

## Sussex County Council Public/Media Packet

## MEETING: September 22, 2020

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#### **COUNTY COUNCIL**

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





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#### **SUSSEX COUNTY COUNCIL**

#### <u>A G E N D A</u>

#### **SEPTEMBER 22, 2020**

#### 10:00 A.M.

#### PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

#### Call to Order

**Approval of Agenda** 

Approval of Minutes – August 25, 2020

**Reading of Correspondence** 

**Public Comments** 

#### **Todd Lawson, County Administrator**

- 1. DelDOT Memorandum of Understanding (MOU) Update and Consideration
- 2. DelDOT Transportation Improvement District (TID) Update and Discussion
- 3. Administrator's Report

#### 10:15 a.m. Public Hearing

Proposed Island Watersports Expansion into the Bay View Estates Area

#### 10:30 a.m. Public Hearings

"AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY GRANTING THE BOARD OF ADJUSTMENTS AND APPEAL AUTHORITY TO HEAR APPEALS OF VIOLATIONS UNDER CHAPTER 80 ("PROPERTY MAINTENANCE CODE") AND CHAPTER 115 ("ZONING"), ARTICLE XXV ("SUPPLEMENTARY REGULATIONS"), §115-191 AND ITS SUBSECTIONS PERTAINING TO VEHICLES AND TRAILERS AND PROHIBITED ACCUMULATIONS"



#### 10:30 a.m. Public Hearings (continued)

"AN ORDINANCE TO AMEND CHAPTER 80 ("LOT MAINTENANCE") OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE, INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE"

"AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE "SUPPLEMENTARY REGULATIONS", §§ 115-191 THROUGH 115-191.8 OF THE CODE OF SUSSEX COUNTY RELATING TO "PARKING, STORING AND VEHICLES **AND** "PROHIBITED MAINTAINING **AND** TRAILERS" ACCUMULATIONS", INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE **DELAWARE CODE"** 

#### Brandy Nauman, Housing Coordinator and Fair Housing Compliance Officer

1. Sussex County CARES Act CDBG-CV1 Grant Discussion and Award Recommendation

#### Hans Medlarz, County Engineer

- 1. Inland Bays Regional Wastewater Facility Biosolids & Septage Facilities, Project 18-19
  - A. Change Order No. 7
  - B. Komline-Sanderson Spare Parts Procurement Approval
- 2. FY 2019 General Labor & Equipment Contract, Project 19-01
  - A. Approve Change Order No. 1, FY 2021
- 3. South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 & Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2
  - A. Town of Selbyville Outfall Agreement
  - B. General Construction, Project C19-11, Change Order No. 5
  - C. Electrical Construction, Project C19-17, Change Order No. 6
  - D. Material Screening Purchase Order Update

#### John Ashman, Director of Utility Planning

- 1. Request to prepare and post notices for the Friendship Hall Annexation in the Miller Creek Area
- 2. Request to prepare and post notices for the Countryside Hamlet Annexation in the Dagsboro/Frankford Area

#### **Grant Request**

- 1. Delaware Botanic Gardens for annual fundraiser
- 2. Clothing Our Kids for program expenses
- 3. Town of Georgetown for South Race Street dining area beautification project

#### **Introduction of Proposed Zoning Ordinances**

**Council Members' Comments** 

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

#### PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA.

Conditional Use No. 2227 filed on behalf of Mark J. Davis & Leona E. Davis
"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A 19.342 ACRE BORROW
PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING
IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 150 ACRES,
MORE OR LESS" (land lying on the north side of Asbury Road (S.C.R. 446)
approximately 0.19 mile southwest of Davis Road (S.C.R. 523) (Tax I.D. No. 23115.00-8.00) (911 Address 24294 Asbury Road, Georgetown)

## <u>Conditional Use No. 2232 filed on behalf of Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC</u>

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS" (land lying on the south side of Fisher Road, approximately 0.38 mile west of Hopkins Road) (Tax I.D. No. 334-10.00-69.01) (911 Address: None Available)

#### Adjourn

In accordance with 29 <u>Del.C.</u> §10004(e)(2), this Agenda was posted on September 15, 2020 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

#### -MEETING INSTRUCTIONS-

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

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

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

The meeting will streamed live at <a href="https://sussexcountyde.gov/council-chamber-broadcast">https://sussexcountyde.gov/council-chamber-broadcast</a>.

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036 Conference Code: 570176

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

The Council meeting materials, including the "packet", are electronically accessible on the County's website at: <a href="https://sussexcountyde.gov/agendas-minutes/county-council">https://sussexcountyde.gov/agendas-minutes/county-council</a>.

If any member of the public would like to submit comments electronically, please feel free to send them to **rgriffith@sussexcountyde.gov**. All comments shall be submitted by 4:30 P.M. on Monday, September 21, 2020.

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 25, 2020, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent
Irwin G. Burton III
Douglas B. Hudson
John L. Rieley
Samuel R. Wilson Jr.

President
Vice President
Councilman
Councilman
Councilman

Todd F. Lawson
Gina A. Jennings
J. Everett Moore, Jr.

County Administrator
Finance Director
County Attorney

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

Call to

Order Mr. Vincent called the meeting to order.

M 341 20 Approve Agenda A Motion was made by Mr. Wilson, seconded by Mr. Hudson, to approve the Agenda, as posted.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Minutes The minutes of August 11, 2020 were approved by consent.

M 342 20 Approve Consent Agenda A Motion was made by Mr. Burton, seconded by Mr. Rieley, to approve the following item listed under the Consent Agenda:

1. Use of Existing Wastewater Infrastructure Agreement, IUA1129 El Rancho – P&R Lands, LLC

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Land Use Master Planning Mr. Lawson, along with Vince Robertson, Assistant County Attorney, and Jamie Whitehouse, Planning and Zoning Director, gave a presentation on Land Use Master Planning. Mr. Lawson noted that this is something that the staff has been working on at Council's request.

Land Use Master Planning (continued) Mr. Robertson reported that Master Planning is supported by the Comprehensive Plan. In the Plan it states "encourage master planning for large scale development on large parcels or groups of parcels in the Town Center, Coastal Area, Developing Area, and Commercial Area land use classifications to provide flexibility in design".

Mr. Robertson noted that it will require an Ordinance to give the County the authority; staff has developed a framework to begin the initiative. Mr. Robertson noted that it is like a Residential Planned Community (RPC), but with more diverse development types and design flexibility. It is not intended to replace RPCs, subdivisions or more typical types of commercial development; it is intended to promote unified, integrated large-scale developments where appropriate, rather than multiple, unrelated subdivisions and commercial developments and the separate approval processes associated with each of these. It is intended to incorporate the following areas as part of a single unified development plan: residential areas, neighborhood commercial areas, professional and medical and financial office areas, and civic areas. Additionally, it is intended to promote interconnectivity throughout the development and with existing DelDOT roadways, with primary interconnecting roads dedicated to DelDOT.

Mr. Robertson reviewed the 4-step process that is being considered: preapplication planning cooperation and coordination between the developer's planners and the County's planners; public hearing before Planning and Zoning and the County Council on the Master Plan Zone Ordinance, which can include conditions of approval (general overall master plan, master manual, and spatial distribution plan); administrative review by Planning and Zoning (implementation plan and implementation manual), and Planning and Zoning staff review (final site development plans).

Mr. Robertson reviewed the next steps in the process: an ordinance to implement Master Planning, continue working on draft of ordinance, consult with DelDOT on road coordination within Master Planned Community, and public hearings on the Code revisions in Chapter 115.

Public Hearing/ Camp Arrowhead III Annexation of the SCUSSD A Public Hearing was held on the Proposed Camp Arrowhead Expansion III of the Sussex County Unified Sanitary Sewer District (Angola Neck Area). John Ashman, Director of Utility Planning, reported that this is the third expansion requested by the Diocesan Council for Camp Arrowhead. The previous expansion brought in only the facilities they planned to connect immediately. The current request is to expand the boundary to include the area designated for the existing office. There is an existing Memorandum of Understanding associated with the previous annexation that defines what buildings on the Camp parcel will be connected and fees to be paid. If approved, this annexation would add to the number of connection fees that would need to be paid prior to connection. The expansion will consist of 20,930 square feet, more or less.

**Public** Hearing There were no public comments.

(continued) The Public Hearing and public record were closed.

M 343 20 Adopt R 010 20

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Resolution No. R 010 20 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), ANGOLA NORTH AREA, TO INCLUDE THE CAMP ARROWHEAD AREA LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

**Motion Adopted:** 5 Yeas.

**Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea;

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

**Public** Hearing/ **Owls Nest Paving** 

A Public Hearing was held on The Owl's Nest Paving Improvements, Chapter 96, Sussex Community Improvement Project (T20-01). This Public Hearing was held to provide an opportunity for real property owners of the community to make comments on the rates determined for the Assessment Roll.

Improvements Assessment Roll

Patrick Brown, Project Engineer, stated that this project started in June 2019; there was a petition process whereby the County received a majority of petitions back from the community. Following the election process, Council passed a Resolution to proceed with design and construction of the paving improvements. Since that time, the improvements have been built and the project was closed out, with Substantial Completion granted in January 2020.

Mr. Brown presented the Assessment Roll based on all final project costs and funding. It has been determined that the final project balance owed to be \$73,676.36. The Assessment Roll identifies an equal sharing of this balance by the 17 parcels affected by the project and allows for a 10-year repayment option at a 3.75% fixed rate.

Public comments were heard.

Gayle Hughes inquired about the interest rate on the loan compared to the Federal Reserve interest rate at the time of project completion and she questioned if the interest rate can be lowered.

Mrs. Jennings responded to Ms. Hughes' question and stated that the rate is established at the time of Public Hearing.

There were no additional public comments.

(continued) The Public Hearing and public record were closed.

M 344 20 Adopt R 011 20 A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Resolution No. R 011 20 entitled "A RESOLUTION ADOPTING THE UNIFORM ASSESSMENT ROLL FOR THE PURPOSE OF BILLING THE FINAL COST OF THE OWL'S NEST PAVING IMPROVEMENTS, CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT T20-01.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Public
Hearing/
Proposed
Ordinance/
GOBs
\$100 Million
for
Refunding
Prior
Debt and
Financing

**Capital** 

Improvements A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$100,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH (A) THE REFUNDING OF PRIOR DEBT OF THE COUNTY WHICH WILL RESULT IN DEBT SERVICE SAVINGS AND (B) THE FINANCING OF SEWER SYSTEM IMPROVEMENT PROJECTS; AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

Mrs. Jennings noted that there are two components of the Bond Issue – refunding \$55 million and new debt of \$42.6 million for new capital projects.

Mrs. Jennings reviewed what the funds will be used for:

- refinancing multiple loans totaling \$55 million (estimated savings of \$10.1 million for the rate payers)
- capital projects upgrading plants at the Inland Bays Regional Wastewater Facility, South Coastal Regional Wastewater Facility, and Piney Neck Regional Wastewater Facility

There were no public comments.

The Public Hearing and public record were closed.

M 345 20 Adopt Ordinance No. 2732 A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2732 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$100,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH (A) THE REFUNDING OF PRIOR DEBT OF THE COUNTY WHICH WILL RESULT IN DEBT SERVICE SAVINGS AND (B) THE FINANCING OF SEWER SYSTEM IMPROVEMENT PROJECTS; AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

M 345 20 (continued)

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

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

#### 1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Warrington Creek – Phase 8 (also known as Sawgrass South) received Substantial Completion effective August 11<sup>th</sup>.

#### 2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for July 2020 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 194 troopers assigned to Sussex County for the month of July.

#### 3. Barry Pryor

It is with sadness that we note the passing of County pensioner Barry Pryor on Saturday, August 8th. Mr. Pryor began his career with Sussex County in October 1981 where he worked in Engineering until August 2001. We would like to extend our condolences to the Pryor family.

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

Fire/
Ambulance
Company
Grant
Agreement

Mrs. Jennings presented a Fire/Ambulance Company Grant Agreement between Sussex County and each individual fire and ambulance company. This Agreement will result in a formalized agreement for County funds, uniform reporting and accountability. Mrs. Jennings reported that over the past 10 years, funding for the fire service has increased from \$3 million to over \$5 million in 2019, and back down to \$4.7 million in 2020 (due to building permits and the timing of collections). The allocation of the funding to the ambulance service and the fire service is determined by the Sussex County Volunteer Fire Association. Also, there is additional funding through individual grants. Mrs. Jennings reviewed grant agreement requirements. The fire and ambulance companies will have until December 1, 2020 to execute the agreements. Doug Hudson, Sussex County Volunteer Fire Association, thanked the Council for its continued support and commented that the grant agreements will provide transparency to Council and the public insuring that tax dollars and donations are being used properly.

M 346 20 Approve Fire/ Ambulance Company Grant

Agreement

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council approves the Standard Grant Agreement, as presented, with the individual fire and ambulance companies that operate in Sussex County and receive County grant funds.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Agenda Item It was noted that the agenda item entitled "The Owl's Nest Pavement Improvements, Project T20-01, Final Property Assessment Rates" was taken care of during the Public Hearing and Motion on this matter (on this date).

Little Meadows/ Sewer Utility Easement Agreement/ Surrender of Parcel Hans Medlarz, County Engineer, presented a proposal to accept a Sewer Utility Easement Agreement and to prepare a deed returning Parcel 132-1.12-67.00 to Little Meadows, Inc. This easement is necessary as Sussex County is preparing plans for certain improvements to its sanitary sewer utilities in Blades and it is necessary that the improvements to the system pass under and through the property. Mr. Medlarz reported that Little Meadows, Inc. has approved the dismantled lift station easement area. Little Meadows requested that Sussex County leave the paved roadway; the rest of the area has been returned to its original state. Little Meadows has agreed to accept Sussex County's surrender of this parcel and will accept ownership upon receipt of a deed. Mr. Medlarz noted that the owner of the property was offered compensation for the required easement but opted to request the return of the sewer lift station parcel instead. This parcel was deeded to the County as part of the original development.

M 347 20 Approve Easement Agreement/ Little Meadows, Inc. A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Easement Agreement with Little Meadows, Inc. and authorizes the County Attorney to prepare a Deed returning Parcel 132-1.12-67.00 to Little Meadows, Inc.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Miranda Enterprises/ Access Easement Hans Medlarz, County Engineer, presented a request to grant an easement to Miranda Enterprises, LLC. He reported that Sussex County owns Parcel No. 533-18.00-15.00 located on Route 54, also known as Lighthouse Road. This property is currently under an active farm lease through the growing season. Frank Miranda, the owner of an adjacent parcel (Coastal Veterinary Clinic), is seeking to construct an addition to his building, which

Miranda Enterprises/ Access Easement Request (continued) required a survey. The survey revealed that a portion of the driveway, unintentionally encroaches onto the County property. The owner of the property, Frank Miranda, is requesting a perpetual access easement agreement. The Engineering Department recommends the granting of the easement to Miranda Enterprises, LLC in exchange for payment in the amount of \$2,000.00 representing the cost of appraisal.

M 348 20 Approve Access Easement Agreement/ Miranda Enterprises A Motion was made by Mr. Wilson, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the granting of an Access Easement Agreement to Miranda Enterprises, LLC for Tax Parcel 533-18.00-15.00 in the amount of \$2,000.00.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Island Watersports Proposed Expansion John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Sewer District Expansion for Island Watersports into the Bay View Estates Area. The expansion was requested by Mike Ferrari from Island Watersports for Parcel 533-11.00-287.02. The parcel is located along Williamsville Road and is contiguous to the County's existing sewer district boundary. The expansion will consist of 5.40 acres, more or less. The parcels will be responsible for system connection charges of \$6,360.00 per EDU based on current rates.

M 349 20 Prepare and Post Notices/ Island Watersports

**Expansion** 

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Island Watersports Expansion of the Sussex County Unified Sanitary Sewer District, Bay View Estates Area, as presented.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Introduction of Proposed Ordinances

the Mr. **Burton** introduced Proposed Ordinance entitled ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2129 (ORDINANCE 2603) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.76 ACRES, MORE OR LESS" (Conditional Use No. 2235) filed on behalf of Brian P. Lessard, Lessard Builders, Inc. (Tax I.D. No. 230-7.00-95.00) (911 Address: 22754 Argos Corner Road, Lincoln).

Introduction of Proposed Ordinances (continued) Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOTEL AND RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.2 ACRES, MORE OR LESS" (Conditional Use No. 2236) filed on behalf of Carl M. Freeman Companies (Tax I.D. No. 533-20.00-22.00 & 20.00 (Portion of) (911 Address: None Available).

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES, MORE OR LESS" (Conditional Use No. 2237) filed on behalf of Sam C. Warrington II (Tax I.D. No. 334-12.00-55.01 (Portion of) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

M 350 20 Go Into Executive Session At 11:22 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

**Executive Session**  At 11:26 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to land acquisition. The Executive Session concluded at 12:19 p.m.

M 351 20 Reconvene Regular Session At 12:23 p.m., a Motion was made by Mr. Burton, seconded by Hudson, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;

Mr. Wilson, Absent; Mr. Burton, Yea;

Mr. Vincent, Yea

E/S Action There was no action on Executive Session matters.

M 352 20 Recess At 12:24 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess until 1:30 p.m.

Motion Adopted: 3 Yeas, 2 Absent.

M 352 20

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;

(continued) Mr. Wilson, Absent; Mr. Burton, Yea;

Mr. Vincent, Yea

M 353 20 Reconvene At 1:35 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to reconvene.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Rules

David Rutt, Assistant County Attorney, read the rules of procedure for zoning hearings.

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

The Planning and Zoning Commission held a Public Hearing on this application on July 23, 2020 at which time action was deferred. On August 13, 2020, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated July 23 and August 13, 2020.)

