00-111.00 & 112.00 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Marine (M) District. The properties are located on the southeast side of John J Williams Highway (Rt. 24) approximately 0.26-miles(s) northeast of the intersection of John J Williams Highway, Camp Arrowhead Road (S.C.R. 279) and Fairfield Road. The parcels to be rezoned contain 5.10-acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Coastal Area" as well as "Commercial." The adjoining parcels to the east and west also have the split Future Land Use Map designation of "Coastal Area" and "Commercial". The adjoining parcels to the south have a Future Land Use Map designation of "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted



to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas.

Zoning Information

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the west and south are also zoned Agricultural Residential (AR-1) Zoning District. The parcels to the north across John J Williams Highway are zoned Neighborhood Business (B-1) Zoning District as well as Agricultural Residential (AR-1) Zoning District. The Parcel adjoining to the east is zoned Marine (M) Zoning District.

The 2018 Sussex County Comprehensive Plan Outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Marine Zoning District (M) is listed as an applicable zoning district in the “Coastal Area” as well as “Commercial” area.

Existing Change of Zone Applications within the Vicinity of the Subject Site

Since 2011, there have been five (5) Change of Zone applications within a one (1) mile radius of the application site.

Change of Zone No.	Applicant	Existing Zoning	Proposed Zoning	CC Decision	CC Decision Date	Ordinance No.
1725	Jack Lingo Asset Management	GR	CR-1	Denied	12/9/2014	N/A
1742	Seaside Communities, RDC, LLC	AR-1	MR-RPC	Approved	9/30/2014	2366
1800	Sussex Real Estate Partners, LLC	AR-1	MR-RPC	Withdrawn	N/A	N/A
1901	Mary and Victor Rico	AR-1	MR	Denied	2/18/2020	N/A
1949	J.G. Townsend Jr. & Co.	AR-1	MR	Denied	5/16/2023	N/A

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential Zoning District (AR-1) to a Marine (M) Zoning District could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.



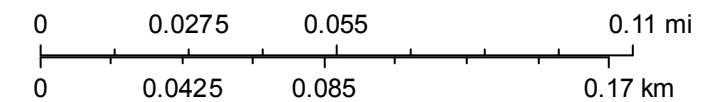
Sussex County



PIN:	234-7.00-111.00
Owner Name	ASH CHARLES M
Book	2864
Mailing Address	20581 JOHN J WILLIAMS HWY
City	LEWES
State	DE
Description	SE/RT 24
Description 2	N/A
Description 3	N/A
Land Code	

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

1:2,257





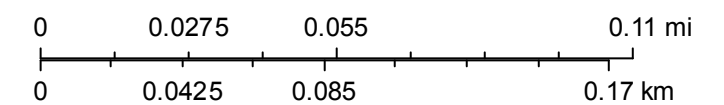
Sussex County



PIN:	234-7.00-112.00
Owner Name	ASH CHARLES M
Book	2255
Mailing Address	20581 JOHN J WILLIAMS H
City	LEWES
State	DE
Description	HWY LOVES CREEK TO
Description 2	MILLSBORO
Description 3	T37966
Land Code	

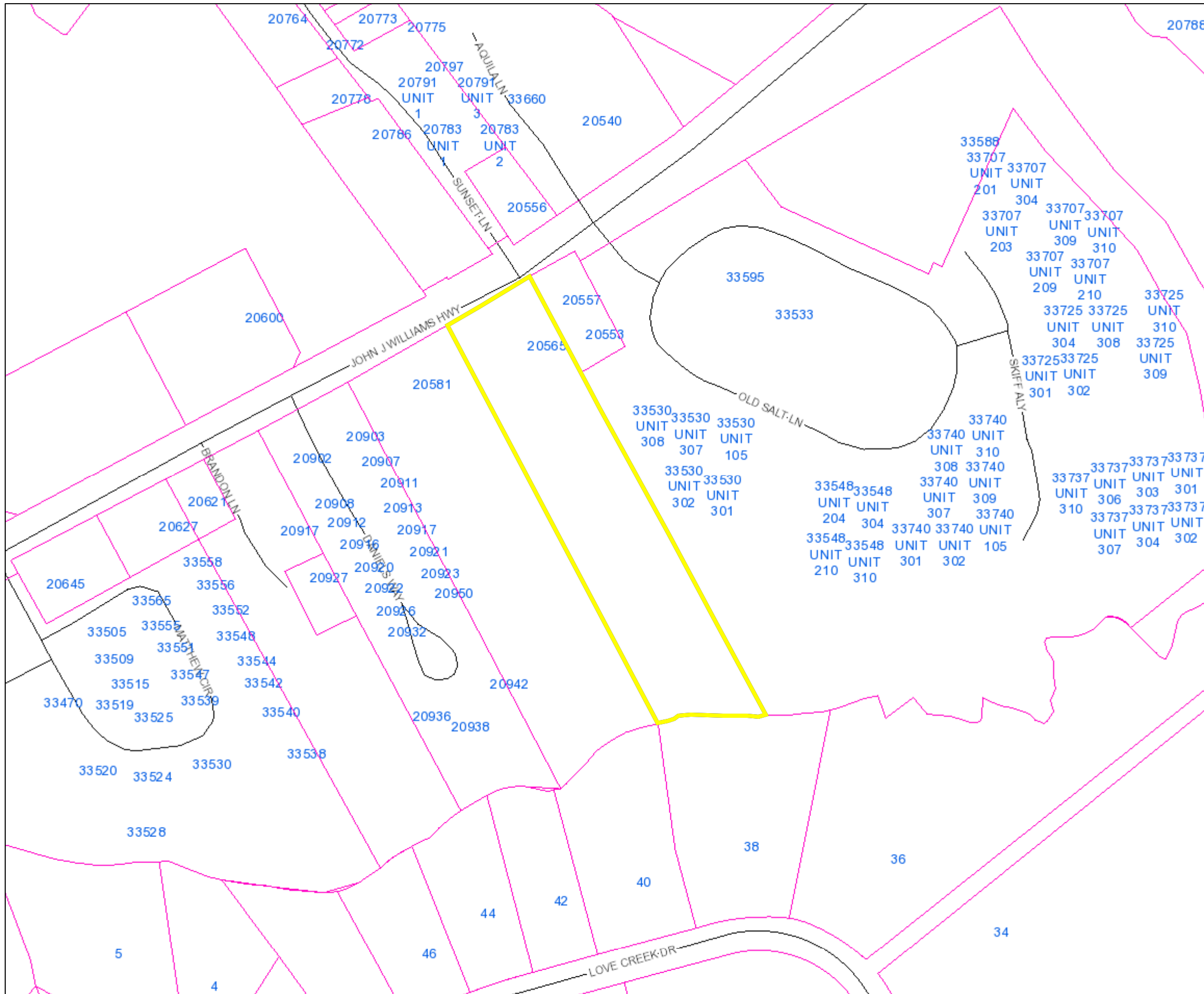
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- 911 Address
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1:2,257





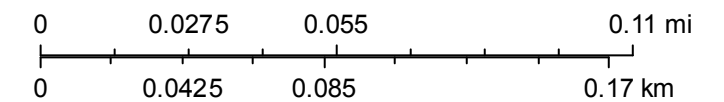
Sussex County

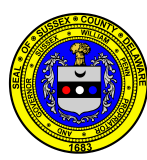


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State	DE
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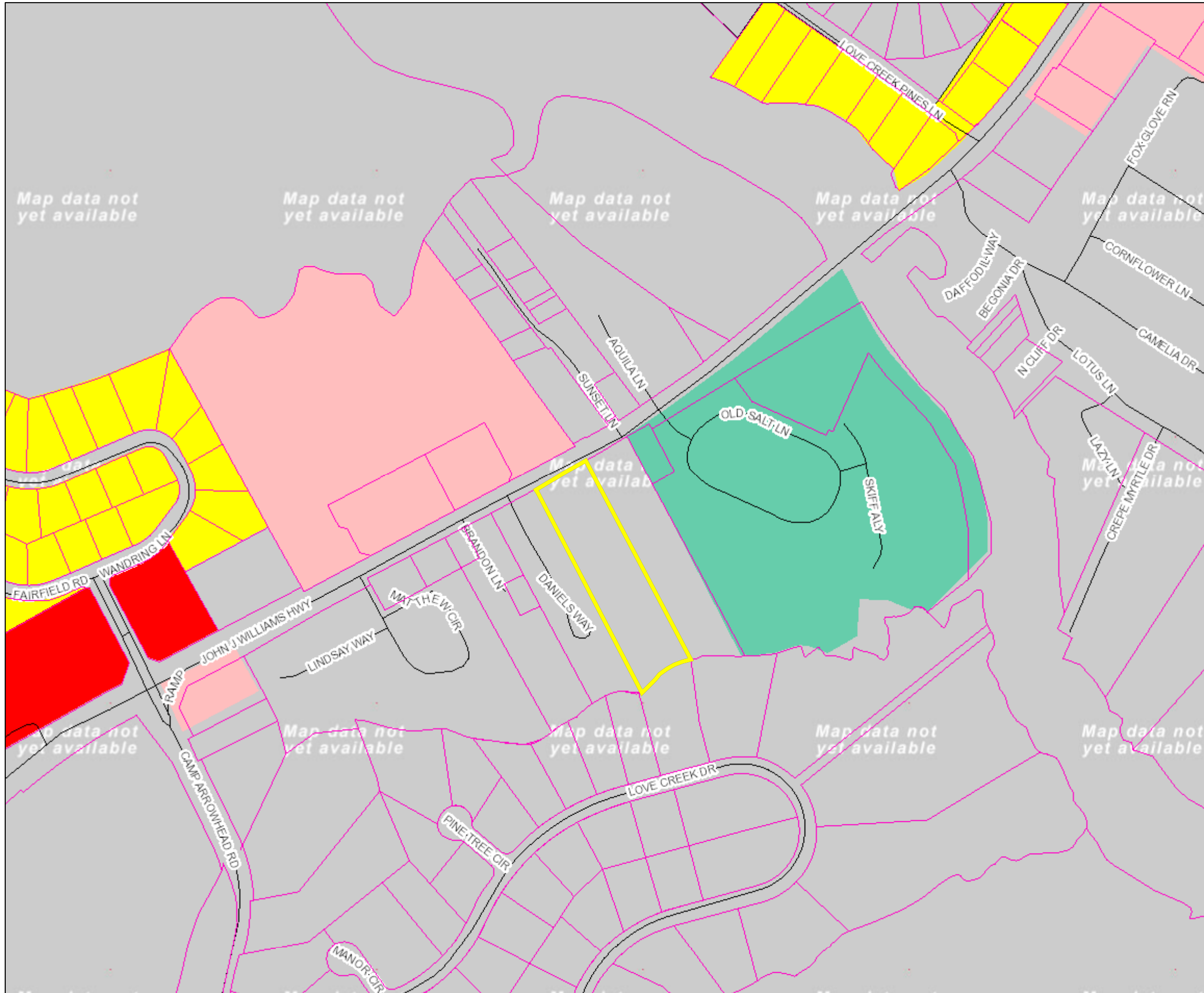
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| Tax Parcels | |
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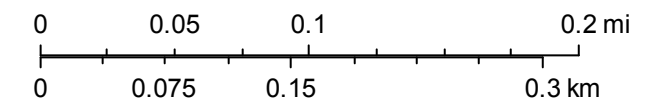
Sussex County



PIN:	234-7.00-111.00
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State	DE
Description	SE/RT 24
Description 2	
Description 3	
Land Code	

- polygonLayer
 Override 1
- polygonLayer
 Override 1
- Tax Parcels
- Streets

1:4,514



Introduced: 01/31/23

Council District 3: Mr. Schaeffer
Tax I.D. No. 234-7.00-111.00 & 112.00
911 Addresses: 20565 & 20581 John J. Williams Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS

WHEREAS, on the 29th day of April 2022, a zoning application, denominated Change of Zone No. 1985 was filed on behalf of Love Creek Acquisition, LLC; and

WHEREAS, on the ____ day of _____ 2023, 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. 1985 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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 [Agricultural Residential District] and adding in lieu thereof the designation Marine District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of John J. Williams Highway (Rt. 24) approximately 0.28 mile east of Camp Arrowhead Road and being more particularly described in the attached legal description prepared by Schab & Barnett, P.A. and James C. Reed, P.A., said parcel containing 5.1 ac., more or less.