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

The Council found that Mark Casey was present on behalf of his application. Mr. Casey stated that he is doing oyster aquaculture; that he has been working with the Delaware Center for the Inland Bays; that they are trying to rebuild the reefs and to start a shellfish industry in Delaware; that he is trying to get the business established; that this property is where they would like to import seed; that the seed would be planted onto the shell; and that most of the work is out on the pier replanting the oyster population in the Rehoboth Bay.

There were no public comments.

The Public Hearing and public record were closed.

M 354 20 Adopt Ordinance No. 2733/ CZ 1918 A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2733 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 7.10 ACRES, MORE OR LESS" (Change of Zone No. 1918) filed on behalf of Mark A. Casey.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Public Hearing/ CU 2214 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO BE OPERATED FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRE, MORE OR LESS" (Conditional Use No. 2214) filed on behalf of Anthony Crivella and Harold E. Dukes, Jr.

The Planning and Zoning Commission held a Public Hearing on this application on July 23, 2020 at which time action was deferred. On August 13, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated July 23 and August 13, 2020.)

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

The Council found that Mackenzie Peet, Attorney, was present on behalf of the application (Applicant – DaNizza Wood Fired Pizza, LLC and Property Owners - Anthony Crivella and Harold E. Dukes, Jr.). She stated that the Applicants wish to locate and operate a food truck on the property for a period exceeding three days to provide food for patrons at Revelations Brewing Company; that the food truck was previously placed on Lot #45 and was moved to Lot #49 following receipt of a complaint. Ms. Peet reported on the land use history of Lot #45 that is relevant to this Conditional Use request, including violations issued to Revelations (tent and food truck). Ms. Peet stated that the proposed location of the food truck is compatible with the surrounding use, is low profile since it sits behind Revelations on another lot; that the food truck sits within the setbacks; that the food truck has been in this location since November 2019 without issue; that hours of operation are proposed for Friday through Sunday only; and that this is a temporary use as Revelations will be moving to a different site

Public Hearing/ CU 2214 in the future and the food truck will move with them.

CU 2214 (continued)

There were no public comments.

The Public Hearing and public record were closed.

M 355 20 Amend Condition/ CU 2214 A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to amend Condition A recommended by the Planning and Zoning Commission, striking the second sentence, to read as follows: "The use shall be limited to a mobile or temporary food and beverage vendor." and to add Condition I to read as follows: "The food truck shall be removed no later than February 28, 2021."

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

M 356 20 Adopt Ordinance No. 2734/ CU 2214 A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2734 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD TRUCK TO BE OPERATED FOR A PERIOD EXCEEDING THREE DAYS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.115 ACRE, MORE OR LESS" (Conditional Use No. 2214) filed on behalf of Anthony Crivella and Harold E. Dukes, Jr., with the following conditions:

- A. The use shall be limited to a mobile or temporary food and beverage vendor.
- B. The use shall comply with all setback and parking requirements.
- C. The Applicant shall comply with all DelDOT requirements, including entrances.
- D. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.
- E. The use shall comply with any requirements of the Sussex County Engineering Department regarding wastewater and grease discharges.
- F. The hours of operation shall be from 11:00 a.m. until 7:00 p.m., Fridays, Saturdays and Sundays.
- G. Any dumpsters associated with the use shall be screened from the view of neighboring properties and roadways.
- H. The Final Site Plan for this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- I. The food truck shall be removed no later than February 28, 2021.

**Motion Adopted:** 5 Yeas.

M 356 20 (continued)

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Public Hearing/ CU 2216 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HOME REMODELING AND REPAIR SERVICES, STORAGE REPAIR AND MAINTENANCE, LIGHT BUILDING MATERIAL AND STORAGE AND GENERAL OFFICE FOR QUALITY CARE HOMES AND MANAGERS RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.57 ACRES, MORE OR LESS" (Conditional Use No. 2216) filed on behalf of Kenneth Dominic Alton Drummond (Tax I.D. No. 234-5.00-46.04 (part of) (911 Address: 20366 Hopkins Road, Lewes).

The Planning and Zoning Commission held Public Hearing on this application on July 23, 2020 at which time action was deferred. On August 13, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated July 23 and August 13, 2020.)

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

The Council found that Mark Davidson of Pennoni Associates was present on behalf of the application along with the Applicant, Mr. Drummond, and Alan Decker of Pennoni Associates. Mr. Davidson stated that the application is for 3.57 acres of the 6.34 acres; that Mr. Drummond is the owner of the subject property and of Quality Care Homes; that since 2015, Quality Care Homes has been delivering home improvement and general contracting services; that there are two full-time employees and eight subcontractors with plans to grow to twenty full-time employees in the future; that the Applicant's residence currently exists on the site; that the Applicant has planted trees bordering the property; that the building's parking and storage will begin approximately 1,000 feet back from Hopkins Road; that the Conditional Use area of the property will be screened from adjacent properties by a vegetative buffer; that there will be a new onsite waste disposal system and a new onsite domestic well, both meeting all of DNREC's requirements; that the entrance for the Use will share the same entrance as the single family home on the property; that any upgrades required by DelDOT will be provided by the Applicant; that two additional buildings are proposed to provide storage for materials, for repairs to vehicles, and for day-to-day office and business operations for Quality Care Homes; that the second story of one of the buildings will be for the general office and for living quarters for the manager; that the area is a low-density area according to the Comprehensive Plan where the focus of business uses

#### Public Hearing/ CU 2216 (continued)

is to provide services to nearby residences and the commercial area; that the Strategies for State Policies and Spending identifies the area as being located in Investment Level 4; and that the Conditional Use meets the general purpose of the Zoning Ordinance and the Comprehensive Plan.

Mr. Davidson asked for the removal of Condition F recommended by the Planning and Zoning Commission that "The site shall be fenced and gated." Mr. Davidson submitted, in writing, the request to remove Condition F with reasons supporting his request.

There were no public comments.

The Public Hearing and public record were closed.

#### M 357 20 Strike Condition/ CU 2216

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to strike Condition F recommended by the Planning and Zoning Commission.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

M 358 20 Adopt Ordinance No. 2735/ CU 2216 A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2735 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HOME REMODELING AND REPAIR SERVICES, STORAGE REPAIR AND MAINTENANCE, LIGHT BUILDING MATERIAL AND STORAGE AND GENERAL OFFICE FOR QUALITY CARE HOMES AND MANAGERS RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.57 ACRES, MORE OR LESS" (Conditional Use No. 2216) filed on behalf of Kenneth Dominic Alton Drummond, with the following conditions, as amended:

- A. The use shall be limited to home remodeling and home construction services with light material storage associated with that use. Maintenance and repair of the business' equipment shall be permitted to occur on the site. An office for the business only with a residence for the business manager or senior employee shall also be permitted. No other business shall be conducted from the site, and no retail sales shall be permitted on the site.
- B. As stated by the Applicant, all construction materials will be stored indoors.
- C. The Applicant shall comply with all DelDOT requirements, including any entrance and roadway improvements that are directed by DelDOT.
- D. No outside repairs or maintenance of vehicles or equipment associated with the use shall occur on the site.

M 358 20 Adopt Ordinance No. 2735/ CU 2216 (continued)

- E. All dumpsters, storage bins and stockpile locations shall be screened from view of neighboring properties and roadways.
- F. One indirectly lighted sign, not to exceed 32 square feet per side, shall be permitted.
- G. All security lights shall be fully screened and downward so that they do not shine on neighboring properties or adjacent roadways.
- H. The hours of operation shall be between 6:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. through 2:00 p.m. on Saturdays. There shall not be any Sunday hours of operation.
- I. There shall not be any dumping on the site. All dumpsters associated with the use shall be screened from view of neighboring properties and roadways and shall be located at least 50-feet from the property boundaries.
- J. The Final Site Plan shall clearly show all loading and storage areas and areas for vehicle parking and equipment storage and these areas shall be clearly marked on the site itself. These areas shall be screened and shall be at least 50-feet from the property boundaries.
- K. All required screening or buffering shall be shown on the Final Site Plan.
- L. Failure to comply with any of these conditions shall be grounds for the termination of this Conditional Use.
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Public Hearing/ CU 2233 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" (Conditional Use No. 2233) filed on behalf of Brothers Landscaping, LLC.

The Planning and Zoning Commission held Public Hearing on this application on July 23, 2020 at which time action was deferred. On August 13, 2020, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated July 23 and August 13, 2020.)

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

Public Hearing/ CU 2233 (continued) The Council found that Amy Pardee was present on behalf of Ismar Chun. She stated that they have a landscaping company; that they moved to the site in September 2019; that there was a complaint against the property when they brought crusher-run onto the property due to equipment noise; that now no noise is being made as the back-up alarm has been disabled; that there were vehicles left behind on the property by the previous property owner and they have been removed from the property; that they have 10 parking spaces for the employees; that they have an area for vehicle cleaning and an area for equipment parking (4 trailers and 4 bob-cats); that they keep some plants and trees in a small area; that they planted a row of trees and flowers for a buffer along one side of the driveway; that they have had a survey crew come in to mark the property since the neighbor was complaining that they were over on her property and one of her trees was disturbed; that a fence will be added along the side of the property next to that neighbor where there is a day care; and that one of the neighbors is in support of the application.

There were no public comments.

The Public Hearing and public record were closed.

M 359 20 Adopt Ordinance No. 2736/ CU 2233 A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2736 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" (Conditional Use No. 2233) filed on behalf of Brothers Landscaping, LLC, with the following conditions:

- A. This use shall be limited to a landscaping company.
- B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
- C. As stated by the Applicant, there shall not be any retail sales occurring from the site.
- D. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- E. The hours of operation shall be limited to 6:00 a.m. through 8:00 p.m., Monday through Friday, and from 6:00 a.m. until 3:00 p.m. on Saturdays. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage clean-up, and similar events
- F. There shall not be any dumping of trees, branches, grass or other debris on the site.
- G. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.

M 359 20 Adopt Ordinance No. 2736/ CU 2233 (continued)

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

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

M 360 20 Adjourn A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to adjourn at 2:41 p.m.

**Motion Adopted:** 5 Yeas.

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

Mr. Wilson, Yea; Mr. Burton, Yea;

Mr. Vincent, Yea

Respectfully submitted,

Robin A. Griffith Clerk of the Council

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

### TODD F. LAWSON COUNTY ADMINISTRATOR

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#### Memorandum

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Douglas B. Hudson The Honorable John L. Rieley The Honorable Samuel R. Wilson Jr.

FROM: Todd F. Lawson

County Administrator

RE: <u>DelDOT MEMORANDUM OF UNDERSTANDING (MOU)</u>

DATE: September 18, 2020

During Tuesday's Council meeting, we are scheduled to discuss the Delaware Department of Transportation Memorandum of Understanding (MOU) with Sussex County.

The updated MOU is attached. The edits included in this document reflect the feedback and direction staff received during the last discussion at the July Council meeting. DelDOT has approved this document with the edits.

If Council choses, this document is finalized, and it would be appropriate to consider a vote for approval and adoption.

Please let me know if you have any questions.

Attachment

pc: J. Everett Moore Jr., Esq. Vincent G. Robertson, Esq.

Jamie Whitehouse



2020 1 SUSSEX COUNTY/DELAWARE DEPARTMENT OF TRANSPORTATION 2 3 MEMORANDUM OF UNDERSTANDING FOR LAND DEVELOPMENT COORDINATION 4 5 6 WHEREAS, Title 9, Section 6962 of the *Delaware Code* "Highway Capacity" obligates Sussex County to "establish an agreement with the Department of Transportation to provide a procedure 7 8 for analysis by the Department of Transportation ("DelDOT") of the effects on traffic of each 9 rezoning application; and 10 11 WHEREAS, This Memorandum of Understanding is intended to comply with the foregoing 12 requirements of Title 9, Section 6962 of the Delaware Code; and 13 14 WHEREAS, Land development has the potential to impact adjacent highways and Sussex County 15 and DelDOT recognize that an analysis of the effects upon traffic is important in all types of land use decisions (Residential Planned Communities, Major Subdivisions, Conditional Uses) and not 16 just rezoning applications; and 17 18 19 WHEREAS, The 2018 Sussex County Comprehensive Plan promotes greater coordination 20 between DelDOT and Sussex County in land use decisions; and 21 22 WHEREAS, Sussex County is solely responsible for land use decisions in Sussex County; and 23 24 WHEREAS, DelDOT is responsible for the operation, maintenance, and construction of Statemaintained roads as well as the regulation of all entrance and roadway improvements required as 25 26 part of new development; and 27 28 WHEREAS, it is the desire of Sussex County and DelDOT to coordinate land development with 29 transportation needs. 30 31 NOW, THEREFORE, 32 33 BE IT RESOLVED that Sussex County Council and DelDOT hereby adopt the following 34 Memorandum of Understanding: 35 36 **DEFINITIONS** 37 38 COMMITTED OFF-SITE IMPROVEMENTS - Road improvements for the benefit of safety 39 and/or capacity that are generally beyond the limits of the site entrance and frontage that are 40 required to be built by an approved land development project. Such improvements do not include 41 auxiliary lanes that serve the site entrance, but may include roadway widening along the frontage of the site. 42 43 44

AREA WIDE STUDY FEE (AWSF)— DelDOT regulations define an Area Wide Study Fee that, under certain conditions, DelDOT may accept when it would otherwise require a TIS. The fees accepted are used by DelDOT to subsidize the preparation of studies of larger areas than a TIS would normally address; they are not used to build improvements. Payment of the fee does not relieve a developer of responsibility to build or contribute toward transportation improvements.

 LEVEL OF SERVICE (LOS) - A quantitative stratification of a performance measure or measures representing how well a transportation facility or service operates from a traveler's perspective. For each type of facility or service there are six levels of service, ranging from A to F, with A representing the best operating condition and F the worst operating conditions. Except as may be specified by DelDOT, LOS shall be determined in accordance with the current edition of the Highway Capacity Manual, a publication of the Transportation Research Board.

PRELIMINARY TRAFFIC ANALYSIS – A request made by Sussex County Planning and Zoning Department for an evaluation by DelDOT, in terms of the proposed trip generation, to determine the Traffic Impact with regard to a proposed land use approval.

#### TRAFFIC IMPACTS:

DIMINUTIVE - The proposed land use is expected to increase the trip generation of the subject land by fewer than 50 vehicle trips per day.

NEGLIGIBLE - The proposed land use is expected to increase the trip generation of the subject land by fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day.

MINOR - The proposed land use is expected to increase the trip generation of the subject land by at least 50 vehicle trips in any hour but fewer than 200 vehicle trips in any hour or at least 500 vehicle trips per day, but fewer than 2,000 vehicle trips per day.

MAJOR - The proposed land use is expected to increase the trip generation of the subject land by more than 200 vehicle trips in any hour or more than 2,000 vehicle trips per day.

TRAFFIC IMPACT STUDY (TIS) – A study conducted during the development approval process, in accordance with applicable DelDOT regulations, to determine the impacts that traffic generated by the proposed development will have on the surrounding street network and the improvements needed to the transportation system in order to mitigate those impacts.

TRAFFIC OPERATIONAL ANALYSIS (TOA) – An evaluation, or series of evaluations, conducted during the review of subdivision, land development and entrance plans, in accordance with applicable DelDOT regulations, primarily intended to determine site entrance location and movements to be allowed at the site entrance. These evaluations may include; Queuing Analysis, Highway Capacity Manual Analysis, and Crash Analysis.

#### **LAND USE COORDINATION**

- 93 1. Sussex County will make the final decisions on all matters of land use.
- 94 2. Preliminary Traffic Analysis:
  - a. The Sussex County Planning and Zoning Department will request a Preliminary Traffic Analysis from DelDOT for each land use application to determine if the resulting traffic impact will be diminutive, negligible, minor, or major. This shall not be required where the County Planning and Zoning staff, in concurrence with DelDOT staff, finds that the proposed change in land use will have a diminutive impact upon the road system.
  - b. DelDOT shall provide a Preliminary Traffic Analysis within twenty (20) working days after receiving the Analysis request. If more time is needed, a written request explaining the reason for the additional time will be required.
  - c. Unless waived as set forth in Paragraph 2.a. above, Sussex County will not consider an application until DelDOT supplies Sussex County with the above information.
- 105 3. Diminutive Impact:
  - a. When it is determined that the impact would be diminutive, no further traffic analysis will be necessary.
- 108 4. Negligible Impact:
  - a. When DelDOT determines the traffic impact to be negligible it will provide projected traffic volumes in support and no further traffic analysis will be necessary.
    - b. DelDOT may still identify the need for a TOA in a subsequent plan review process.
- 112 5. Minor Impact:
  - a. When DelDOT determines the traffic impact to be minor, the Preliminary Traffic Analysis shall include the feasibility of providing safe access and the condition, pavement, and the geometry of the nearby roadways and intersections relative to the traffic the subject property could generate. Where any of these are deemed potentially inadequate, DelDOT shall comment to this effect, and identify roadway improvements that shall be required by the Developer.
  - b. When DelDOT determines that the traffic impact will be minor, the developer will be required to pay an Area Wide Study Fee (AWSF). An AWSF letter will be generated to document the developer's obligations to construct identified roadway improvements or fund road improvements as required by DelDOT.

123	• Alternative to an Area Wide Study Fee, the developer may elect to conduct an
124	in-depth Traffic Impact Study (TIS) (at the developer's expense) to DelDOT
125	standards.

- Payment of the fee does not exempt the developer from the responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process.
- c. DelDOT may require a TIS if necessary, given the particular circumstances of a land use application.