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

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 8, 2023

RE: County Council Old Business Report for C/Z 1989 filed on behalf of Fernando Robles

The Planning and Zoning Department received an application (C/Z 1989 filed on behalf of Fernando Robles) for a Change of Zone of parcel 135-19.00-23.03 from an AR-1 Agricultural Residential Zoning District a C-2 Medium-Commercial District. The property is located at 19724 Justin Drive, Georgetown. The parcel size is 5.42 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on July 13, 2023. At the meeting of July 23, 2023, the Planning & Zoning Commission recommended denial of the application for the 7 reasons as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting of August 15, 2023. At the conclusion of the Public Hearing, action was deferred for further consideration. Below is a link to the minutes of the County Council meeting of August 15, 2023.

[Link to the minutes of the August 15, 2023, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meetings of July 13, 2023, and July 27, 2023.

[Minutes of the July 13, Planning & Zoning Commission Meeting](#)

C/Z 1989 Fernando Robles

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 2.47 ACRE PORTION OF A CERTAIN



PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.42 ACRES, MORE OR LESS. The property is lying on the northwest side of County Seat Highway (Rt. 9), approximately 0.85 mile southwest of DuPont Boulevard (Rt. 113). 911 Address: 19724 Justin Drive, Georgetown. Tax Map Parcel: 135-19.00-23.03 (p/o).

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Boundary Location Survey, the Applicant's Conceptual Layout Plan, the Applicant's Exhibits, the Staff Analysis, the DelDOT Service Level Evaluation Response, a copy of the property deed, and a letter received from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse stated zero comments had been received for the Application.

The Commission found that Mr. Mark Davidson, Principal Land Planner with Pennoni Associates, presented on behalf of the Applicant; that also present were Mr. Eric Wall, Registered Landscape Architect and Project Manager with Pennoni Associates, and Mr. Fernando Robles, who presented on behalf of the Robles family. Mr. Davidson stated the Robles family are the owners of El Gran Charro store and restaurant located within the Town of Georgetown; that the application is a request to amend the Comprehensive Zoning Map of Sussex County for a property currently located within the AR-1 (Agricultural Residential) Zoning District of Georgetown; that the property is located on the northside of County Seat Hwy (Delaware Rt. 28) (U.S. Rt. 9); that the property is located 4,300 ft. west of DuPont Blvd (U.S. 113); that the request is to rezone a 2.47 acre portion of the total 5.42 acre property, from AR-1 (Agricultural Residential) to C-2 (Medium Commercial); that the property has been owned by the Robles family since 2007, being approximately 16 years; that the Robles currently reside on the property, as well as, own a large farm property across the road; that the Robles family has their residential home and equestrian activities located toward the rear of the property; that the property is bordered on the south by County Seat Highway, which is considered a minor arterial highway; that the property is bordered on the north, east and west by lands zoned AR-1 (Agricultural Residential); that the adjacent lands to the north and west do have Conditional Uses, with one Conditional Use being for a used automotive business; that the adjacent AR-1 to the east is used for agricultural and residential purposes; that these lands are located within a growth area for Sussex County, and within the Future Annexation Area for the Town of Georgetown; that in Ordinance 2550, Sussex County stated the desire to create more specific C-2 (Medium Commercial) Zoning District, with smaller, more related used within the district, to promote better planning and predictability within Sussex County that the purpose of the C-2 (Medium Commercial) district is to support uses that include retail sales and performance of consumer services; that the C-2 District permits a variety of retail, professional and service businesses; that the district shall be primarily located near arterial and collector streets, accommodating community and commercial uses that do not have outside sales or storage; that the approval of the rezoning request to C-2 will allow the Robles to relocate their family business, El Gran Charro, to a portion of their family lands on a particular stretch along County Seat Hwy.; that they desire to expand their existing restaurant, which is currently located at the College Park Shopping Center in Georgetown, which is more familiarly known as the Walmart Shopping Center; that the Robles have outgrown their current area in the shopping center; that they desire to create a quality restaurant that will focus on the customers for the nearby, existing and future communities; that within the submitted exhibits, is a potential annexation area map for the Town of Georgetown, which reflects the subject site vicinity to it; that the property is not contiguous to the Town of Georgetown, as it is located several properties away; that currently there is no ability for the