#### 131 6. Major Impact:

- a. When DelDOT determines that the traffic impact will be major, the developer will be required to conduct an in-depth Traffic Impact Study (TIS) (at the developer's expense) to DelDOT standards. In addition, Sussex County, at its own initiative, may require a developer to conduct at TIS.
- b. Additionally, DelDOT may ask for a Traffic Operational Analysis (TOA) to supplement an existing TIS.
- c. As an alternative to the TIS or TOA process set forth above, when DelDOT has determined that the area in question has already been the subject of sufficient study, a new TIS or TOA may not be required. Instead, DelDOT may require an AWSF to be paid by the developer to DelDOT to recoup all or a portion of the cost of the prior studies relied upon by DelDOT in lieu of a new TIS or TOA. The AWSF is unrelated to the developer's subsequent obligations to construct or fund road improvements as required by DelDOT and the "Fee in Lieu" is not a waiver of those requirements. A TISRL or AWSF letter will be generated to document the developer's obligations.

#### 7. Elements of the Traffic Impact Study:

- a. The TIS will consider the effects of active or proposed transportation improvements in the adopted Six (6) Year Capital Transportation Program, Current Transportation Plans, and Committed Off-Site Improvements, committed developments approved by Sussex County and the current Sussex County Comprehensive Plan and establish staging for development as needed.
- b. DelDOT will provide a technical evaluation of the TIS in the form of written comments in a Traffic Impact Study Review Letter (TISRL).

155	8. Level	of Service Standards:
156	a.	Sussex County and DelDOT shall endeavor, where possible, to maintain a Level of
157		Service of D on roads and intersections affected by a land use application. However,
158		Sussex County and DelDOT recognize that:
159		• Level of Service of D is not always attainable;
160		That this threshold may create an undue burden on a property owner looking to
161		develop a property given the prior development that has occurred in an area
162		contributing to the existing Level of Service;
163		• Other relevant factors (such as the size of the property, type or importance of the
164		development) may mitigate against maintaining a Level of Service D.
165	b.	If the existing Level of Service is below D prior to the impact of the proposed land use,
166		in no event shall the existing Level of Service be degraded. must at least be maintained.
167	c.	When DelDOT determines that the traffic impact of the proposed land use causes the
168		threshold level of service to be exceeded, the County will not approve the land use
169		application unless:
170		The developer takes appropriate measures to maintain operations at the threshold
171		level of service; or,
172		Sussex County finds that there are sufficient reasons why the threshold level of
173		service should not be maintained. Sussex County, in this case, shall set forth in
174		writing their reasons for approving the land use application.
175	9. Coord	ination:
176	a.	The Sussex County Planning and Zoning Department is responsible for coordinating
177		all required information with Sussex County Council and the Planning and Zoning
178		Commission.
179	b.	No public hearing on the land use application shall occur until one of the following
180		conditions are met:
181		• It is determined that the application will have a diminutive impact as described
182		above; or,
183		It is determined that the application will have a negligible impact as described
184		above; or,
185		• Sussex County receives the AWSF Letter from DelDOT; or,
186		Sussex County receives the TISRI from DelDOT

- c. If, in DelDOT's opinion, there are appropriate conditions of approval that should be imposed upon a land use decision, DelDOT shall offer those conditions as part of its TISRL, AWSF Letter or as part of its Technical Advisory Committee review for consideration by Sussex County. Any such proposed conditions shall be clearly summarized by DelDOT prior to the Preliminary Site Plan hearing. Sussex County shall consider the proposed conditions but shall not be obligated to include them as part of any approval.
- d. Phasing of land development with highway capacity and safety improvements to restore and maintain a level of service "D" may be recommended by DelDOT. Such phasing may refer to sections or areas of the development or to a specific number of building permits. To accomplish this, DelDOT should clearly and concisely state what phasing is appropriate for the proposed land use application so that Sussex County may impose all or part of those recommendations into its various approvals as appropriate. DelDOT's recommended phasing of the project may include (but is not limited to) consideration of the following:
  - A delay of all or part of the development until specific roadway improvements are made by DelDOT or others;
  - Whether the required roadway improvements are being funded, designed and/or constructed at the developer's own expense;
  - Whether the developer is participating in, and/or funding, transit or traffic mitigation strategies.

The phasing requirements shall be included as part of the Final Site Plan. Phasing tied to other types of site plan approval is addressed in a following Section of this MOU regarding Site Plan Coordination.

e. When Sussex County believes that expert testimony regarding transportation issues is required to make a land use decision (such as a rezoning, major subdivision, conditional use or Residential Planned Community), DelDOT will provide a suitable representative to attend meetings of the Planning and Zoning Commission and/or County Council. The representative should be someone with specific technical knowledge of the project in particular and ongoing projects in the area of Sussex County where the project is to occur.

- f. In addition to the project-specific information referenced in the preceding paragraph, DelDOT shall provide regular updates to Sussex County about the status of ongoing and future roadway and transportation projects in the County, so that County Council and the Planning & Zoning Commission have an up-to-date understanding of their status. This shall include both developer-funded and DelDOT-initiated and -funded projects. During these updates, Sussex County will also have an opportunity to discuss other transportation improvements that may be needed in the future.
- g. Whenever possible during the implementation of the foregoing items, Sussex County and DelDOT should encourage master planning for large scale developments on large parcels or groups of parcels in the Town Center, Coastal Area, Developing Area and commercial areas as set forth in the Comprehensive Land Use Plan to provide greater flexibility in design and/or the installation of additional roadways and interconnectivity.
- h. Sussex County shall be invited to participate in the scoping meetings and the conversations leading to the issuance of the TISRL, the AWSF Letter or TOA as to roadway improvements associated with a project. Sussex County may provide input into those negotiations, but DelDOT shall be entitled to make the final determination as to all required roadway improvements and negotiated agreements with a developer. Any agreement reached between a developer and DelDOT as to roadway improvements, phasing of a development and funding of roadway improvements shall be timely forwarded to Sussex County for its records with regard to the development. Any subsequent changes or amendments to a DelDOT and developer agreement shall likewise be timely forwarded to Sussex County. Provided, however, that DelDOT acknowledges that if a specific requirement (such as phasing) is incorporated into a land use decision (such as a major subdivision, conditional use or Residential Planned Community), this may not be enforceable by Sussex County without an amendment to the subdivision approval or the ordinance that approved a Residential Planned Community, Conditional Use or certain other rezonings where conditions can be imposed.

#### REZONINGS (WITHOUT SITE PLANS OR CONDITIONS OF APPROVAL)

- 1. Sussex County and DelDOT acknowledge that on a rezoning to a new zoning district where a specific site plan is not under consideration, and where the County cannot impose conditions as part of the rezoning approval, a TIS may not be possible (with the exception of rezoning's to Residential Planned Communities and C-4, where specific site plans are considered and conditions can be imposed). This is because the various zoning districts have several permitted uses that are allowed once a rezoning occurs; as a result DelDOT cannot determine, at the time of rezoning, what the actual use will be nor what the traffic and possible roadway improvements will be as a result of it. This requires greater coordination on the part of both Sussex County and DelDOT.
- Whenever possible, DelDOT shall endeavor to provide as much information as possible about the general impacts of the rezoning upon area traffic and roadways as required in the preceding section prior to the public hearing before Sussex County Council and the Planning & Zoning Commission. This shall include, but is not limited to, recent studies performed on roadways in the immediate area, including any TIS's that may exist; information about the existing LOS in the immediate area based on prior studies; planned roadway improvements in the immediate area; the impacts and required improvements of approved, but not yet completed developments in the immediate area; and any other relevant information in DelDOT's possession that can assist Sussex County in making a rezoning decision.
- 3. Whenever DelDOT is approached by a developer with a specific project in mind, DelDOT and that developer may enter into an agreement to obtain a TIS for the project as part of the rezoning process so that the information required as part of the TIS may be included in the record of the public hearings of the rezoning application. Because other possible uses of the property may be permitted under the proposed new zoning, Sussex County is not bound by this information in making its decision on the rezoning. However, if the use that the TIS is based upon changes after the rezoning occurs, another TIS may be required and if so, Sussex County shall not approve any Preliminary or Final Site Plan for the property until the new TIS is completed with all necessary traffic and roadway improvements determined by DelDOT. Alternatively, if no TIS is performed on a specific project, DelDOT or Sussex County shall have the ability to request a TIS based upon the most impactful permitted use available under the new zoning classification that is sought.

#### **SITE PLAN COORDINATION**

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- 285 1. Sections 115-220C and 221C of the Sussex County Zoning Code allow Sussex County to
  286 approve certain site plans "subject to conditions". In any site plan reviewed pursuant to Section
  287 115-220 of the Sussex Zoning Code, Sussex County, with the assistance of DelDOT, may
  288 impose conditions regarding phasing and the timing of building permits in conjunction with
  289 completion of necessary roadway improvements.
- 290 2. In all site plan reviews, DelDOT will review the site plans in accordance with its rules and regulations for access and roadway improvements. Sussex County will withhold any site plan approval until DelDOT has provided a Letter of No Contention (LONC) or a Letter of No Objection to Recordation (LONOR). Provided, however, that this requirement may be waived by Sussex County for minor amendments to existing site plans that changes the trip generation by less than 50 trips per day.
- 3. Sussex County shall withhold the issuance of any building permit until DelDOT has issued the
   entrance permit associated with the project.
- 4. Unless bonded in accordance with DelDOT's requirements, DelDOT will withhold an entrance permit until the developer has agreed to construct the access point(s) to Department standards and to provide off-site improvements as may be required to maintain acceptable traffic operation on roadways.
- 5. Sussex County will withhold issuance of the Certificate of Compliance until DelDOT has received appropriate bonding or accepted the entrance construction as substantially completed.
- 304 6. The coordination described in this section shall take into consideration any phasing of the land use project.

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315	TRANSPORTATION IMPROVEMENT DISTRICTS			
316	1. In the event that a land use application falls within an approved Transportation Improvem	ent		
317	District ("TID"), the requirements of the TID, as set forth in the TID Agreement, shall			
318	supersede the requirements set forth in this MOU.			
319 320	IT IS FURTHER RESOLVED that the Secretary of the Delaware Department	of		
321	Transportation and The County Administrator will affirm this agreement by affixing the	neir		
322	signature to the Resolution.			
323 324 325 326 327 328 329	Adopted by the County Council of Sussex County on			
330	The following signatures concurring herein:			
331				
	For Sussex County:			
	Todd F. Lawson, Sussex County Administrator			
	Robert Wheatley, Chairman, Sussex County Planning & Zoning Commission			
	Jamie Whitehouse, Director of Planning & Zoning			
	For the Department of Transportation:			
222	Jennifer Cohan, Secretary			
<ul><li>332</li><li>333</li><li>334</li></ul>				

### TODD F. LAWSON COUNTY ADMINISTRATOR

(302) 855-7742 T (302) 855-7749 F tlawson@sussexcountyde.gov





#### **Memorandum**

TO:

Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Douglas B. Hudson The Honorable John L. Rieley

The Honorable Samuel R. Wilson Jr.

FROM:

Todd F. Lawson

County Administrator

RE:

**DelDOT Transportation Improvement District (TID)** 

DATE:

September 18, 2020

During Tuesday's Council meeting, we are scheduled to discuss the Delaware Department of Transportation (DelDOT) Henlopen Transportation Improvement District.

DelDOT staff will be in attendance and present the update and associated information.

Attached please find a copy of the presentation and the draft agreements.

Please let me know if you have any questions.

Attachments



# Henlopen TID

Agreements and Fee Schedule Review

Presentation to Sussex County Council September 22, 2020



## Objectives

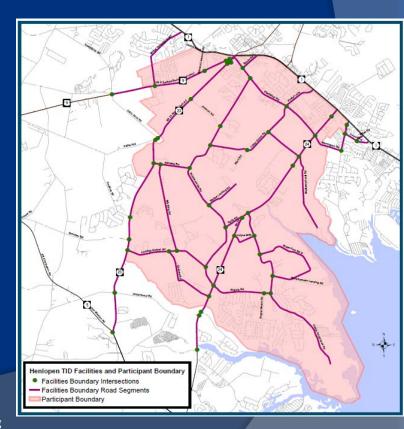
- Review terms of initial agreement to establish the TID
- Review terms of infrastructure recoupment agreement to be executed with individual developers
- Review infrastructure fee program
- Discuss Next Steps





# Initial TID Agreement- Included Elements

- Between DelDOT and Sussex County
- Describes TID boundaries and includes map as Exhibit A
- Specifies 2045 as Target Horizon Year



## Initial TID Agreement - Included Elements Continued

 Includes specific service standards, presented at public workshop, as Exhibit B

- Includes land use map and transportation improvement map (Land Use and Transportation Plan), and TID Capital Transportation Program as Exhibit C
- Includes initial fee schedule as Exhibit D



## Initial TID Agreement - Exhibit B Service Standards

- LOS Standard Minimum overall average intersection Level of Service D for weekday morning and evening peak hours
- Roadways proposed for improvements are to be upgraded to DelDOT standards, including 11-ft wide travel lanes, and paved shoulders with widths based on roadway Functional Classification
- On state-maintained roads, roundabouts were considered first as a means of intersection control in accordance with DelDOT Design Guidance Memorandum Number 1-26. This consideration was part of a larger intersection control evaluation that considered safety, capacity, and right-of-way need and property impacts.



# Initial TID Agreement - Exhibit B Service Standards (continued)

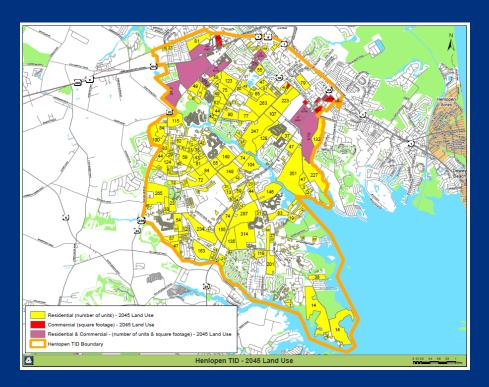
- Compliance with our Complete Streets Policy was assumed, and shared-use paths or sidewalks are recommended along at least one side of each roadway proposed for other improvements.
- As development occurs, DelDOT will continue to work with DART to address opportunities for new transit facilities.



# Initial TID Agreement - Exhibit C Land Use and Transportation Plan

Figure 1: 2045 Land Use Map

Figure 2: Transportation Improvements







# Initial TID Agreement - Exhibit C TID Capital Transportation Program

Segment Number	Road Name	Cost Estimate
1	Minos Conaway Road	\$5,519,250
3	US Route 9	\$19,825,593
13	SR 23, Indian Mission Road to Kendale Road	\$11,469,065
14	SR 23, Kendale Road to Plantation Road	\$22,410,565
15	Kendale Road	\$3,292,808
16	Wil King Road	\$9,543,170
17	Conleys Chapel Road	\$4,931,755
18	Dorman Road	\$6,816,425
20	SR 24, Hollylake Road to Camp Arrowhead Road	\$19,973,998
21	SR 24, Camp Arrowhead Road to Plantation Road	\$21,812,370
23	Robinsonville Road, SR24 to Kendale Road	\$18,247,953
24	Robinsonville Road, Kendale Road to Plantation Road	\$14,852,680
26	Plantation Road	\$20,819,863
27	Warrington Road (with Roundabout)	\$4,022,175
28	Shady Road	\$3,455,025
29	Postal Lane	\$4,584,498
30	Old Landing Road	\$6,503,570
31	Cedar Grove Road	\$9,738,320
33	Mulberry Knoll Road	\$11,536,483
33A	Mulberry Knoll Road Extension, Cedar Grove Road to US9	\$9,989,178
34	Airport Road (Existing Alignment), Old Landing Road to SR1	\$5,127,890
	Airport Road Extension (Alternative B), SR24 to Old Landing Road	\$6,377,228
35	Miller Road	\$1,555,798
36	Angola Road	\$4,077,605
38	Jolyns Way	\$4,058,945
39	Harts Road (Shortened)	\$847,810
40	Webbs Landing Road	\$1,753,613
41	Camp Arrowhead Road	\$10,376,953
42	Waterview Road	\$3,471,338
43	New Connector Road 1, Mulberry Knoll Road to Plantation Road	\$3,769,295
44	New Connector Road 2, Cedar Grove Road to New Connector Road 1	\$2,510,433
45	Airport Road Extension, SR 24 to Postal Lan	\$4,615,160
46	Nassau Commons Boulevard	\$5,705,898
	Total	\$283,592,710



# Initial TID Agreement – Development Types Excluded

Those determined by DelDOT and County to be inconsistent with land use plan and to generate enough traffic to warrant a TIS, will be required to conduct TIS and, as necessary, contribute to off-site improvements

Development of Garage Studio Apartments



## Initial TID Agreement – Administrative Procedures

- When updating the Comprehensive Plan, the County shall evaluate the need to amend boundaries, horizon year, service standards, and land use plan
- For updates to LUTP, DelDOT will handle transportation analysis and project estimate updates
- Both parties agree to all changes and amend agreement



## Initial TID Agreement – Administrative Procedures Continued

- County collects fees prior to issuance of building permits
- County holds fees in single TID account, to transfer to DelDOT upon DelDOT's request
- Manner and extent of developer participation to be documented on recorded subdivision or site plan and in an infrastructure recoupment agreement



## Initial TID Agreement – Development Contributions

Dedication of rights-of-way for credit by agreement between developer and DelDOT, based on DelDOT valuation

Design and/or construction for credit by agreement between all three parties, based on developer payments, upon DelDOT approval of competitive bid process



## Initial TID Agreement – Development Contributions Continued

- Construction of improvements required as part of development's entrance or on-site infrastructure is not creditable
  - This includes subdivision streets, and curb ramps, turn lanes, acceleration lanes at development entrance
  - Improvements beyond the site entrance, such as the addition or widening of shoulders, and/or the construction of a shared-use path or sidewalk along the development's frontage, are creditable, with creditable amounts determined by DelDOT. (Shared-use Path and Sidewalk Fee Calculation Form used for those items)



## Initial TID Agreement – Transitional Rules

- The property owner and/or developer of any subdivision or site plan submitted before the effective date, may request participation in the TID, in lieu of completing a Traffic Impact Study and/or making off-site contributions
- DelDOT, the County, and the Property Owner shall work together to expedite the modification(s) to the Record Plan notes. The revision will be a ministerial review, incorporating the TID participation into the Record Plan notes. No review fees will be charged.