Robles to be annexed into the Town of Georgetown; that the majority of their land, including the large farm area across the street are located within the future annexation area; that in the 2019 Sussex County Comprehensive Plan, the area of the proposed rezoning is identified as a Developing Area, which are areas of newer emerging growth, that demonstrate the characteristics of developmental pressure; that most of the proposed developing areas are adjacent to municipalities within areas adjacent to the potential future annexation area of the municipality; that the Comprehensive Plan suggests that each application be reviewed on its own merit, so that it does not have a negative impact on the surrounding area of the County in general; that multiple Conditional Uses are located within the vicinity of the property; that other small business located along County Seat Hwy; that permitted uses listed in Developing Areas per the Comprehensive Plan, with good road access and few nearby homes should allow for commercial uses; that the property is located on a minor arterial road, according to DelDOT's Highway Functional Classification; that any additional right of way and easements will be dedicated as such during future planning of the property; that the proposed use is expected to have a minor impact, per the DelDOT Service Level Evaluation Response, which meets the Ordinance of Sussex County; that in lieu of doing a Traffic Impact Study (TIS) of the property, the project would qualify to pay a fee; that the Robles family will be required to pay the fee in lieu of the amount of traffic that will potentially be generated by the site; that the Robles will pay that fee to DelDOT; that the Comprehensive Plan is a guide for the future use of land; that the County's official Zoning Map must be consistent with the uses and intensities provided in the Future Land Use Plan; that Table 4.5-2 is provided as a tool for assisting with and determining which zoning districts are applicable to each Future Land Use Category; that under Table 4.5-2 for the Developing Area, C-2 (Medium Commercial) Zoning is an applicable district within that area; that the 2020 Strategies for State Policies and Spending identifies the property within Investment Level 2, therefore all infrastructure needs will be funded by the Applicant; that additional public infrastructure, such as road and access improvements, will benefit the community and be paid for by the Applicant; although site plans do not have a lot of merit in relation to rezoning requests, Pennoni has prepared and submitted a small site plan of how the Robles family desire the property to be developed; that there is an existing entrance; that the equestrian area will remain in the back, along with the horse stalls, barns, pasture and riding area; that there is an existing concrete pad, which is the proposed location for their desired restaurant, where they can utilize the existing infrastructure, as part of their farm; that the existing entrance would be used as shared access; that the new entrance would be upgraded and permitted through DelDOT; that a parking area is proposed; that all parking is located outside of the front yard setback; that part of the front yard could be utilized for infiltrations and stormwater management; that soil testing was performed on the site which determined an area suitable for the proposed septic system, until the Town of Georgetown moves their infrastructure outward; that the soil testing confirmed the area would be able to handle the typical size restaurant the Robles have proposed for the property; that there are no 404 non-tidal wetlands located on the property; that the property is located within a Flood Zone X; that there are no archeological, historical or natural features located on the site; that stormwater will be placed on the site, using best management practices; that a DNREC permitted commercial well and on-site wastewater treatment system would be placed on the site, until the Town of Georgetown is able to provide their infrastructure; that they feel the proposed rezoning meets the general purpose of the Zoning Ordinance, as it is located in an appropriate location, it meets the purpose of the Zoning District, Future Land Use Plan and the State Strategies and Objectives stated within the Comprehensive Plan, and the rezoning will promote growth and development

through community design, mobility, utilities, transportation, and economic development in an area where a general mixture of commercial and service activities now exists, being essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.

Mr. Robertson requested to make a few brief points for the benefit of the public. Mr. Robertson stated the application request is for a change in zoning to C-2 (Medium Commercial); that there are a number of permitted uses within that zoning, such as hotels, convenience and retail stores, and restaurants; that typically, applicants present with a certain use in mind for the rezoning; that it is helpful for the Commission to know, however, the proposed use does not really have any relevance to the decision for a change in zone; that Mr. Davidson spoke about a “fee in lieu” instead of a TIS (Traffic Impact Study); that in land use applications, particularly larger ones, an applicant applies to DelDOT, who may require a Traffic Impact Study (TIS); that Traffic Impact Studies are where an analysis is performed on all the roads and intersections around the area, and the impact the development is proposed of have on those roads and intersections; that a report is then prepared on whether or not DelDOT agree or approve the development; that typically, for smaller land use applications or applications in areas where multiple studies have already been performed, DelDOT will state they do not need a TIS, but will require a payment in lieu of performing the TIS; that there is a public misconception in regards to the fees in lieu of; that the fee is not related to the required DelDOT improvements, and they are two separate requirements.

Ms. Wingate questioned the reasoning why the Applicant did not apply for a Conditional Use if the restaurant was the only intention for the property, if there are other commercially zoned properties in the immediate area, and if there was an estimated time when the Town’s sewer and water services would be available to the site.

Mr. Davidson stated the C-2 (Medium Commercial) Zoning will allow the Robles flexibility and the ability to expand their restaurant; that they felt a Conditional Use would not be in their best interest, as it may be conditioned in such a way it would not allow the business to grow; that additionally, there is a financial interest; that a proper zoning would allow for easier financing for the Robles business project; that a Conditional Use, having certain stipulations, could prevent the Robles from receiving the type of appraisal they would require to be able to build their facility; that there is a lot of work that goes into building a brand new facility; that this is the reason the Robles proposed only a portion of their property, which narrowed the re-zoning request down to the minimum area needed for the restaurant and parking area; that there are multiple commercial use properties in the immediate vicinity of the site, however, they are mostly conditional uses; that the site is located within the Town of Georgetown’s future expansion area; that the Town of Georgetown and the Rt. 113 quarter is changing; that due to this, Georgetown is losing a lot of commercial properties within some of the major intersections with the construction of the overpasses; that the properties to the north and south have been constricted in regards to where these types of businesses can be located; that there have been talks about pushing the businesses to the west along the minor arterial highway and other major roads; that the location of Delaware Technical Community College is along a minor arterial highway; that these are the areas where growth is occurring and anticipated for the Town of Georgetown, as they lose businesses such as Royal Farms, Hardee’s and NAPA Auto Parts; that this is the reason they requested the small portion of commercial to be located in the front, nearest to the major arterial

roadway, with the residential portion located in the back and they are attempting to mirror this preferred type of land planning.

Mr. Mears questioned if the rezoning was approved, would the parking location be able to comply with the required setbacks, as it is preferred when a site is not neighboring commercial properties.

Mr. Davidson stated the provided plan was a Conceptual Site Plan, and they would ensure the parking location would meet the required setbacks.

Mr. Robertson stated that Sussex County has a Memorandum of Understanding (MOU) with DelDOT regarding the level of service; that DelDOT rates intersections and roads at Levels of Service A through F; that the DelDOT Levels of Service are based on traffic counts; that for the subject use, DelDOT has indicated that the traffic impact is considered minor; that if the rezoning is approved, the Applicant is required to go through site plan review for approval; that DelDOT will ensure that the project does not adversely impact the Level of Service, or at least ensure the level remains the same and DelDOT's classifications are based on the number of vehicle trips generated.

The Commission found that no one was present who wished to speak in support of or in opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/Z 1989 Fernando Robles. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the July 27, 2023, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since July 13, 2023.

Ms. Wingate moved that the Commission recommend denial for C/Z 1989 Fernando Robles for a change in zone from AR-1 Agricultural-Residential and MR Medium Density zoning to C-2 "Medium Commercial" zoning based upon the record made during the public hearing and for the following reasons:

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. Although this site is located along Route 9, there are no other commercially zoned properties in the immediate vicinity of it. This would essentially be an isolated area of spot zoning that is inconsistent with the AR-1 zoning that surrounds it.
3. The site is not currently served by central water and sewer, and there is no indication that these services will be available to the site at any time in the near future. For this reason, a change in zone to C-2, with the more intensive uses that are permitted in that zoning district, is not appropriate at this time.
4. I am sympathetic to the Applicant's reason for requesting this rezoning so that he can relocate his restaurant to this site from where it has outgrown its present location. But, this is not a sufficient justification for the C-2 Zoning at this location, with all the permitted uses that can occur within that zoning category. It may be more appropriate to seek a conditional use for

the Applicant's specific intended use so that the use is limited to what the Applicant wants to do, with appropriate conditions. That would be a separate decision based on whatever information might be presented in support of it.

5. I am not satisfied that the proposed isolated commercial rezoning in this location will not have an adverse impact on neighboring properties or area roadways.
6. I am not satisfied that the proposed rezoning to C-2 in this isolated location meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.
7. For all of these reasons, it is my motion that the Commission recommend denial of this request to rezone the subject property from AR-1 to a C-2 Medium Commercial Zoning District.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend denial for C/Z 1989 Fernando Robles for the reasons stated in the motion. Motion carried 4-0. Mr. Butler abstained.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

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



Sussex County

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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: July 13th, 2023

County Council Public Hearing Date: August 15th, 2023

Application: C/Z 1989 – Fernando Robles

Applicant: Fernando Robles
19724 County Seat Highway (Route 9)
Georgetown, DE 19947

Owner: Fernando Robles
19724 County Seat Highway (Route 9)
Georgetown, DE 19947

Site Location: Lying on the northwest side of County Seat Highway (Route 9) approximately (0.4) miles west of the intersection of County Seat Highway (Route 9) and Asbury Road (S.C.R. 446).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Medium Commercial (C-2) Zoning Districts

Proposed Use: Restaurant

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Ms. Green

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Private On-site

Water: Private On-site

Site Area: 5.41 acres +/- (p/o 2.47 acres +/-)

Tax Map IDs: 135-19.00-23.03



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Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: May 23, 2023
RE: Staff Analysis for C/Z 1989 – Fernando Robles

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1989 – Fernando Robles to be reviewed during the July 13th, 2023, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel: 135-19.00-23.03 from Agricultural Residential (AR-1) District to Medium Commercial (C-2) District to allow for a restaurant on the parcel. The property is located on the west side of County Seat Highway (Route 9) approximately (0.4) miles west of the intersection of County Seat Highway (Route 9) and Asbury Road (S.C.R. 446). The parcel is comprised of a total area of 5.41 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Growth Area designation of “Developing Area.” The adjacent parcels on all sides of the subject property have the Future Land Use Map designation of “Developing Area.”

The Comprehensive Plan notes that Developing Areas are emerging growth areas which “demonstrate the characteristics of developmental pressures,” and are adjacent to municipalities, Town Centers, or future municipal annexation areas (2018 Sussex County Comprehensive Plan, 4-14). The Plan provides guidelines for future growth noting, “in selected areas and at appropriate intersections, commercial uses should be allowed” in order to “provide for convenient services and to allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-14). Under the guidelines in the Plan, the proposed change of zone to Medium Commercial (C-2) could be seen as appropriate as (C-2) is listed as an Applicable Zoning District on lands classified as “Developing Area” per Table 4.5-2 in the Plan.

Zoning Information

The subject parcel is zoned Agricultural Residential (AR-1) District. The adjacent properties to the on all sides of the property are zoned Agricultural Residential (AR-1) District.

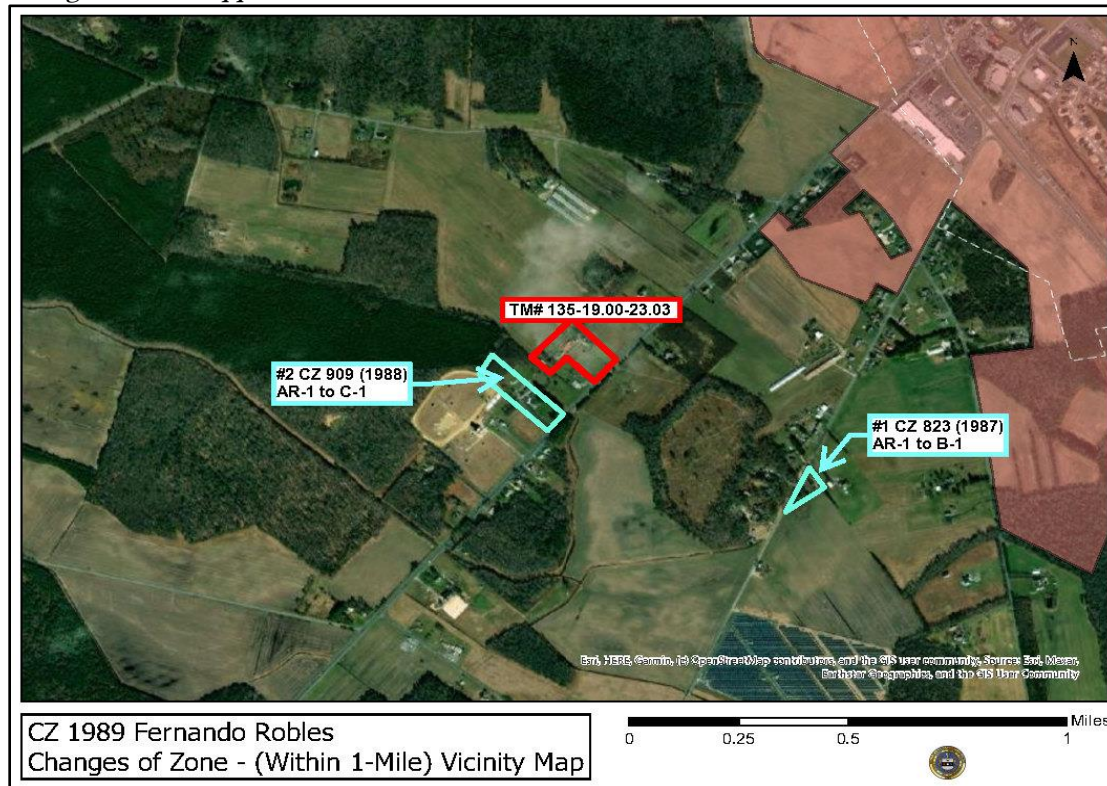
Changes of Zone Applications within the Vicinity of the Subject Site