# Initial TID Agreement – Monitoring Program

- DelDOT to monitor traffic volumes
- DelDOT to provide County with findings and recommendations in calendar year 2022 and at regular intervals not to exceed every 5 years.



# Initial TID Agreement – Monitoring Program Continued

• County shall, in odd numbered years, to coincide with development of the DelDOT Capital Transportation Program, recommend projects from the TID-CTP for inclusion in DelDOT's CTP.

 Inclusion of recommended projects shall be subject to DelDOT's CTP prioritization process.



## Initial TID Agreement – Public Involvement

 County to publicize and host public meetings pertaining to procedural matters

 DelDOT public involvement process applies to specific transportation improvements to be made in TID.



## Initial TID Agreement – Signatures

Secretary for DelDOT

President of Council for County

Legal approves as to form



## Infrastructure Recoupment Agreement - Included Elements

Between DelDOT, Sussex County, and each individual property owner

Property location and description, including map in Exhibit A.

Participation in TID in lieu of Traffic Impact
 Study and other property owner benefits



## Infrastructure Recoupment Agreement - Included Elements Continued

• Includes right-of-way dedication requirements, specifying that standard dedications, and rights-of-way for proposed subdivision streets and site entrance are not creditable

Contribution timing- prior to building permit issuance



## Infrastructure Recoupment Agreement

- Included Elements Continued

 Initial and Current Contribution Rates, listed in Exhibits B and C

### EXHIBIT C HENLOPEN TID TRANSPORTATION INFRASTRUCTURE RECOUPMENT AGREEMENT Initial Property Contribution Accounting Recoupment Size (units/sf) Total Committed Cash Paid Credit Escalation Property Identification Owner Use Unit Cost Balance Due<sup>3</sup> includes escalation through Jan. 31, = projected, may change over time TOTAL CONTRIBUTED As of: \$0.00

NOTE: Figures for "Use" Column are approximate and subject to verification at the time of payment.

 Terms of annual fee escalation on January 31, based on Consumer Price Index, up to 4%



## Infrastructure Recoupment Agreement - Included Elements Continued

Includes Notification of contribution requirement on final site plan

 Developer design/build credit process, matches terms of initial TID agreement



## Infrastructure Recoupment Agreement - Included Elements Continued

Recoupment credit agreement form as Exhibit D.

Exhibit D	
Henlopen TID Recoupment Credit Agreement	
Agreement No.	
Development Project	
Development Name	
Developer	
Total Required Financial Contribution for Development	ment Agreement)
Henlopen TID Project	
Name of Project	
Section of Project	
Total Estimated Cost of Section to be Constructed  (Attach cost estimate)	))
Recoupment Calculation	
Estimated Cost of Items Required for Development \$ Estimated Cost of Items Required for Other Developments \$ Estimated Cost of Items Eligible for Recoupment \$  TOTAL \$	
(Attach breakout plan)	
*Note - Total must equal Total Estimated Cost of Construction	
Agreement	
For performing construction work on the above named Henlopen TID Project, the development is credited the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following amount toward the Henlopen TID Fund requirements to the following the	
Developer	Date
Sussex County	Date
Delaware Department of Transportation	Date



## Infrastructure Recoupment Agreement

## Administrative Procedures

• Amending Record Plans for TID participation and no charging of review fees

• The Property Owner shall record a notice of this Agreement, so as to put potential future purchasers of the Property on notice of the obligations created by this Agreement.



## Infrastructure Recoupment Agreement

- Signatures
  - Property Owner
  - President of Council or designee for County
  - Secretary or designee for DelDOT
  - DelDOT Legal approves as to form
  - All Signatures notarized



## Infrastructure Fee Program

 Developer contributions are estimated to be about 23.46% of the costs of improvements

Residential Rates				
Single family detached residential	\$4,900 per unit by phase			
	\$5,145 per unit by lot			
Multi-family residential, low-rise, 1-2 floors	\$3,822 per unit by phase			
	\$4,013 per unit by lot			
Multi-family residential, mid-rise, 3 or more floors	\$2,842 per unit by phase			
	\$2,984 per unit by lot			
Non-Residential Rates				
Under 21 trips per 1,000 SF GFA	\$2.88 per sq ft			
At least 21 but less than 34 trips per 1,000 SF GFA	\$3.38 per sq ft			
At least 34 but less than 75 trips per 1,000 SF GFA	\$3.88 per sq ft			
At least 75 but less than 200 trips per 1,000 SF GFA	\$4.38 per sq ft			
200 or more trips per 1,000 SF GFA	\$4.88 per sq ft			
Notes: Low rise Multi family rate is 70% of single family detached rate. Mid rise Multi family rate is				

Notes: Low-rise Multi-family rate is 78% of single-family detached rate. Mid-rise Multi-family rate is 58% of single-family detached rate. Townhomes are considered low-rise multi-family. All non-residential rates are based on the number of trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 10th Edition.



## Questions?

• Please contact:

Sarah Coakley, AICP, Principal Planner
 Sarah.Coakley@delaware.gov
 (302) 760-2236



## AGREEMENT REGARDING

## HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT

## **BETWEEN**

## STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION

### **AND**

## SUSSEX COUNTY

## PROJECT MANAGER: SARAH COAKLEY, AICP, PRINCIPAL PLANNER, DELDOT

THIS AGREEMENT, n	nade	and e	ntered into	this			da	y of	
2020,	by	and	between	the	State	of	Delaware,	Department	of
Transportation, as First Party, her	einat	fter re	ferred to as	the I	DEPAI	RTN	MENT, and S	Sussex County	, as
Second Party, hereinafter referred	d to a	as the	COUNT	Υ.				-	

### WITNESSETH:

WHEREAS, the DEPARTMENT and the COUNTY seek to establish a Transportation Improvement District, hereinafter referred to as the TID, for the purpose of securing required improvements to transportation facilities in the TID,

**NOW, THEREFORE,** for and in consideration of the mutual covenants, hereinafter stipulated to be kept and performed, it is agreed between the parties as follows:

## **SECTION 1. GEOGRAPHIC BOUNDARIES**

- A. The boundaries of the **TID** are shown on Exhibit A, attached hereto, and are described as follows:
  - 1. Participant Boundary. Beginning in the northwest, where the Georgetown to Lewes Delaware Coast Line Railroad crosses the first intermittent stream west of Minos Conaway Road, the boundary follows the Georgetown to Lewes Delaware Coast Line Railroad to the western right-of-way line of SR1, then follows the western right-of-way line of SR1 east and south to the western right-of-way line of Old Landing Road, follows the western right-of-way line of Old Landing Road south to the northern parcel line of Sterling Crossing, follows the northern parcel line of Sterling Crossing to the western parcel line of Sterling Crossing, follows the western parcel line of Sterling Crossing to where it meets the eastern parcel line of the Beebe parcel number 334-12.00-57.00, follows the eastern parcel line of this Beebe parcel to

Henlopen Transportation Improvement District Page 2 of 9

> where it meets the southern parcel line of this Beebe parcel, follows the southern parcel line of this Beebe parcel to the eastern parcel line of Beebe parcel 334-12.00-125.00, follows the eastern parcel line of this Beebe parcel to the northern right-ofway line of Warrington Road, then the northern right-of-way line of Warrington Road east to the eastern boundary of the Wellesley subdivision, follows the eastern boundary of the Wellesley subdivision south to where it meets the southern parcel line of parcel number 334-12.00-562.00, then follows Arnell Creek south and east to the northern boundary of Rehoboth Bay, follows the northern and western boundaries of Rehoboth Bay west and south to Herring Creek, then Herring Creek west and north to Burton Prong, Burton Prong west and north to Chapel Branch, Chapel Branch west to the northern parcel line of parcel number 234-11.00-79.01, the northern parcel line of parcel number 234-11.00-79.01 to the southern boundary of the Lochwood subdivision, then follows the southern boundary of the Lochwood subdivision to the southern parcel line of Sussex County parcel number 234-11.00-68.00, the southern parcel line of Sussex County parcel number 234-11.00-68.00 to the western parcel line of Sussex County parcel number 234-11.00-69.03, the western parcel line of Sussex County parcel number 234-11.00-69.03 to Chapel Branch, follows Chapel Branch north and west to the western right-of-way line of Beaver Dam Road, then follows the western right-of-way line of Beaver Dam Road north to the southern boundary of Estates at Cedar Grove, follows the southern and western boundaries of Estates at Cedar Grove to Bundicks Branch, follows Bundicks Branch north and east to the western boundary of Coastal Club, the western boundary of Coastal Club to Beaver Dam Road, crosses Beaver Dam Road, follows the western parcel line of Delaware Farm LLC parcel number 334-5.00-175.00 north to the western boundary of The Reserves at Lewes Landing, then follows the western boundary of The Reserves at Lewes Landing north to US9/Lewes-Georgetown Highway, follows US9/Lewes-Georgetown Highway west, then follows the eastern boundary of Sweetbriar north to the point of beginning.

2. Facilities Boundary. All three-digit state-maintained roads within the participant boundary are included in the facilities boundary, except for Janice Road, Jimtown Road, Ward Road, Bookhammer Landing Road, and Angola Beach Road. Additionally, the following road segments that are located outside the participant boundary are also included in the facilities boundary: US9/Lewes-Georgetown Highway east of Dairy Farm Road, Minos Conaway Road west and south of SR1, Old Landing Road between SR1 and Warrington Road, Airport Road between Old Landing Road and SR1, Miller Road between Airport Road and SR1, Warrington Road between SR24 and Old Landing Road, SR24 north of Holly Lake Road, Beaver Dam Road north of Indian Mission Road, and Beaver Dam Road between Bundicks Branch and Coastal Club.

- B. The **TID** shall have both a Participant (inner) Boundary and a Facilities (outer) Boundary. The purpose of having two boundaries is to better provide for adequate infrastructure on all sides of developments inside the Participant Boundary. All land developments requiring a subdivision or land development plan, except as described in Section 6, within the Participant Boundary and all State-maintained capital transportation facilities (roads, bridges, sidewalks, bus stops, etc.) within the Facilities Boundary shall be subject to the terms of this agreement.
- C. The boundaries of the **TID** may be amended at any time by mutual agreement of the parties in the form of a supplement to this **AGREEMENT**.
- D. When updating their Comprehensive Plan, the **COUNTY** shall evaluate the need to amend the boundaries of the **TID**.

## **SECTION 2. TARGET HORIZON YEAR**

- A. The Target Horizon Year for which land use was forecast in creating the **TID** is 2045.
- B. The Target Horizon Year may be amended at any time by mutual agreement of the parties in the form of a supplement to this **AGREEMENT**.
- C. When updating their Comprehensive Plan, the **COUNTY** shall evaluate the need to amend the Target Horizon Year of the **TID**.

## **SECTION 3. SERVICE STANDARDS**

- A. The parties hereby agree on a set of standards (Service Standards) for conditions in the TID in the Target Horizon Year, which is incorporated into this **AGREEMENT** as Exhibit B.
- B. Prior to incorporating Service Standards into this **AGREEMENT**, the parties solicited public comment on proposed standards at the Henlopen TID Public Workshop on February 5, 2020, and considered the comments received.
- C. The Service Standards may be amended at any time by mutual agreement of the parties in the form of a supplement to this **AGREEMENT**, provided that the public is first afforded an opportunity to review and comment on the proposed amendment.
- D. When updating their Comprehensive Plan, the **COUNTY** shall evaluate the need to amend the Service Standards of the **TID**.

## SECTION 4. LAND USE AND TRANSPORTATION PLAN

- A. The parties hereby agree on the Land Use and Transportation Plan, hereinafter referred to as an **LUTP** for the **TID**, which is incorporated into this **AGREEMENT** as Exhibit C.
- B. When updating their Comprehensive Plan, the **COUNTY** shall consider the need to update the **LUTP** and shall initiate that effort if the land use forecast for the **TID** area has changed significantly. The parties hereto shall, upon review and approval, adopt the revised **LUTP** as an Appendix to this **AGREEMENT**.
- C. For updates to the **LUTP**, the **COUNTY** shall supply to the **DEPARTMENT** a parcel-level land use forecast for the **TID** participant boundary, composed of the following components:
  - 1. Existing land use at the time of the update.
  - 2. Development approved and/or recorded but not yet built as of that date, including any "sunset" provisions.
  - 3. Development in the land development process but not approved as of that date.
  - 4. Development not yet proposed but projected by the Target Horizon Year, based on population and employment forecasts, and the current Comprehensive Plan and zoning map.
- D. For updates to the **LUTP**, the **DEPARTMENT** shall inventory the existing transportation network and programmed improvements thereto within the **TID** facilities boundary, which inventory shall include the following information:
  - 1. Functional Class and Traffic Pattern Group;
  - 2. Numbers, assignments and widths of lanes at each intersection;
  - 3. Type of control at each intersection;
  - 4. Typical section and type of pavement on each road segment;
  - 5. Roadway geometry deficiencies in sufficient detail to determine whether the agreed upon Service Standards are met:
  - 6. Roadway capacity and Level of Service conditions (to the extent known) in sufficient detail to determine whether the agreed upon Service Standards are met;
  - 7. Presence, and frequency of transit service;
  - 8. Any bicycle and pedestrian facilities not covered under Item 4 above.
- E. For updates to the **LUTP**, the **DEPARTMENT** shall forecast traffic on the facilities boundary road network for the Target Horizon Year, shall determine what locations would need improvement to meet the Service Standards, in that year, and shall identify conceptually what improvements are needed in those locations.
- F. The **DEPARTMENT** shall provide an updated Exhibit C each time the **LUTP** is amended.

## SECTION 5. TID CAPITAL TRANSPORTATION PROGRAM (TID-CTP)

- A. The parties hereby agree on the TID Capital Transportation Program, hereinafter referred to as the **TID-CTP**, which is incorporated into this **AGREEMENT** as Exhibit C.
- B. When updating the **LUTP**, for the deficient locations identified in the adopted **LUTP**, the **DEPARTMENT** shall identify a set of projects needed to address those deficiencies and shall develop cost estimates for those projects. The **DEPARTMENT** shall update the cost estimates periodically as needed. Subject to review and approval by the **COUNTY**, this set of projects shall constitute the **TID** Capital Transportation Program (**TID-CTP**).
- C. The **COUNTY** shall, in odd numbered years to coincide with development of the DelDOT Capital Transportation Program, recommend projects from the **TID-CTP** for inclusion in the **DEPARTMENT**'s 6-year Capital Transportation Program. Inclusion of recommended projects shall be subject to the **DEPARTMENT**'s process for development of the 6-year program. Projects included in the **DEPARTMENT**'s 6-year Capital Transportation Program shall be eligible to receive funding from the **COUNTY** consistent with Paragraph 7D below, in addition to applicable State and Federal funds.

## SECTION 6. DEVELOPMENTS EXCLUDED FROM PARTICIPATION

- A. Where a proposed development is determined by the **DEPARTMENT** and the **COUNTY** to be inconsistent with the land use element of the **LUTP**, and to generate sufficient traffic to warrant a Traffic Impact Study (TIS), the **DEPARTMENT** and the **COUNTY** shall require a TIS and, as necessary, off-site improvements in accordance with the **DEPARTMENT**'s <u>Development Coordination Manual</u>.
- B. The development of Garage Studio Apartments shall be excluded from the requirements of this agreement.

## SECTION 7. INFRASTRUCTURE FEE PROGRAM

A. The **COUNTY** shall require that any activity requiring a subdivision or site plan, except as provided in Section 6, within the Participant Boundary of the **TID** participate in the improvement of transportation facilities within the Facilities Boundary of the **TID** in accordance with the current **LUTP** and this **AGREEMENT**. The **DEPARTMENT** and the **COUNTY** shall require that the manner and extent of that participation be documented on the recorded subdivision or site plan and in a recorded infrastructure recoupment agreement

Henlopen Transportation Improvement District Page 6 of 9

with the developer. The manner of participation shall be through the payment of a fee, right-of-way dedication or the construction of physical improvements identified in the TID-CTP, or some combination thereof. The extent of participation shall be in accordance with Paragraph E below. The **COUNTY** shall collect any fees prior to issuance of building permits. The schedule for construction of physical improvements shall be specified on the recorded subdivision or site plan and in the recorded infrastructure recoupment agreement with the developer and shall be subject to approval by both the **DEPARTMENT** and the **COUNTY**.

- B. Dedication of rights-of-way in lieu of some or all of the fee shall be by agreement between the developer and the **DEPARTMENT**, with payment of the fee being required if any party is not amenable to the proposed dedication. The value of the rights-of-way to be dedicated shall be determined in accordance with **DEPARTMENT** policies and regulations. The creditable area shall be determined based on highway plans acceptable to the **DEPARTMENT** and shall exclude the standard dedications provided in **DEPARTMENT**'s <u>Development Coordination Manual</u>, rights-of-way for any proposed subdivision streets and any lands needed to accommodate the site entrance.
- C. Design and/or Construction of physical improvements in lieu of some or all of the fee shall be by agreement between the developer, the **DEPARTMENT** and the **COUNTY**, with payment of the fee being required if any party is not amenable to the proposed construction. If a developer seeks to design and/or construct physical improvements in lieu of paying into the Fee, the developer shall be required to obtain a minimum of three bids for the work. The bids shall be subject to review and approval by the **DEPARTMENT**. Credit toward the fee shall be based on the developer's payments to the selected contractor. Design and Construction of improvements required by the **DEPARTMENT** and the **COUNTY** as part of the development's entrance construction or on-site infrastructure, e.g. subdivision streets, and curb ramps, turn lanes, acceleration lanes at development entrance, shall not be creditable toward the fee. At their discretion, the **DEPARTMENT** and the **COUNTY** may require improvements beyond the site entrance to correct an unsafe condition that they find would be created or worsened by the proposed development. Such improvements may include, but are not limited to, the addition or widening of shoulders, and/or the construction of a shared-use path or sidewalk along the development's frontage. In that case, the cost of that work shall be determined by the **DEPARTMENT**, using the Shared-Use Path and Sidewalk Fee Calculation Form for those items and current comparable contract bid prices as a guide for other items, and shall be creditable toward the fee.
- D. The **COUNTY** shall create and administer a separate account or accounts expressly for the purpose of managing the funds needed to pay for design and construction costs of work identified in the **TID-CTP** under the terms of this **AGREEMENT**. The account shall be funded by Infrastructure Fee payments from developers as called for by this **AGREEMENT**. The **COUNTY** shall, at the **DEPARTMENT**'s request, transfer funding

Henlopen Transportation Improvement District Page 7 of 9

from the **TID** account to the **DEPARTMENT** for the design and/or construction of the improvements identified in the **TID-CTP**.

- E. Developers shall participate in the improvement of transportation facilities within the Facilities Boundary of the **TID** in accordance with the current **LUTP** as follows:
  - 1. In the Target Horizon Year, the **LUTP** shows that a total number of trips will be generated within the Participant Boundary of the **TID** in an average weekday evening peak hour. The total estimated cost to construct the improvements identified in the **TID-CTP** can also be determined. Development within the Participant Boundary of the **TID** can be grouped into broad land use categories, each with an associated trip generation per square foot or per dwelling unit. The **DEPARTMENT** and the **COUNTY** will establish per unit costs for residential development and per square foot costs for non-residential development. Therefore, for each subdivision or site plan, the **COUNTY** shall require participation consistent with the established rates in Exhibit D, which amounts shall be adjusted annually as set forth in paragraph F below. Where there is a question as to how to characterize a specific development, the **COUNTY** shall refer to the **LUTP** and may consult the **DEPARTMENT** as necessary.
  - 2. Maintenance activities are excluded from the **TID-CTP** and are not eligible for funding through the Infrastructure Fee Program.
  - F. While transportation improvement projects await construction funding, the costs of constructing the project will escalate at the rate of inflation for highway construction projects. The amounts paid by developers, therefore, shall be subject to an increase of up to four percent (4%) per year, not compounded, beginning on January 31, 2021 and increasing by the established amount on January 31 of each year thereafter. The actual amount of the increase shall be set by DelDOT in January of each year based upon the change in the Consumer Price Index (CPI) for Delaware Region during the previous year. The established rate shall not exceed four percent (4%) in any one year and escalation shall only apply to contributions unpaid on January 31 of each year.

## SECTION 8. TRANSITIONAL RULES FOR DEVELOPMENTS PRIOR TO EXECUTION OF THIS AGREEMENT

A. The property owner and/or developer of any subdivision or site plan, submitted to the **DEPARTMENT** and/or the **COUNTY** before the effective date of this **AGREEMENT**, may request participation in the **TID** for that subdivision or land development plan, in lieu of completing a Traffic Impact Study and/or making off-site contributions.

B. Should existing Record Plan transportation improvement requirements conflict with the requested participation in the **TID**, the **DEPARTMENT**, the **COUNTY**, and the Property Owner shall work together to expedite the modification(s) to the Record Plan notes. The revision will be a ministerial review, incorporating the **TID** participation into the Record Plan notes. The **DEPARTMENT** and the **COUNTY** review fees for this reconciliation will be considered satisfied from the initial Record Plan Review fees. For any other changes requiring a resubdivision plan and review, the associated fees will be the responsibility of the legal owner.

## **SECTION 9. MONITORING PROGRAM**

- A. The **DEPARTMENT** shall monitor traffic volumes within the Facilities Boundary of the **TID** and shall report to the **COUNTY** in calendar year 2022 and at regular intervals not to exceed every 5 yearstheir findings and their recommendations as to what improvements in the **TID-CTP** are needed at the time of the report and what improvements in the **TID-CTP** are likely to be needed in the next six years.
- B. The extent of the monitoring effort shall be at the **DEPARTMENT**'s discretion but the **DEPARTMENT** will accommodate reasonable requests from the **COUNTY** for the inclusion of specific information.

## SECTION 10. PUBLIC INVOLVEMENT

Absent a specific agreement to the contrary, to the extent that a public meeting, workshop or hearing is needed pertaining to procedural matters relating to this **AGREEMENT**, said public meeting, workshop or hearing shall be publicized and hosted by the **COUNTY**. The **DEPARTMENT** shall send appropriate representatives to such events as necessary. For specific improvements to be made in the **TID**, the **DEPARTMENT**'s Public Involvement Process shall govern.

## SECTION 11. SCOPE OF AGREEMENT

This **AGREEMENT** constitutes the sole understanding by and between the **DEPARTMENT** and the **COUNTY** and nothing outside of this **AGREEMENT** shall be construed as an alteration, modification and/or revision hereof. This **AGREEMENT** shall not be modified except in writing subscribed by all parties.

## **SECTION 12. SUCCESSOR AND ASSIGNMENTS**

The **DEPARTMENT** and the **COUNTY** each binds itself, its successors, legal representatives, agents, employees, officers, and assigns, to each other to this Contract.

## **SECTION 13. LAWS OF DELAWARE**

Henlopen Transportation Improvement District Page 9 of 9

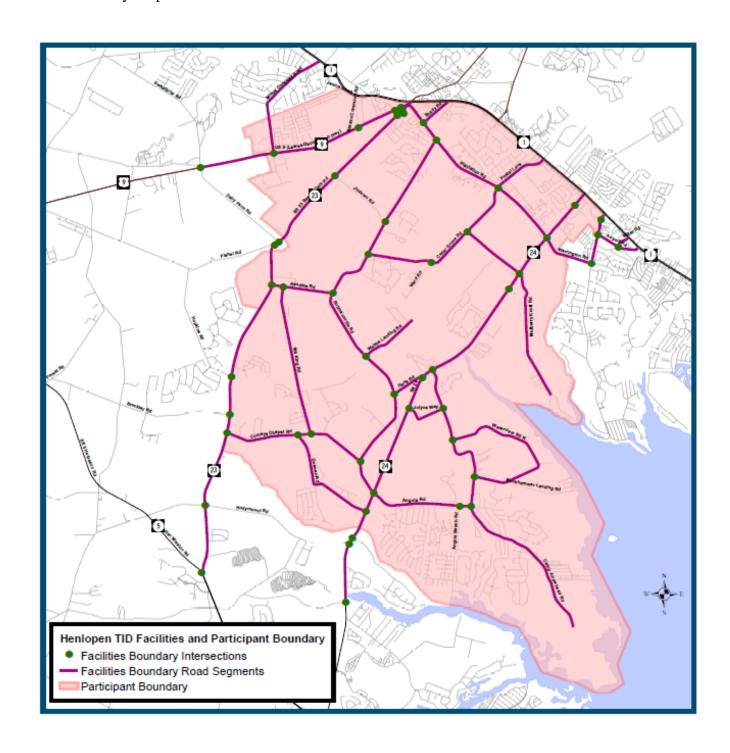
This **AGREEMENT** and the terms thereof shall be construed in accordance with the laws of the State of Delaware.**IN WITNESS WHEREOF**, the parties hereunto have caused this **AGREEMENT** to be executed in quadruplicate, the date and year first above written.

## FOR THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION:

ATTEST:	
(SEAL)	
Printed Name	Printed Name_
Executive Assistant	Cabinet Secretary
DATE:	DATE:
APPROVED AS TO FORM:	
(SEAL)	
Printed Name	
Deputy Attorney General	DATE:
FOR SUSSEX COUNTY: ATTEST:	
(SEAL)	
Printed Name	
PRESIDENT OF COUNCIL DAT	E:
APPROVED AS TO FORM:	
(SEAL)	
Printed Name_	D 4 mm
COUNTY ATTORNEY	DATE:

## Exhibit A to accompany Henlopen TID Agreement

## TID Boundary Map



## Exhibit B to accompany Henlopen TID Agreement

## Service Standards for Henlopen TID

These standards describe the standards to which DelDOT will work in developing transportation improvement projects that are to be built as part of the Henlopen TID. They in no way obligate DelDOT or Sussex County to make specific improvements. They describe the form and function that improvements are to have if improvements are to be made.

## I. Inside Participant Boundary

## A. Capacity and Level of Service Standards

- 1. To account for seasonal variations in traffic, DelDOT shall adjust weekday traffic counts to approximate annual average (May and October) volumes.
- 2. DelDOT may adjust specific volumes to account for errors in the counted volumes where such errors become apparent and for instances where it is apparent that traffic has increased since the counts were done.
- 3. The same standards for all roads in the study area shall be assumed except as specified in this Exhibit.
- 4. Use of 2010 <u>Highway Capacity Manual</u> procedures and applicability only to the Automobile Mode are assumed except as specified in this document. Those standards are summarized in the tables below for reference.

Control delay is the delay associated with vehicles slowing in advance of an intersection, the time spent stopped on an intersection approach, the time spent as vehicles move up in the queue, and the time needed for vehicles to accelerate to their desired speed.

Signalized Intersections					
Control Delay	Volume-to-Capacity Ratio	Volume-to-Capacity Ratio			
(sec/veh)	≤ 1.0	> 1.0			
<u>≤</u> 10	A	F			
>10-20	В	F			
>20-35	С	F			
>35-55	D	F			
>55-80	E	F			
>80	F	F			

Unsignalized Intersections					
Control Delay	Volume-to-Capacity Ratio	Volume-to-Capacity Ratio			
(sec/veh)	<u>≤</u> 1.0	> 1.0			
<u>≤</u> 10	A	F			
>10-15	В	F			
>15-25	C	F			
>25-35	D	F			
>35-50	Е	F			
>50	F	F			

- 5. Minimum intersection Levels of Service (LOS) are as follows.
  - 1. Overall intersection LOS for weekday (Tuesday through Thursday) evening peak hours at signalized, roundabout and all-way stop-controlled intersections: D. LOS for specific approaches and movements may be E or F.
  - 2. Overall intersection LOS for weekday (Tuesday through Friday) morning peak hours at signalized, roundabout and all-way stop-controlled intersections: D. LOS for specific approaches and movements may be E or F.
  - 3. For all facilities, 95<sup>th</sup> percentile queue lengths should not exceed available turning lane lengths and through movements should not queue through adjacent intersections.
  - 4. For unsignalized intersections where traffic on the major street does not stop or yield, an overall intersection LOS cannot be calculated. The minimum LOS standard for stop-controlled movements shall be D. However it is recognized that where traffic volumes are insufficient to warrant delaying the through traffic with an all-way stop, roundabout or signal, this standard may be unobtainable. In such situations DelDOT and the County shall agree on what, if any, remedies are appropriate to mitigate congestion.
- 6. In the following specific locations, DelDOT and the County agree that improvements outside the existing right-of-way will not be required, regardless of Levels of Service and queue lengths:
  - a. None at present
- 7. Facilities to be analyzed shall include all at-grade intersections of one or more State-maintained roads with:

- 1. Other State-maintained roads; and
- 2. Commercial or institutional driveways served by traffic signals;
- 3. Specific streets under private maintenance as follows:
  - i. Nassau Commons Boulevard (private);
  - ii. Salt Marsh Boulevard (private);

#### B. Geometric Standards

- 1. Use of posted speed limits is assumed.
- 2. The DelDOT Functional Classification Map, applicable DelDOT design standards and DelDOT's Complete Streets Policy are assumed.
- 3. With specific regard to typical sections on State-maintained roads, the following minimum widths are required:
  - a. 11-foot through lanes;
  - b. 10-foot turning lanes (13-foot for two-way left turn lanes, 15-foot for a right turn lane if a 5-foot bicycle lane is included);
  - c. 5-foot shoulders on local roads;
  - d. 8-foot shoulders on collector and minor arterial roads; and
  - e. 10-foot shoulders on principal arterial roads.

## C. Fixed Route Transit

Existing DART First State bus service is assumed to continue. Addition of new stops and the amenities required at each stop shall be at the discretion of the Delaware Transit Corporation.

#### D. Aesthetic Standards

Plain bituminous pavement with Portland cement concrete curbs and sidewalks, galvanized steel signal poles and streetlight heads, grass or concrete medians and grass or bituminous-paved shoulders are assumed.

#### E. Scenic Byways

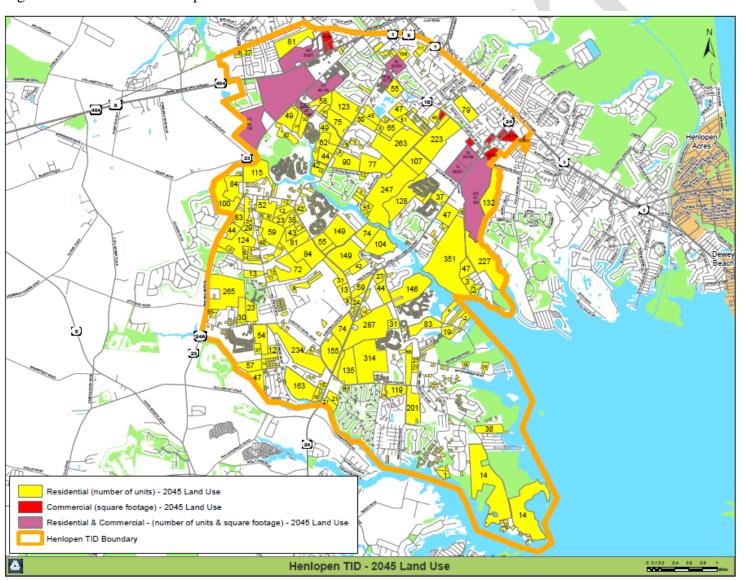
If a road is designated by DelDOT as part of a Scenic Byway and there is a Corridor Management Plan, and/or a Master Plan, for that Byway, the Plan(s) shall govern the implementation of these standards with respect to that road.

II. Outside Participant Boundary but within Facilities Boundary – Same as inside.

## Exhibit C to accompany Henlopen TID Agreement

## Exhibit C Land Use and Transportation Plan

Figure 1: 2045 Land Use Map



## Exhibit C Land Use and Transportation Plan

Figure 2: Transportation Improvements



## Exhibit C TID-CTP

Table 1: Henlopen TID Capital Transportation Program

Segment Number	Road Name	Cost Estimate
1	Minos Conaway Road	\$5,519,250
3	US Route 9	\$19,825,593
13	SR 23, Indian Mission Road to Kendale Road	\$11,469,065
14	SR 23, Kendale Road to Plantation Road	\$22,410,565
15	Kendale Road	\$3,292,808
16	Wil King Road	\$9,543,170
17	Conleys Chapel Road	\$4,931,755
18	Dorman Road	\$6,816,425
20	SR 24, Hollylake Road to Camp Arrowhead Road	\$19,973,998
21	SR 24, Camp Arrowhead Road to Plantation Road	\$21,812,370
23	Robinsonville Road, SR24 to Kendale Road	\$18,247,953
24	Robinsonville Road, Kendale Road to Plantation Road	\$14,852,680
26	Plantation Road	\$20,819,863
27	Warrington Road (with Roundabout)	\$4,022,175
28	Shady Road	\$3,455,025
29	Postal Lane	\$4,584,498
30	Old Landing Road	\$6,503,570
31	Cedar Grove Road	\$9,738,320
33	Mulberry Knoll Road	\$11,536,483
33A	Mulberry Knoll Road Extension, Cedar Grove Road to US9	\$9,989,178
34	Airport Road (Existing Alignment), Old Landing Road to SR1	\$5,127,890
	Airport Road Extension (Alternative B), SR24 to Old Landing Road	\$6,377,228
35	Miller Road	\$1,555,798
36	Angola Road	\$4,077,605
38	Jolyns Way	\$4,058,945
39	Harts Road (Shortened)	\$847,810
40	Webbs Landing Road	\$1,753,613
41	Camp Arrowhead Road	\$10,376,953
42	Waterview Road	\$3,471,338
43	New Connector Road 1, Mulberry Knoll Road to Plantation Road	\$3,769,295
44	New Connector Road 2, Cedar Grove Road to New Connector Road 1	\$2,510,433
45	Airport Road Extension, SR 24 to Postal Lan	\$4,615,160
46	Nassau Commons Boulevard	\$5,705,898
	Total	\$283,592,710

## Exhibit D to accompany Henlopen TID Agreement

## **Initial Contribution Rates**

Residential Rates					
Single family detached residential	\$4,900 per unit by phase				
	\$5,145 per unit by lot				
Multi-family residential, low-rise, 1-2 floors	\$3,822 per unit by phase				
	\$4,013 per unit by lot				
Multi-family residential, mid-rise, 3 or more floors	\$2,842 per unit by phase				
	\$2,984 per unit by lot				
Non-Residential Rates					
Under 21 trips per 1,000 SF GFA	\$2.88 per sq ft				
At least 21 but less than 34 trips per 1,000 SF GFA	\$3.38 per sq ft				
At least 34 but less than 75 trips per 1,000 SF GFA	\$3.88 per sq ft				
At least 75 but less than 200 trips per 1,000 SF GFA	\$4.38 per sq ft				
200 or more trips per 1,000 SF GFA	\$4.88 per sq ft				

Notes: Low-rise Multi-family rate is 78% of single-family detached rate. Mid-rise Multi-family rate is 58% of single-family detached rate. Townhomes are considered low-rise multi-family. All non-residential rates are based on the number of trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 10th Edition.