Change of Zone Applications (Within a 1.0-mile radius of the subject site)							
Item # on Attached Map	Application Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
1	<u>CZ 823</u>	John Andrew Rash III	AR-1	B-1	Approved	6/2/87	#420
2	<u>CZ 909</u>	Conn-E Construction Co.	AR-1	C-1	Withdrawn	N/A	N/A

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone to allow for a restaurant on this site, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Changes of Zone Applications within 1 Mile of CZ 1989



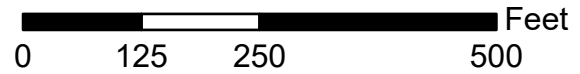


TM# 135-19.00-23.03

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

CZ 1989 Fernando Robles Aerial Map

 CZ 1989 - TM# 135-19.00-23.03

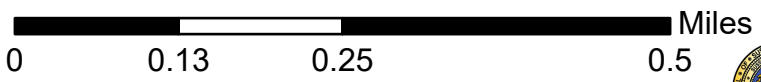




TM# 135-19.00-23.03

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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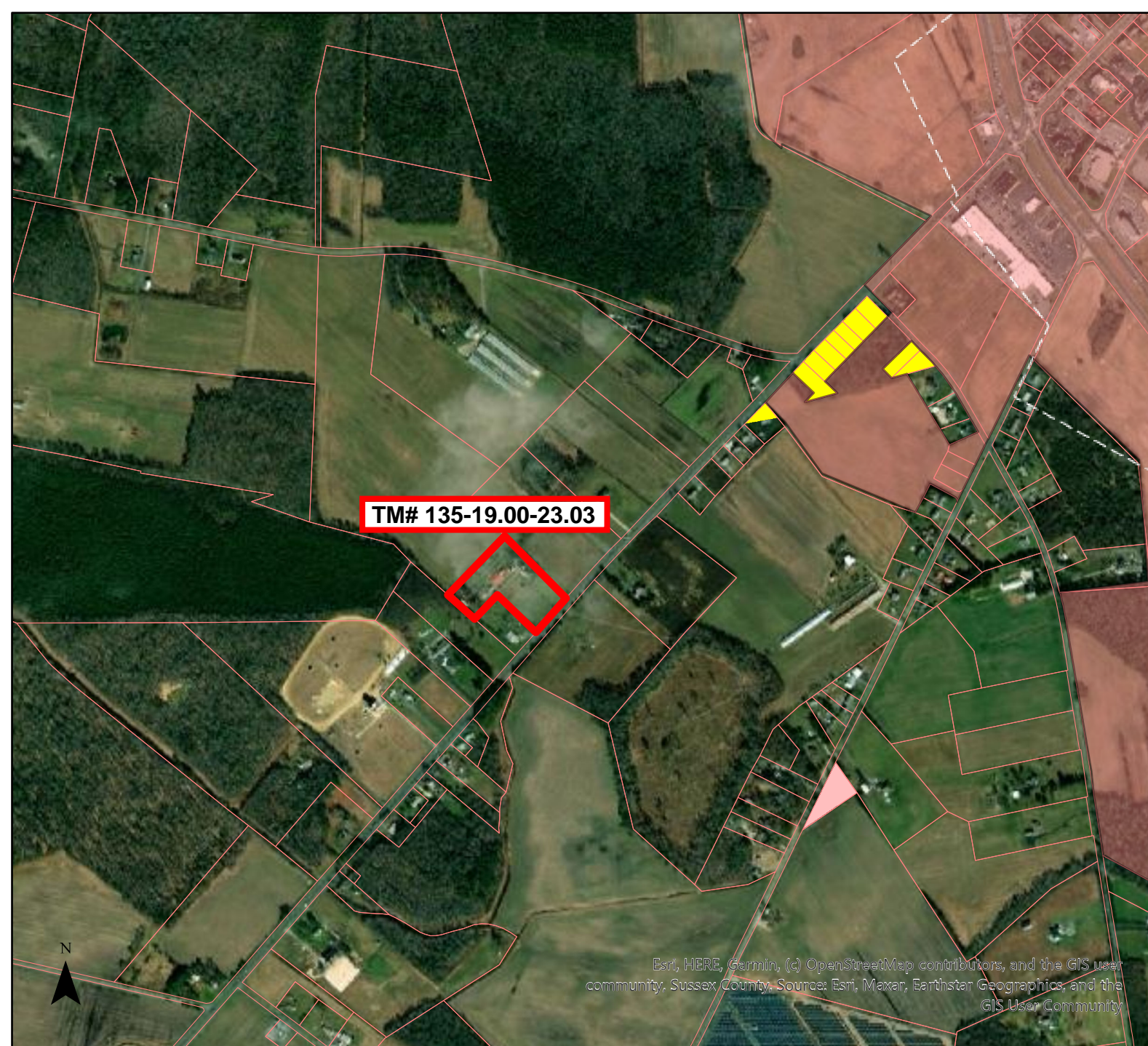
 CZ 1989 - TM# 135-19.00-23.03



CZ 1989 Fernando Robles
Street Map

Zoning

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



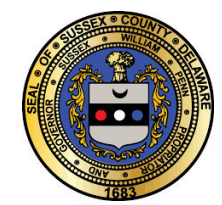
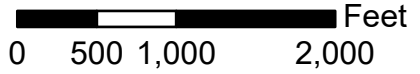
TM# 135-19.00-23.03

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Sussex County, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