Tax Parcel No.: Subdivision No.:

**Prepared by/Return To:** 

Delaware Department of Transportation

Division of Planning

For overnight 800 Bay Road,

Dover, DE 19901

Or

Regular Mail P.O. Box 778

Dover, DE 19901

# Henlopen Transportation Improvement District Infrastructure Recoupment Agreement

This Infrastructure Recoupment Agreement is made as of thisday of, 2020, by and
between the Delaware Department of Transportation (hereinafter referred to as " <b>DelDOT</b> "), Sussex County a municipal corporation of the State of Delaware (hereinafter referred to as the <b>County</b> ), and its heirs, successors and assigns (hereinafter referred to as " <b>Property Owner</b> ").
WITNESSETH:
WHEREAS, DelDOT and the County in overseeing the coordination of land use and transportation required construction of various transportation improvements relating to the various anticipated land development projects in accordance with Title 17, Chapter 5, § 507 of the Delaware Code; and
WHEREAS, DelDOT and the County have established the Henlopen Transportation Improvement District as outlined in the "Agreement Regarding Henlopen Transportation Improvement District," executed by both parties on2020.
WHEREAS, the County shall set up a fund (hereinafter referred to as the "Henlopen TID Fund") to help fund the planned transportation improvements in lieu of developments preparing a traffic impact study and either phasing its project or constructing offsite transportation improvements; and
<b>WHEREAS</b> , the Property Owner is willing to contribute to the Henlopen TID Fund in recognition of the benefits the new transportation improvements will bring their property, and in order to immediately proceed with the construction and development of their property; and
WHEREAS, said property is located onRoad, Sussex County, Delaware, being Sussex County Tax Parcelconsisting of acres, more or less, as shown on Exhibiting the control of the control
<b>NOW, THEREFORE</b> , for valuable consideration, the receipt and adequacy of which is hereby acknowledged, and intending to be legally bound, the parties agree as follows:

## I. Traffic Impact Study

The **Property Owner** shall not be required to perform a traffic impact study and, in lieu thereof, shall contribute through the Henlopen TID Fund.

## II. Right-of Way (R/W) Dedication

Dedication of rights-of-way in lieu of some or all of the fee shall be by agreement between the **Property Owner** and **DelDOT**, with payment of the fee being required if any party is not amenable to the proposed dedication. The value of the rights-of-way to be dedicated shall be determined in accordance with **DelDOT** policies and regulations. The creditable area shall be determined based on highway plans acceptable to **DelDOT** and shall exclude the standard dedications provided in **DelDOT**'s <u>Development Coordination Manual</u>, rights-of-way for any proposed subdivision streets, and any lands needed to accommodate the site entrance.

## III. Transportation Improvement Funding

Funding for the transportation improvements within the Henlopen TID will be provided by the **Property Owner** as detailed below:

**A.** Henlopen Transportation Improvement District Fund — The County shall create and administer a separate account, the Henlopen TID Fund, to make timely payments to **DelDOT**, for all engineering professionals and contractors performing work on the Henlopen TID transportation improvements. Subject to the provisions of this Agreement, contributions (defined below) to the Fund will be made by the **Property Owner** and by Other Property Owners who execute recoupment agreements in substantially the same form as this Agreement, and by DelDOT, as required.

#### **B.** Contributions To The Fund

- 1. <u>Contribution Rates</u> –The established rates for the Henlopen TID are listed on Exhibit "B". Subject to the limitations set forth below, the **Property Owner** shall contribute to the Henlopen TID Fund (hereinafter, the "contribution" or "contributions"), in amounts consistent with the established rates, for the **Property** on the attached Exhibit "A," which amounts shall be adjusted annually as set forth in paragraph D below. Once contributions for a specific development are paid in full, the **Property Owner** shall have no further obligations under this agreement for that development.
- 2. Contribution Timing Contributions shall be made at the time of Property Owner application to the County for a building permit for the Property. The parties acknowledge and agree that no building permits for a building or project located on the Property shall be issued until such time as the contributions to the Henlopen TID Fund associated with the particular building or project phase have been made. Where a project involves residential houses, no building permit for a particular unit shall be issued until the contribution for that unit has been made. For a non-residential building, where contributions are to be made on a square foot basis, no building permit for a particular building shall be issued until the contribution for such building has been made.
- 3. <u>Property Rezoning</u> If the **Property** is rezoned from its current zoning designation, or development plans change, future contributions shall be paid in accordance with the use then being made of the **Property**. For example, if a portion of the **Property** is developed residentially, but then the balance of the **Property** is developed for non-residential purposes, the contributions for the residential portion shall be paid at the residential rates, and the non-residential portions based on the appropriate non-residential rates.
- 4. <u>Contribution Notification</u> In the event a <u>Property Owner</u> has elected to execute this Recoupment Agreement, any final site plan for development of lands of said <u>Property Owner</u> subject to contribution hereunder shall contain a statement or note that the issuing

- of a building permit is contingent upon paying the then applicable portion of the contribution into the Fund as provided in the Recoupment Agreement for the **Property**.
- C. Developer Design/Build Credit Design and/or Construction of physical improvements in lieu of some or all of the fee shall be by agreement between the **Property Owner**, **DelDOT**, and the County, with payment of the fee being required if any party is not amenable to the proposed construction. If a **Property Owner** seeks to design and/or construct physical improvements in lieu of paying into the Fee, the **Property Owner** shall be required to obtain a minimum of three bids for the work. The bids shall be subject to review and approval by the **DelDOT**. Credit toward the fee shall be based on the **Property Owner**'s payments to the selected contractor. Design and/or Construction of improvements required by **DelDOT** andthe **County** as part of the development's entrance construction or on-site infrastructure, e.g. subdivision streets, and curb ramps, turn lanes, acceleration lanes at development entrance, shall not be creditable toward the fee. At their discretion, **DelDOT** and the **County** may require improvements beyond the site entrance to correct an unsafe condition that they find would be created or worsened by the proposed development. Such improvements may include, but are not limited to, the addition or widening of shoulders, and/or the construction of a shared-use path or sidewalk along the development's frontage. In that case, the cost of that work shall be determined by the DelDOT, using the Shared-Use Path and Sidewalk Fee Calculation Form for those items and current comparable contract bid prices as a guide for other items, and shall be creditable toward the fee.
- **D.** Escalation While transportation improvement projects await construction funding, the costs of constructing the project will escalate at the rate of inflation for highway construction projects. The amounts paid by the **Property Owner**, therefore, shall be subject to an increase of up to four percent (4%) per year, not compounded, beginning on January 31, 2021 and increasing by the established amount on January 31 of each year thereafter. The actual amount of the increase shall be set by DelDOT in January of each year based upon the change in the Consumer Price Index (CPI) for Delaware Region during the previous year. The established rate of increase shall not exceed four percent (4%) in any one year and escalation shall only apply to contributions unpaid on January 31 of each year.

## IV. Property Owner Benefits

- **A.** <u>No Individual Off-site Improvements</u> No Individual off-site road projects will be required as a separate cost for individual developments participating in this agreement, as a condition of approval by **DelDOT** or the **County**.
- **B.** No Individual Traffic Impact Study No Individual Traffic Impact Study will be required as a separate cost for individual developments participating in this agreement, as a condition of approval by **DelDOT** or the **County**.
- **C.** <u>Cost Savings</u> Costs for off-site improvements are expected to be reduced due to the proposed comprehensive approach, the cost sharing and the large size of the projects.

## V. Administration of the Agreement

A. Existing Record Plan Requirements — Should existing Record Plan transportation improvement requirements conflict with this agreement, DelDOT, the County, and the Property Owner shall work together to expedite the modification(s) to the Record Plan notes. The revision will be a ministerial review, incorporating the TID participation into the Record Plan notes. The DelDOT and the County review fees for this reconciliation will be considered satisfied from the

initial Record Plan Review fees. For any other changes requiring a resubdivision plan and review, the associated fees will be the responsibility of the legal owner.

- **B.** <u>Amendments</u> This agreement shall not be modified, changed, or supplemented, nor may any of the obligations and rights be waived, except by a written instrument signed by all parties.
- **C.** <u>Notices</u> Whenever a notice is to be given or a document is to be delivered to one of the parties hereunder, it shall be addressed or delivered to:

**Property Owner**: Attention:

**DelDOT**: Director, Division of Planning

Delaware Department of Transportation

P.O. Box 778 Dover, DE 19903

County: Sussex County AdministratorSussex

County

2 The Circle P.O. Box 417

Georgetown, DE 19947

- **D.** <u>Succession of Agreement</u> This agreement shall bind and benefit the parties hereto, their successors and assigns: and shall be a covenant running with the Property described in this agreement.
- **E.** Recordation of Agreement The Property Owner shall record a notice of this Agreement, so as to put potential future purchasers of the Property on notice of the obligations created by this Agreement.
- **F.** <u>Termination of Agreement</u> Property Owner's obligations under this Agreement shall terminate once all fees identified in this agreement are paid in full. Notwithstanding anything herein to the contrary, payment of a contribution for a specific lot or structure shall relieve that lot or structure from any other obligation under this Agreement. However, that lot or structure shall remain a beneficiary of this agreement.

Property Owner (): (SEAL) Name: Owner STATE OF DELAWARE : : SS. COUNTY OF SUSSEX: \_\_\_\_\_, 2020, before me, a notary public, the **BE IT REMEBERED**, that on this \_\_\_ day of \_\_ undersigned personally appeared, \_\_\_\_\_\_, who acknowledged himself to be the Property Owner/Developer, and that he as such Property Owner/Developer is authorized to execute the foregoing Henlopen Transportation Improvement District Infrastructure Recoupment Agreement for the purposes therein contained. **IN WITNESS WHEREOF,** I have hereunto set my hand and official seal. Notary Public My Commission Expires: Sussex County, Delaware: By:\_\_\_\_ (SEAL) Name: (President of Council or designee) Title\_\_\_ STATE OF DELAWARE : SS. COUNTY OF SUSSEX: **BE IT REMEBERED**, that on this \_\_\_\_ day of \_\_\_\_\_\_, 2020, before me, a notary public, the undersigned personally appeared, \_\_\_\_\_, who acknowledged himself to be the for the Government of Sussex County, and that he as such \_lis authorized to execute the foregoing Henlopen Transportation Improvement District Infrastructure Recoupment Agreement for the purposes therein contained. **IN WITNESS WHEREOF,** I have hereunto set my hand and official seal. Notary Public My Commission Expires: Delaware Department of Transportation:

**IN WITNESS WHEREOF**, the parties have set their hands and seals the day and year first written above.

Ву:	(SEAL)
Name:	
Title: (S	ecretary or designee)
STATE OF DELAWARE :	
: SS.	
COUNTY OF KENT :	
	day of, 2020, before me, a notary public, the
undersigned personally appeared, _	, who acknowledged himself to be the
	partment of Transportation, and that he as such is
	g Henlopen Transportation Improvement District Infrastructure
Recoupment Agreement for the purpose	es therein contained.
IN WITNESS WHEREOF, I have her	reunto set my hand and official seal.
	Notary Public
	My Commission Expires:
	My Commission Expires.
Approved as to form:	
Ву:	_
Title:	

Exhibit A

Map of individual property subject to agreement



#### **Exhibit B**

## **Henlopen Transportation Improvement District**

#### **Initial Contribution Rates**

Residential Rates					
Single family detached residential	\$4,900 per unit by phase				
	\$5,145 per unit by lot				
Multi-family residential, low-rise, 1-2 floors	\$3,822 per unit by phase				
	\$4,013 per unit by lot				
Multi-family residential, mid-rise, 3 or more floors	\$2,842 per unit by phase				
	\$2,984 per unit by lot				
Non-Residential Rates					
Under 21 trips per 1,000 SF GFA	\$2.88 per sq ft				
At least 21 but less than 34 trips per 1,000 SF GFA	\$3.38 per sq ft				
At least 34 but less than 75 trips per 1,000 SF GFA	\$3.88 per sq ft				
At least 75 but less than 200 trips per 1,000 SF GFA	\$4.38 per sq ft				
200 or more trips per 1,000 SF GFA	\$4.88 per sq ft				
Notes I am sice North femiliareta is 700/ of single femiliareta de de	ata Naid aina Naidti familia ann i				

Notes: Low-rise Multi-family rate is 78% of single-family detached rate. Mid-rise Multi-family rate is 58% of single-family detached rate. Townhomes are considered low-rise multi-family. All non-residential rates are based on the number of trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 10th Edition.

#### **Current Contribution Rates**

Residential Rates					
Single family detached residential	\$4,900 per unit by phase				
	\$5,145 per unit by lot				
Multi-family residential, low-rise, 1-2 floors	\$3,822 per unit by phase				
	\$4,013 per unit by lot				
Multi-family residential, mid-rise, 3 or more floors	\$2,842 per unit by phase				
	\$2,984 per unit by lot				
Non-Residential Rates					
Under 21 trips per 1,000 SF GFA	\$2.88 per sq ft				
At least 21 but less than 34 trips per 1,000 SF GFA	\$3.38 per sq ft				
At least 34 but less than 75 trips per 1,000 SF GFA	\$3.88 per sq ft				
At least 75 but less than 200 trips per 1,000 SF GFA	\$4.38 per sq ft				
200 or more trips per 1,000 SF GFA	\$4.88 per sq ft				
Notes to the Adult Could note to 700/ of stock found detailed a	. sail i sa lii C il . i				

Notes: Low-rise Multi-family rate is 78% of single-family detached rate. Mid-rise Multi-family rate is 58% of single-family detached rate. Townhomes are considered low-rise multi-family. All non-residential rates are based on the number of trips per 1,000 square foot of gross floor area. This is based on ITE Trip Generation Manual, 10th Edition.

## **Exhibit C**

## HENLOPEN TID TRANSPORTATION INFRASTRUCTURE RECOUPMENT AGREEMENT

Initial Property Contribution Accounting

Property Identification	Owner	<u>Use</u>	Size (units/sf)	Unit Cost	Total Co	mmited	<u>Cas</u>	sh Paid	Re	coupment Credit	calation	Balar	nce Due*
					\$	-						\$	-
* includes escalation through Ja	n. 31,				\$	-	\$	-	\$	-	\$ -	\$	-
<sup>a</sup> = projected, may change over time													
TOTAL CONTRIBUTED			As of:										\$0.00

NOTE: Figures for "Use" Column are approximate and subject to verification at the time of payment.

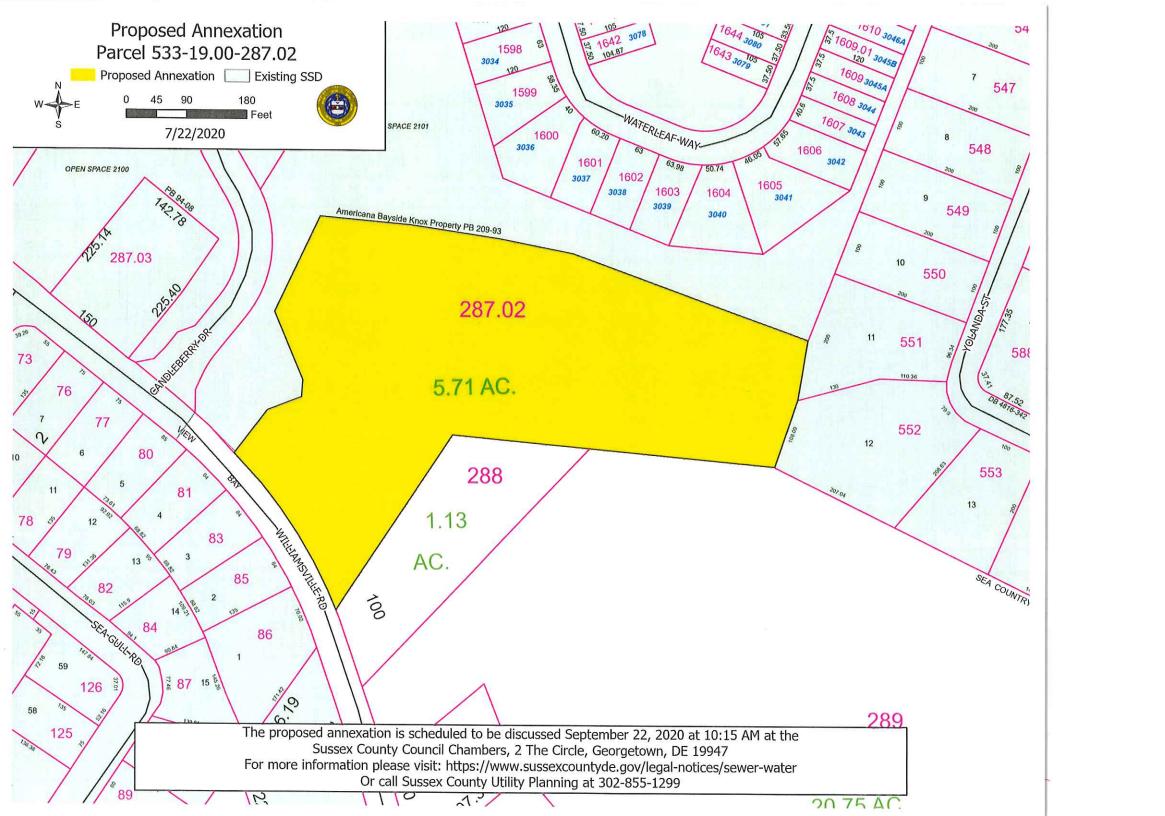
## **Exhibit D**

## **Henlopen TID Recoupment Credit Agreement**

Agreement No.	_
<u>Development Project</u>	
Development Name	
Developer	
Total Required Financial Contribution for Develop	pment(per Recoupment Agreement)
Henlopen TID Project	
Name of Project	
<ul> <li>Section of Project</li> <li>(Attach plan)</li> <li>Items Constructed</li> </ul>	
Total Estimated Cost of Section to be Constructe	(Attach cost estimate)
Recoupment Calculation	
Estimated Cost of Items Required for Development	\$
Estimated Cost of Items Required for Other Developments Estimated Cost of Items Eligible for Recoupment	\$  \$
Estimated Cost of Reins Engine for Recoupline in	Ψ
TOTAL	\$
	(Attach breakout plan)
*Note - Total must equal Total Estimated Cost of Construction	on
Agreement	
For performing construction work on the above named Henle development is credited the following amount toward the He \$	
Developer	Date
•	
Sussex County	Date
Delaware Department of Transportation	Date

## **Island Watersports Fact Sheet**

- Permission to prepare and post notices was granted by County Council on August 25, 2020 for an expansion of the Sussex County Unified Sanitary Sewer District (Bay View Estates Area).
- The expansion was requested by Mike Ferrari from Island Watersports.
- The request is for parcel 533-11.00-287.02. The parcel is located along Williamsville Road and contiguous to the County's existing sewer district boundary.
- The expansion will consist of 5.40 acres more or less.
- The parcels will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.
- The area was posted on September 1, 2020 and notice was place on the County Webpage.



## **RESOLUTION**

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) BAY VIEW ESTATES AREA, TO INCLUDE THE ISLAND WATERSPORTS PROPERTY LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Island Watersports property, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Chris Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

#### NOW, THEREFORE.

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Island Watersports property and further described as follows:

Beginning at a point, said point being the easternmost property corner of lands N/F of Carroll Wayne & Kelly C. Wilhelm, said point also being on the SCUSSD boundary, said point further being on the westerly Right-of-Way (ROW) of Williamsville Road; thence proceeding by and with said sewer boundary and ROW in a northwesterly direction a distance of 350' ± to a point, said point being on the northeasterly property line of lands N/F of Dino O. lacchetta, thence leaving said ROW and lacchetta lands and proceeding by and with said sewer boundary in a northeasterly direction a distance of 50'± to a point; said point being on the easterly ROW of Williamsville Road, said point also being on a property corner of lands N/F of Bayside Community Association, Inc.; thence leaving said ROW and proceeding by and with said sewer district boundary the following 10 bearings and distances, (1) N46°18′50″E 83.45′, (2) N77°42′25″E 54.40′, (3) N13°08'15"E 25.07', (4) N13°50'17"W 109.34', (5) N34°29'22"E 156.47', (6) S75°59'17"E 135.72', (7) S72°41'44"E 134.19', (8) S70°06'50"E 110.26, (9) S61°16'12"E 372.15', (10) S30°24'41"W 208.52' to a point, said point being a property corner of lands N/F PJM Properties LLC; thence leaving said sewer district boundary and continuing by and with said PJM Properties LLC the following three courses and distances, (1) N73°31'55"W 253.88', (2) N73°33'57"W 191.20', (3) S43°08'20"W 324.04' to a point, said point being on the northeasterly ROW of Williamsville Road; thence leaving said ROW and proceeding in a southwesterly direction a distance of 50'± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 533-19.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

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

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

## PUBLIC NOTICE

EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT ISLAND WATERSPORTS EXPANSION – BAY VIEW ESTATES AREA FILE NUMBER: BVSCE-9.07

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **August 25, 2020**, to consider expanding the boundary of the Bay View Estates Area of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include a property situated on the northeast side of Williamsville Road (SCR 395). The parcel is located in the Baltimore Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, said point being the easternmost property corner of lands N/F of Carroll Wayne & Kelly C. Wilhelm, said point also being on the SCUSSD boundary, said point further being on the westerly Right-of-Way (ROW) of Williamsville Road; thence proceeding by and with said sewer boundary and ROW in a northwesterly direction a distance of 350° ± to a point, said point being on the northeasterly property line of lands N/F of Dino O. Iacchetta, thence leaving said ROW and Iacchetta lands and proceeding by and with said sewer boundary in a northeasterly direction a distance of 50'± to a point; said point being on the easterly ROW of Williamsville Road, said point also being on a property corner of lands N/F of Bayside Community Association, Inc.; thence leaving said ROW and proceeding by and with said sewer district boundary the following 10 bearings and distances, (1) N46°18'50"E 83.45', (2) N77°42'25"E 54.40', (3) N13°08'15"E 25.07', (4) N13°50'17"W 109.34', (5) N34°29'22"E 156.47', (6) S75°59'17"E 135.72', (7) S72°41'44"E 134.19', (8) S70°06'50"E 110.26, (9) S61°16'12"E 372.15', (10) S30°24'41"W 208.52' to a point, said point being a property corner of lands N/F PJM Properties LLC; thence leaving said sewer district boundary and continuing by and with said PJM Properties LLC the following three courses and distances, (1) N73°31'55"W 253.88', (2) N73°33'57"W 191.20', (3) S43°08'20"W 324.04' to a point, said point being on the northeasterly ROW of Williamsville Road; thence leaving said ROW and proceeding in a southwesterly direction a distance of 50'± to a point, said point being that of the BEGINNING.

The proposed expansion of the SCUSSD is within these boundaries and said to contain 5.71 acres more or less. The boundary description has been prepared using Sussex County tax map numbers 533-19.00.

A map outlining and describing the extension to the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:15 am on September 22, 2020 in the Sussex County Council Chambers. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.

Hans M. Medlarz, P.E. County Engineer

## PROPOSED ISLAND WATERSPORTS EXPANSION AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE )(
COUNTY OF SUSSEX )(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On September 1, 2020 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On September 1, 2020 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  - 1. On a post 6'± southeast of Verizon Ped. EC151/10 in the easterly ROW of Williamsville Road,
  - 2. On a post 57'± southeast of Verizon Ped EC151/10 in the easterly ROW of Williamsville Road,
  - 3. On a post 189'± southeast of Verizon Ped EC151/10 in the easterly ROW of Williamsville Road,
  - 4. On a post 258'± southeast of Verizon Ped EC151/10 in the easterly ROW of Williamsville Road,
  - 5. On a post in the easterly ROW of Williamsville Road, across from the entrance to Bay View Estates,
  - 6. On a post in front of a stop sign in the easterly ROW of Williamsville Road at the intersection with Lighthouse Road.
  - On a post in front of a stop sign in the easterly ROW of Sand Cove Road at intersection with Lighthouse Road,

8. On a post in front of a stop sign in the easterly ROW of Sound Church Road at the intersection with Lighthouse Road.

e me

PHILLIP C.

SWORN TO AND SUBSCRIBE A.D., 2020

\_ day o

NOTARY PUBLIC

SHARON E. SMITH NOTARY PUBLIC

STATE OF DELAWARE
My Commission Expires on 6/14/22

My Commission Expires

0/17/

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





DELAWARE sussexcountyde.gov

## Memorandum

To: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Douglas B. Hudson The Honorable John L. Rieley The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: September 15, 2020

RE: County Council Report for Ordinances 20-1, 20-2 and 20-3 (Property Maintenance

Ordinances)

Ordinances 20-1, 20-2, and 20-3 were introduced to County Council on July 14, 2020 in relation to the following:

- Ord. 20-1 Appeals of Violations under Chapter 80 (Property Maintenance) and Chapter 115 (Zoning)
- Ord. 20-2 Amendment to Chapter 115 Relating to Supplementary Regulations
- Ord. 20-3 Amendment to Chapter 80 Relating to Lot Maintenance

The Planning and Zoning Commission held a public hearing in relation to the proposed Ordinances on August 13, 2020. At the meeting of August 13, 2020, the Commission recommended approval of the Ordinances.

Below are the approved minutes from the Planning & Zoning Commission meeting of August 13, 2020.

Ord. 20-1 - Appeals of Violations under Chapter 80 (Property Maintenance) and Chapter 115 (Zoning)

AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY GRANTING THE BOARD OF ADJUSTMENTS AND APPEAL AUTHORITY TO HEAR APPEALS OF VIOLATIONS UNDER CHAPTER 80 ("PROPERTY MAINTENANCE CODE") AND CHAPTER 115 ("ZONING"), ARTICLE XXV ("SUPPLEMENTARY REGULATIONS"), §115-191 AND ITS SUBSECTIONS PERTAINING TO VEHICLES AND TRAILERS AND PROHIBITED ACCUMULATIONS



Ord. 20-2 - Amendment to Chapter 115 Relating to Supplementary Regulations
AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, "SUPPLEMENTARY
REGULATIONS", §§ 115-191 THROUGH 115-191.8 OF THE CODE OF SUSSEX
COUNTY RELATING TO "PARKING, STORING AND MAINTAINING VEHICLES
AND TRAILERS" AND "PROHIBITED ACCUMULATIONS", INCLUDING THE
ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO
TITLE 9, CHAPTER 72 OF THE DELAWARE CODE

Ord. 20-3 – Amendment to Chapter 80 Relating to Lot Maintenance AN ORDINANCE TO AMEND CHAPTER 80 ("LOT MAINTENANCE") OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE, INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE

Chairman Wheatley stated that there will be one presentation given by staff for the three amendments to the ordinances and that each amendment will be voted on separately. Mr. Mike Costello, Government affairs Manager and Lester Shaffer, Chief Constable were present to discuss the amendments.

Mr. Costello stated that House Bill 118 was signed into law under Title 9, Chapter 72 but have been renumbered to Chapter 71 and will be referred accordingly; that Title 9 Section 7103 provides for the authority for Sussex County Council and it's designee to administer and enforce all property maintenance ordinances, rules, and regulations that the Council would adopt; that the current provisions in the code require compliance periods that are untimely; that it does not allow an opportunity to make corrections on vacant or foreclosed lots; that the court action under these provisions is also burdensome particularly during the past few months when there have been reduced court proceedings; that Sussex County has asked for special consideration from the General Assembly which is provided under HB 118; that similarly New Castle County has moved to a civil and administrative process; that this would not have all the provisions that New Castle County has under their authority, these amendments would model some of the processes as it relates to tall grass, junk and inoperable vehicles and prohibit accumulation of trash; that the amendments will allow for a civil and administrative process for these issues that will strengthen the County's ability to respond, investigate and bring corrective action to property maintenance complaints; that the three avenues of enforcement are administrative enforcement, civil enforcement and criminal enforcement; that as our code relates today, the only avenue is criminal enforcement – when a property owner does not comply they can be summoned to appear in court and then are subject to whatever the court proceedings are; that the County is not able to abate and get these properties to comply in a timely manner; that under the new amendment there must be a mechanism for an appeal to be provided by an Administrative Tribunal, Chapter 52 of the County establishes The Board of Adjustment and Appeals granting that Board the authority to hear appeals would meet the requirements for an appeal process under this amended property maintenance program.

Mr. Robertson stated that this Board would differ from the Board of Adjustment and would meet on an as needed basis; that these are not new rules for the County but changes to the current rules and how they are enforced.

Mr. Costello stated that property maintenance issues are complaint driven; that a member of the public makes a complaint; that the Constables office investigates the complaint and issues a violation if the

complaint is valid; that the party responsible for the property is given ten days to remedy the violation; that the constable revisits the property after ten days and if the violation has been remedied, then the case is closed; that under this amendment if the violation has not been remedied that the constable would be able to issue an administrative ticket to the property owner; that the recommendation is that the ticket be in the amount of \$100; that the property owner has ten days after receiving the ticket to appeal to the Board of Adjustment and Appeals; that the amendments to the ordinances will provide the Constable more authority to be able to negotiate with property owners; that under the civil enforcement the County may ask Chancery County to allow the County to correct the problem when the property owner is unable to or refuses to comply; and that the civil enforcement is what is in place today, when a property owner does not comply they will be summoned to court for a criminal trial; that there is a fine of \$1,000 which is statutory.

Mr. Shaffer stated that the amendments will allow the fines of \$100 to accumulate if the violation is not remedied and that the amendments also allow flexibility for the Constable to allow the property additional time to comply if they show that they are making an effort and are unable to meet the deadline.

The Commission found that no one spoke in favor of or in opposition to the Ordinances. Upon there being no further questions, Chairman Wheatley closed the public hearing.

Mr. Robertson read into the record all the amendments that will be made to the ordinance if these changes are adopted by County Council.

At the conclusion of the Public Hearings, the Commission discussed the Amendments to the Ordinances.

Motion by Ms. Stevenson, second by Ms. Wingate, and carried unanimously to recommend approval of Ordinance 20-1 regarding Appeal of Violations under Chapter 80 (Property Maintenance) and Chapter 115 (Zoning) subject to the revisions recommended by legal staff during the public hearing. Motion carried 4-0.

Motion by Mr. Mears, second by Ms. Wingate, and carried unanimously to recommend approval of Ordinance 20-2 regarding amendment to chapter 115 Relating to Supplementary Regulations subject to the revisions recommended by legal staff during the public hearing. Motion carried 4-0.

Motion by Ms. Wingate, second by Mr. Mears, and carried unanimously to recommend approval of Ordinance 20-3 regarding the Amendment to Chapter 80 Relating to Lot Maintenance subject to the revisions recommended by legal staff during the public hearing. Motion carried 4-0.

#### **ADMINISTRATION**

MICHAEL J. COSTELLO GOVERNMENT AFFAIRS MANAGER

(302) 854-5060 T (302) 855-7749 F michael.costello@sussexcountyde.gov





## **Memorandum**

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Douglas B. Hudson The Honorable John L. Rieley

The Honorable Samuel R. Wilson Jr.

FROM: Michael Costello

Government Affairs Manager

RE: *Ordinance 20-1, 20-2, 20-3 Chapter 80 and 115 Revisions* 

DATE: September 17, 2020

During next Tuesday's meeting, a presentation and public hearing will take place regarding the revisions to portions of Chapter 80 and 115 as it relates to property maintenance.

Ordinance 20-1-Appeals of Violations under Chapter 80 (property Maintenance) and Chapter 115 (Zoning)

Ordinance 20-2-Amendment of Chapter 115 Relating to Supplementary Regulations

Ordinance 20-3-Amendment to Chapter 80 Relating to Lot Maintenance

On February 10, 2020, Governor Carney signed H.B. 118 into law, authorizing Sussex County Council to promulgate, administer and enforce property maintenance ordinances, rules, and regulations.



These revisions were introduced by County Council on June 2, 2020 and each unanimously (4-0) recommended for approval by the Planning and Zoning Commission at on August 13, 2020.

I have summitted with this memo, the ordinances as introduced, the redlined edited versions of each, a list of Chapter 80 edits, and the presentation for the Council meeting.

AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY GRANTING THE BOARD OF ADJUSTMENTS AND APPEAL AUTHORITY TO HEAR APPEALS OF VIOLATIONS UNDER CHAPTER 80 ("PROPERTY MAINTENANCE CODE") AND CHAPTER 115 ("ZONING"), ARTICLE XXV ("SUPPLEMENTARY REGULATIONS"), §115-191 AND ITS SUBSECTIONS PERTAINING TO VEHICLES AND TRAILERS AND PROHIBITED ACCUMULATIONS.

WHEREAS, on February 10, 2020, the Delaware legislature passed and the Governor signed into law, Title 9, Chapter 72 of the Delaware Code, entitled, "Sussex County Property Maintenance", which provides a mechanism by which the Sussex County Council is authorized to promulgate Sussex County Code provisions, including the procedures for appeals from a violation decision;

WHEREAS, through the adoption of Ordinance \_\_\_\_ which amends Sussex County Code Chapter 80, the Sussex County Council created violation, enforcement, penalties and appeals procedures with due process protections for violations of the Chapter 80 ("Property Maintenance Code"); and

WHEREAS, through the adoption of Ordinance \_\_\_\_ which amends Chapter 115, Article XXV ("Supplementary Regulations"), § 115-191 and its subsections pertaining to vehicles and trailers and prohibited accumulations, the violation, enforcement, penalties and appeals procedures with due process protections for violations set forth in Chapter 80 govern violations under § 115-191 and its subsections; and

WHEREAS, Title 9, Chapter 72 mandates that the Sussex County Council appoint an administrative tribunal "for the purpose of hearing violations of any ordinance, rule, or regulation enacted pursuant to this Chapter": and

WHEREAS, the Sussex County Council has determined that the Board of Adjustments and Appeals is the proper administrative tribunal to hear these matters; and

WHEREAS, the Sussex County Council deems it necessary to amend Chapter 52 to grant the Board of Adjustment and Appeal the authority to hear appeals from the Constable's decision on such violations.

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

- Section 1. Chapter 52, § 52-30, "Board of Adjustments and Appeals", of the Sussex County Code is hereby amended by inserting the underlined language and deleting the bracketed and italicized language as follows:
  - E. Procedure. Except as otherwise provided in § 80-4G. pertaining to appeals from Constable's decisions, [T] the Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this [c]Code. The

Board shall meet as necessary, as determined by the Chairman. In any event, the Board shall meet within 15 days after notice of appeal has been received or may meet on a date agreeable to the Board and the appellant. The Board shall also review any proposed changes in this [c]Code and make recommendations to the County Council.

Section 2. Chapter 52, § 52-31, "Appeals", of the Sussex County Code is hereby amended by inserting the underlined language as follows:

§ 52-31 Appeals.

- A. Appeals from decision of Building Official. Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure or when it is claimed that the provisions of this Code do not apply or that an equally good or more desirable form of construction can be employed in any specific case or whether it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his duly authorized agent may appeal from the decision of the Building Official to the Board of Adjustments and Appeals. Notice of appeal shall be in writing and filed within 90 days after the decision is rendered by the Building Official. A fee of \$600 shall accompany such notice of appeal. [Amended 6-27-2006 by Ord. No. 1855]
- B. Shorter appeal period for unsafe structure. In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Building Official. E. Procedure. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The Board shall meet as necessary, as determined by the Chairman. In any event, the Board shall meet within 15 days after notice of appeal has been received or may meet on a date agreeable to the Board and the appellant. The Board shall also review any proposed changes in this code and make recommendations to the County Council.
- C. Appeals from decisions of Constable. As set forth in Chapter 80, §80-4G., "Administrative appeal," the Board of Adjustments and Appeals shall have the authority to hear appeals from Constable decisions that a violation has occurred under Chapter 80 and Chapter 115, §191 and its subsections. Section 80-4G. shall govern the appeal procedure. In accordance with §80-4G.(2), all appeals shall be filed within twenty (20) days of the Constable's written decision.