CZ 1989 Fernando Robles Zoning Map

CZ 1989 - TM# 135-19.00-23.03
 Municipal Boundaries



Introduced: 06/20/23

Council District 5: Mr. Rieley
Tax I.D. No.: 135-19.00-23.03 (p/o)
911 Address: 19724 Justin Drive, Georgetown

ORDINANCE NO. ____

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 2.47 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.42 ACRES, MORE OR LESS

WHEREAS, on the 16th day of June 2022, a zoning application, denominated Change of Zone No. 1989 was filed on behalf of Fernando Robles; and

WHEREAS, on the ____ day of _____ 2023, 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. 1989 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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] and adding in lieu thereof the designation C-2 Medium 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 Georgetown Hundred, Sussex County, Delaware, and lying on the northwest side of County Seat Highway (Rt. 9) approximately 0.85 mile southwest of DuPont Boulevard (Rt. 113) and being more particularly described in the attached legal description prepared by Pennoni Engineering., said parcel containing 2.47 ac., 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.

Schaeffer.
Yes 8/24.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Tuesday, August 22, 2023 2:14 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization East Sussex Public Broadcasting, Inc ✓
Incorporated.

Project Name Radio Rehoboth Computer Upgrades

Federal Tax ID 46-3957416 ✓

Non-Profit Yes

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

Organization's Mission

The mission of WWSX-LPFM (99.1 FM Radio Rehoboth) is to provide community-oriented programming that serves the interests of local residents and businesses. Our goal is also to become the premier source of news and entertainment for area visitors, enhancing their vacation experiences by providing exposure to local businesses, community organizations and events as well as government safety and information programs.

Radio Rehoboth provides programming that can't be heard anywhere else in the State. We play just about everything on the musical scale. We also have a variety of news and public affairs programs that provide a balancing point of

view in the region. Most uniquely, Radio Rehoboth provides locally produced, such as The Daybreak Morning Show, and live programming that covers issues of local importance including the environment; land use planning; health care; local emergency information; radio theater; information about local events; and more. Additionally, your support of Radio Rehoboth shows you are interested in contributing to the quality of life in Rehoboth Beach, Lewes, Dewey Beach, and surrounding communities. We were the winner of four Best of Delaware Awards in 2022. Best Downstate Radio Station, Best Downstate Music Station, Best Radio Personality, DJ Tim Colfer and Best Downstate Talk-Show Host, Jeff Balk.

Address	PO Box 50
City	Rehoboth Beach
State	Delaware
Zip Code	19971
Contact Person	Jeff Balk
Contact Title	President
Contact Phone Number	3025109000
Contact Email Address	jeff@radiorehoboth.com
Total Funding Request	1200.00
Has your organization received other grant funds from Sussex County Government in the last year?	No

If YES, how much was received in the last 12 months? N/A

Are you seeking other sources of funding other than Sussex County Council? No

If YES, approximately what percentage of the project's funding does the Council grant represent? N/A

Program Category (choose all that apply) Educational

Primary Beneficiary Category Other

Beneficiary Category Other Residents and visitors to Sussex County

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 50000

Scope Our non-profit radio station started around five years ago with refurbished computers, Our server is now having issues and rebooting or just turning off. It is not going to continue to work. We need to replace it. We are an all volunteer staff and rely on donations as well as underwriters and sponsors as we are a 501(c)3. Our tower is located next to the Rehoboth Beach Fire Department on Route One.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 0.00

Description New computer server and installation of programs

Amount 1,200.00

TOTAL EXPENDITURES 1,200.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION -1,200.00

Name of Organization East Sussex Public Broadcasting, Inc

Applicant/Authorized Official Jeff Balk

Date 08/22/2023

Affidavit Acknowledgement Yes

Ricizy
Yes 8/29 verbal.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Thursday, August 10, 2023 6:21 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization United Way of Delaware ~~e/o Sussex County Health Coalition~~ ^{INC.}

Project Name Delaware Goes Purple

Federal Tax ID 51-0073399

Non-Profit Yes

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

Organization's Mission The Sussex County Health Coalition exists to engage the entire community in a collaborative family-focused effort to improve the health of children, youth and families in Sussex County, Delaware.

We envision a community where our citizens and institutions (public, private, and not-for-profit) are actively engaged in community health promotion as a shared community good and working together to create a cultural and physical environment supporting healthy lifestyles for our children and their families.

Address 21133 Sterling Avenue
City Georgetown
State DE
Zip Code 19947
Contact Person Kathryn Elise Burritt
Contact Title Project Director
Contact Phone Number 8138380606
Contact Email Address Kburritt@pmgconsulting.net

Total Funding Request 7500

Has your organization received other grant funds from Sussex County Government in the last year? No

If YES, how much was received in the last 12 months? N/A

Are you seeking other sources of funding other than Sussex County Council? Yes

If YES, approximately what percentage of the project's funding 10

does the Council grant represent?

Program Category (choose all that apply)

Cultural
Educational
Health and Human Services

Primary Beneficiary Category

Youth

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program

50000

Scope

The Sussex County Health Coalition seeks to expand the Delaware Goes Purple Campaign across the entire Sussex County Landscape and build on the momentum of the last two years. Delaware Goes Purple is a program to bring awareness to substance abuse to engage our community and youth to stand up against substance abuse. Nearly every day, someone in Delaware loses their battle with heroin, prescription painkillers, or other addictive drugs. Teens need to know about the risks and consequences. One of the most significant challenges for people seeking help for addiction is the stigma surrounding their addiction. Those struggling should know their disease is not something they should be ashamed of or keep hidden. Delaware Goes Purple empowers the community to stand up to erase the stigma and to support individuals who need it the most.

Last year we reached over 150,000 Delawareans with messages on treatment, prevention, and hope to help end the addiction stigma and share that recovery is possible! We had the direct support of over 100 organizations, with over 4,500 people actively participating in the "Delaware Goes Purple" campaign.

We aim to double these numbers this year to increase our impact in the community.

We have all faced challenges due to COVID-19, but unfortunately, we have seen a significant increase in rates of addiction and overdose due to the COVID-19 crisis. Physical and mental health are precursors to individual and community well-being. Data shows the state struggling with drug addiction.

Illicit Drug Use is rising in Delaware, higher than the national average according to our data now (10% of Delawareans reported using illegal drugs in the last 30 days compared to the national average of 8.6%). Illicit drug use by youth (ages 12-17) is also reported at 10% and not falling. Sussex County has several High Need geographic areas such as Georgetown (19947), Seaford (19973), and Long Neck - Millsboro (19966). SCHC is seeking funding to expand a more significant portion of the county. This is in tandem with high rates of poverty, lack of jobs, and minimal mental health services to rates in addiction and mental health as high as our Wilmington counterparts.

- Significant gaps in youth prevention education and after-school activity
- Lack of Awareness Campaign efforts
- Lack of Substance Abuse Treatment opportunities and referral systems
- Lack of family support, education awareness, and resources.
- High rate of heroin overdoses, deaths, and use.
- Need for Harm Reduction strategies in targeted high-risk and need areas

SCHC identified several strategic community-wide goals to address Substance Abuse that can be expanded to encompass Sussex County, starting with Georgetown with targeted approaches and harm reduction strategies to address the critical problems of prescription drug misuse across the lifespan. Moving forward, SCHC efforts will focus on building, strengthening, and mobilizing community capacity to address identified local needs and the means to change them from a countywide perspective.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 75,000.00

Description PERSONNEL

Amount 35,000.00

Description Marketing/Medi/Awareness & Prevention Campaign

Amount 45,000.00

Description Prevention & Education Materials & Trainings

Amount 7,500.00

Description Community Intervention strategies support

Amount 17,500.00

Description Youth Mini Grants

Amount 7,500.00

Description Supplies

Amount 0.00

TOTAL EXPENDITURES 112,500.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION -37,500.00

Name of Organization United Way of Delaware C/O Sussex County Health Coalition

**Applicant/Authorized
Official** Kathryn Burritt-Short

Date 08/10/2023

Affidavit Yes

Acknowledgement

VINCENT
YES. 8/31.

Casey Hall

From: notifications@d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Friday, August 25, 2023 10:16 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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Council Grant Form

Legal Name of Agency/Organization	Trinity FoundatiOn ✓
Project Name	2023 Golf Tournament
Federal Tax ID	20-3303713 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Our purpose is to continually improve the lives of others by serving and investing in our communities through promoting wellness, inspired giving, and influencing our future leaders.
Address	50 Fallon Ave
City	Seaford
State	DE
Zip Code	19973

Contact Person	Chris Parker
Contact Title	Treasurer
Contact Phone Number	302-253-3509
Contact Email Address	chris.parker@trinitylogistics.com
Total Funding Request	3000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	10
Program Category (choose all that apply)	Educational Health and Human Services
Primary Beneficiary Category	Other

Beneficiary Category All who are in need in our community
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program

1000

Scope

This year's event will take place on September 28th, 2023 at Heritage Shores Golf Club in Bridgeville, DE. Contributions from sponsors like you continue to keep this tournament as the highest fundraising event held by the Trinity Foundation. Serving the needs of the community around us is paramount and would not be possible without your continued support.

Trinity Logistics' team members work all year raising money and volunteering many hours helping families in need, working in the community, and funding the fight against heart disease and cancer. Since its inception in 2005 as a 501c3 non-profit organization, the Trinity Foundation has raised and given out over \$615,000 in donations to those less fortunate and to organizations in need.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)

30,000.00

Description Golf Course Fees

Amount 15,000.00

Description Other supplies needed and awards

Amount 5,000.00

Description	General Fund Giving to the community
Amount	50,000.00
TOTAL EXPENDITURES	70,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-40,000.00
Name of Organization	Trinity Foundation
Applicant/Authorized Official	Chris Parker
Date	08/25/2023
Affidavit Acknowledgement	Yes

To Be Introduced: 9/12/23

Council District 1: Mr. Vincent
Tax I.D. No.: 333-15.00-20.00
911 Address: 38531 Parker Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS

WHEREAS, on the 15th day of December 2022, a conditional use application, denominated Conditional Use No. 2416 was filed on behalf of Over the Hill Holdings, LLC; and

WHEREAS, on the ____ day of _____ 2023, 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. 2416 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2416 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Gumboro Hundred, Sussex County, Delaware, and lying on the northeast corner of the intersection of Parker Road (S.C.R. 415) and Line Road (S.C.R. 419) and being more particularly described in the attached legal description prepared by The Smith Firm, LLC said parcels containing 10.55 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: 9/12/23

Council District 4: Mr. Hudson
Tax I.D. No.: 234-30.00-6.00 (portion of)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE ADDITION OF EIGHT (8) LOTS INTO THE WHITE HOUSE BEACH MANUFACTURED HOME PARK AND BEING ON A 1.04 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 324.18 ACRES MORE OR LESS

WHEREAS, on the 19th day of December 2022, a Conditional Use Application, denominated Conditional Use No. 2417 was filed on behalf of White House Beach Inc.; and

WHEREAS, on the ____ day of _____ 2023, 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. 2417 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2417 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of Long Neck Road (Route 23), approximately 2.53 miles southeast of the intersection of Long Neck Road (Route 23) and School Lane (S.C.R. 298) within the White House Beach Manufactured Home Park and being more particularly described in the attached legal descriptions prepared by John B. Roach Engineering, LLC, said parcels containing 1.04 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 Reintroduced: 9/12/23

Council District 4: Mr. Hudson
Tax I.D. No. 533-20.00-22.00 & p/o 20.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (23 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.20 ACRES, MORE OR LESS

WHEREAS, on the 27th day of April 2022, a Conditional Use Application, denominated Conditional Use No. 2368 was filed on behalf of Carl M. Freeman Companies; and

WHEREAS, on the ____ day of _____ 2023, 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. 2368 be _____; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2368 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Lighthouse Road (Route 54) and the west side of Bennett Avenue, approximately 350 feet west of Madison Avenue and being more particularly described in the attached legal description prepared by Scott and Shuman, P.A., said parcel containing 9.20 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.