Section 3. Chapter 52, § 52-32, "Variances and modifications", of the Sussex County Code is hereby amended by inserting the underlined language as follows:

§ 52-32 Variances and modifications.

- C. The Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this [c]Code or public interest or when, in its opinion, the interpretation of the Building Official or the Constable, as the case may be, should be modified or reversed.
- B. A decision of the Board of Adjustments and Appeals to vary the application of any provision of this code or to modify an order of the Building Official or Constable, as the case may be, shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

Section 4. Chapter 52, § 52-33., "Decisions of Board of Adjustments and Appeals", of the Sussex County Code is hereby amended by inserting the underlined language therein as follows:

§ 52-33 Decisions of Board of Adjustments and Appeals.

Every decision of the Board of Adjustments and Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Building Official or the Constable, as the case may be, and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing for appeals from the Building Official's decisions.

Section 5. Effective Date. This Ordinance shall become effective upon its adoption.

## <u>Synopsis</u>

Pursuant to 9 *Del. C.* § 7201, this Ordinance amends Chapter 52, Article I. of the Sussex County Code by granting the Board of Adjustments and Appeals the authority to hear appeals from Constable decisions for violations under Chapter 80 and Chapter 115, § 115-191 and its subsections, and the procedures therefor as set forth in § 80-4G.

Deleted text is italicized and in brackets. All new text is underlined.

ORDINANCE NO.	

AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY GRANTING THE BOARD OF ADJUSTMENTS AND APPEAL AUTHORITY TO HEAR APPEALS OF VIOLATIONS UNDER CHAPTER 80 ("PROPERTY MAINTENANCE CODE") AND CHAPTER 115 ("ZONING"), ARTICLE XXV ("SUPPLEMENTARY REGULATIONS"), §115-191 AND ITS SUBSECTIONS PERTAINING TO VEHICLES AND TRAILERS AND PROHIBITED ACCUMULATIONS.

WHEREAS, on February 10, 2020, the Delaware legislature passed and the Governor signed into law, Title 9, Chapter 72 of the Delaware Code, entitled, "Sussex County Property Maintenance", which provides a mechanism by which the Sussex County Council is authorized to promulgate Sussex County Code provisions, including the procedures for appeals from a violation decision;

WHEREAS, through the adoption of Ordinance \_\_\_\_ which amends Sussex County Code Chapter 80, the Sussex County Council created violation, enforcement, penalties and appeals procedures with due process protections for violations of the Chapter 80 ("Property Maintenance Code"); and

WHEREAS, through the adoption of Ordinance \_\_\_\_ which amends Chapter 115, Article XXV ("Supplementary Regulations"), § 115-191 and its subsections pertaining to vehicles and trailers and prohibited accumulations, the violation, enforcement, penalties and appeals procedures with due process protections for violations set forth in Chapter 80 govern violations under § 115-191 and its subsections; and

WHEREAS, Title 9, Chapter 72 (now Chapter 71) mandates that the Sussex County Council appoint an administrative tribunal "for the purpose of hearing violations of any ordinance, rule, or regulation enacted pursuant to this Chapter": and

WHEREAS, the Sussex County Council has determined that the Board of Adjustments and Appeals is the proper administrative tribunal to hear these matters; and

WHEREAS, the Sussex County Council deems it necessary to amend Chapter 52 to grant the Board of Adjustment and Appeal the authority to hear appeals from the Constable's decision on such violations.

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

Section 1. Chapter 52, § 52-30, "Board of Adjustments and Appeals", of the Sussex County Code is hereby amended by inserting the underlined language and deleting the bracketed and italicized language as follows:

#### C. Quorum; personal interest

(1) Three members of the Board shall constitute a quorum. In varying an application of any provision of this code or in modifying an order of the

- Building Office or affirming or denying a decision of the Constable under § 80-4F., affirmative votes of the majority present, but no less than three affirmative votes, shall be required.
- E. Procedure. Except as otherwise provided in § 80-4FG. pertaining to appeals from Constable's decisions, [T]the Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this [c]Code. The Board shall meet as necessary, as determined by the Chairman. In any event, the Board shall meet within 15 days after notice of appeal has been received or may meet on a date agreeable to the Board and the appellant. The Board shall also review any proposed changes in this [c]Code and make recommendations to the County Council.

Section 2. Chapter 52, § 52-31, "Appeals", of the Sussex County Code is hereby amended by inserting the underlined language as follows:

§ 52-31 Appeals.

- A. Appeals from decision of Building Official. Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure or when it is claimed that the provisions of this Code do not apply or that an equally good or more desirable form of construction can be employed in any specific case or whether it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his duly authorized agent may appeal from the decision of the Building Official to the Board of Adjustments and Appeals. Notice of appeal shall be in writing and filed within 90 days after the decision is rendered by the Building Official. A fee of \$600 shall accompany such notice of appeal. [Amended 6-27-2006 by Ord. No. 1855]
- B. Shorter appeal period for unsafe structure. In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Building Official. E. Procedure. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The Board shall meet as necessary, as determined by the Chairman. In any event, the Board shall meet within 15 days after notice of appeal has been received or may meet on a date agreeable to the Board and the appellant. The Board shall also review any proposed changes in this code and make recommendations to the County Council.

C. Appeals from decisions of Constable. As set forth in Chapter 80, § 80-4FG., "Administrative appeal," the Board of Adjustments and Appeals shall have the authority to hear appeals from Constable decisions that a violation has occurred under Chapter 80 and Chapter 115, §191 and its subsections. Section 80-4FG. shall govern the appeal procedure. In accordance with § 80-F4G.(2), all appeals shall be filed within tentwenty (120) days of the Constable's written decision.

Section 3. Chapter 52, § 52-32, "Variances and modifications", of the Sussex County Code is hereby amended by inserting the underlined language as follows:

§ 52-32 Variances and modifications.

- C. The Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this [c]Code or public interest or when, in its opinion, the interpretation of the Building Official or the Constable, as the case may be, should be modified or reversed.
- B. A decision of the Board of Adjustments and Appeals to vary the application of any provision of this code or to modify an order of the Building Official or Constable, as the case may be, shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

Section 4. Chapter 52, § 52-33., "Decisions of Board of Adjustments and Appeals", of the Sussex County Code is hereby amended by inserting the underlined language therein as follows:

§ 52-33 Decisions of Board of Adjustments and Appeals.

Every decision of the Board of Adjustments and Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Building Official or the Constable, as the case may be, and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Building Official or Constable, as the case may be, for two weeks after filing for appeals from the Building Official's decisions the Board of Adjustments and Appeals issues it decision.

Section 5. Effective Date. This Ordinance shall become effective upon its adoption.

### **Synopsis**

Pursuant to 9 *Del. C.* § 7201, this Ordinance amends Chapter 52, Article I. of the Sussex County Code by granting the Board of Adjustments and Appeals the authority to hear appeals from Constable decisions for violations under Chapter 80 and Chapter 115, § 115-191 and its subsections, and the procedures therefor as set forth in § 80-4FG.

Deleted text is italicized and in brackets. All new text is underlined.



<b>ORDINANCE</b>	NO
CINDINAINGE	INO.

AN ORDINANCE TO AMEND CHAPTER 80 ("LOT MAINTENANCE") OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE, INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE.

WHEREAS, Sussex County is charged with protecting the health, safety and welfare of its citizens; and

WHEREAS, on July 16, 2013, Sussex County adopted Chapter 80, "Lot Maintenance"; and

WHEREAS, on February 10, 2020, the Delaware legislature passed and the Governor signed into law, Title 9, Chapter 72 of the Delaware Code, entitled, "Sussex County Property Maintenance", which provides a mechanism by which the Sussex County Council is authorized to promulgate Sussex County Code provisions, including civil penalties for enforcement with due process protections;

WHEREAS, the Sussex County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens.

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

Section 1. Chapter 80 of the Sussex County Code is hereby amended by deleting the title of, "Lot Maintenance" and substituting the following underlined language in its place and stead:

## Chapter 80 Property Maintenance Code

Section 2. Chapter 80, § 80-1 is hereby amended by inserting new subparagraphs C and D which is underlined as follows:

C. The definitions contained in 9 Del. C. § 7201 shall govern this chapter.

## D. This chapter shall not apply to:

- (1) properties, buildings, or structures located within any incorporated city or town in Sussex County unless the responsibility for the local code enforcement has been duly transferred to Sussex County.
- (2) <u>land deemed to be actively devoted to agricultural, horticultural, or forestry as defined in 9 Del. C. § 8333.</u>
- (3) any structure that is not subject to regulation pursuant to 9 Del. C. § 6902(b).

## (4) State Parks and Wildlife Areas.

Section 3. Chapter 80 of the Sussex County Code is hereby amended by deleting §§ 80-2, 80-3 and 80-4 in their entirety which is bracketed and italicized as follows:

## [§ 80-2 Enforcement.

- A. It shall be the duty of the Constable or his/her designee to enforce the provisions of this chapter. When the Constable, or his/her designee, determines that there has been a violation of this chapter, or has grounds to believe that a violation has occurred, notice shall be given to the owner, occupant or party responsible for the subject property. All notices shall:
  - (1) Be in writing.
  - (2) Include a tax parcel number for the property.
  - (3) Include a statement or description and/or photograph of the violation or violations and state why the violation notice is being issued.
  - (4) Include a statement of the required corrective action and the time period within which the corrective action must occur to bring the subject property into compliance, which time period shall be not less than five calendar days. In the event the owner, occupant or party responsible for the subject property notifies the Constable, or his/her designee, in writing, within the five-day corrective period of an intent to correct the violation, the Constable or his/her designee may, at his/her discretion, extend the time for corrective action up to a total period of 10 days from the date the violation notice is served. The notice of violation shall be deemed to be properly served if a copy thereof, together with a copy of this chapter, is:
    - (a) Delivered personally;
    - (b) Sent by certified or first-class mail addressed to the last known address; or
    - (c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on the property affected by such notice and the person posting the notice shall take a photograph of the posted notice.

§ 80-3 Removal by County; recovery of County expenses.

A. If, within five days after due notice by the Constable's office to the owner, occupant or party responsible for the subject property, the grasses or weeds in violation of this chapter are not removed, an administrative fee of \$50 per incident will be assessed to the owner, occupant or party responsible for the subject property and the Constable, or his/her

designee, may contract with a third-party subcontractor who will cause such grasses or weeds to be cut and/or removed and may incur any expense in the removal thereof.

B. Any expense of removal incurred by the Constable or his/her designee shall be the financial responsibility of and paid by the owner, occupant or party responsible for the subject property within 15 days after notice thereof has been given in compliance with the provisions of § 80-2. If such amount is not paid within such time period, such amount, together with the administrative fee set forth in § 80-3A, and interest on such expenses at 10% per annum, shall be assessed against the subject property and shall, until paid, constitute a lien against the subject property in favor of the County upon the filing in the office of the Recorder of Deeds by the appropriate County official of a certificate of lien setting forth the amount equal to the expenses assessed against the owner, occupant, or responsible party by the County for bringing the subject property into compliance of this chapter.

C. In addition to any other remedy, the County may file and maintain a civil action for the recovery of such expense of cutting and/or removal against the owner, occupant or party responsible for the subject property and shall be awarded reasonable attorney's fees and costs of the action by any court having proper jurisdiction over the subject matter.

D. No civil liability shall attach to any act of any contractor or County employee engaged in carrying out the provisions of this section or any of its subsections.

§ 80-4 Violations and penalties; jurisdiction.

A. Any person who shall violate a provision of this chapter or any of its subsections and/or fails to comply with any notice of violation served in accordance with § 80-2 above shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of \$250 for the first conviction; \$500 for the second conviction; \$1,000 for the third conviction; and for the fourth and any subsequent conviction of the same violation that has still not been corrected, the fine for such conviction shall be \$2,500. The fines specified herein for the second through fourth convictions shall not be suspended. Upon conviction of a first violation of this chapter, the court may order the defendant to correct the violation by a certain date, not to exceed 10 days from the date of the conviction. Proof of guilt of a violation hereof may be proven through the testimony of a witness who has observed the violation and/or one or more photographs which document and depict the violation. Jurisdiction over the enforcement of this provision shall be in the Justice of the Peace Courts of the State of Delaware.

B. In addition to prosecuting a violator in the Justice of the Peace Courts, the prosecuting County employee is authorized, but is not required, to institute appropriate proceedings at law or in equity to restrain, correct, abate or enjoin a violation or to require the removal of the offending condition at the expense of the person who is found to be in violation of these provisions. If the County prevails, the Court shall order the violator to pay the County's reasonable attorney's fees and costs of the action.

- C. Pursuant to 25 Del. C. § 2901, civil penalties may be added to the County property tax billings for the property which was the subject of the violation. Additional civil penalties shall also double if not paid within 30 calendar days from the date of the respective violation.
- D. The penalties set forth in this section shall not affect the County's right to also recover expenses incurred pursuant to § 80-3.]

Section 4. Chapter 80 of the Sussex County Code is hereby amended by inserting the following new §§ 80-2 through 80-5 underlined language as follows in its place and stead:

## § 80-2. Approval.

- A. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Chapter, the Constable shall have the authority to grant modifications for individual cases, provided the Constable shall first find that special individual reason makes the strict letter of this Chapter impractical and the modification is in compliance with the intent and purpose of this Chapter and that such modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the departmental files.
- B. Fees. No fee shall be charged for the first modification request if the applicant is actively working toward correcting the violation. A fee as set forth in the Appendix to this Chapter shall be charged for each subsequent request for code modification.

#### § 80-3 Violations.

Any person who shall violate any provision(s) of this Chapter or shall fail to comply with any of the requirements hereof, shall be subject to any of the enforcement mechanisms and penalties outlined in this Chapter.

# § 80-4 Enforcement.

- A. Constable Authority. It shall be the duty of the Constable or his/her designee (collectively "Constable") to enforce the provisions of this chapter. When the Constable, or his/her designee, determines that there has been a violation of this chapter, or has grounds to believe that a violation has occurred, notice shall be given to the owner of the subject property, if known. Notice may also be given to the person responsible for the subject property as defined in 9 Del. C. § 7201(4).
- B. Administrative enforcement. Any person violating the provisions of this Chapter may be subject to administrative proceedings instituted by the Constable.

  Violations subject to administrative enforcement shall be commenced within three (3) years as provided in 10 Del. C. § 8106.

- (1) Notice to owner or person responsible. Whenever the Constable determines that there has been a violation of this Chapter or has reasonable ground to believe that a violation has occurred, notice shall be given to the owner, if known. Notice may also be given to person(s) responsible for the property. Any person(s) noticed shall be responsible for correcting such violation(s).
- (2) Form. The form of such notice prescribed in subsection (1) shall be in accordance with §80-5B.
- (3) Method of service. Notice required under this section shall be satisfied where a copy of the decision, or violation notice is: (a) delivered personally to the owner or person responsible for the property; or (b) mailed by regular United States mail and addressed to the owner or person responsible for the property at their last known address; or (c) posted in a conspicuous place on the property. Service of such notice in the foregoing manner upon an owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
- (4) Exceptions. In no case shall the Constable be required under this section to provide a violation notice to any owner or person previously provided notice pursuant to this section or under any former provision of this Chapter, where the same violation is alleged by the Constable to exist.
- C. Ticketing. Pursuant to Title 9, Chapter 72 and Title 25, Chapter 29 of the Delaware Code, the Constable shall have the authority to issue ticket(s) to the owner of a property, regardless of whether the owner actually resides upon the property, including any vacant lots, for violations of § 80-1, Prohibited growth and accumulations; § 115-191, Parking, Storing and Maintaining of Vehicles and Trailers; and § 115-191.1, Prohibited Accumulations.
  - Procedure. Whenever the Constable's Office receives a complaint that there (1) has been an alleged violation(s) of the above-referenced sections, the Constable's Office shall inspect the property to determine whether a violation(s) has occurred. If a violation(s) has occurred, a notice of violation(s) shall be given to the owner of the property. Notice may also be given to the person responsible for the subject property. The owner and/or noticed person responsible shall be responsible for correcting such violation(s) within ten (10) calendar days. If the Constable determines that the violation(s) remains after the tenth (10<sup>th</sup>) calendar day, the owner of the property on which such non-compliance exists shall be subject to, and liable for, a civil penalty in the amount of \$50.00. This civil penalty shall double if not paid within thirty (30) calendar days from the date of the citation. In no case shall the Constable be required by this Section to provide notice within a twelve (12) month period to any owner previously provided notice pursuant to this Section where the same Code violation exists.

- (2) Citation. Any citation issued for failure to comply with any provision identified in § 80-4C. may be mailed or personally delivered to the person responsible for the property and shall be mailed or personally delivered to the owner of the property that is the subject of the citation. Pursuant to 9 Del. C. § 7207 and 25 Del. C. § 2901, civil penalties may be added to the County property tax billings for the property which was the subject of the citation. Additional civil penalties shall also double if not paid within thirty (30) calendar days from the date of the respective citation.
- (3) Continuing violations. After the recipient of a ticket(s) has an opportunity to appeal the ticket(s) as permitted by § 80-4C.(5), the violation shall constitute a continuing violation; a ticket for the same violation may be issued each day the violation continues and a separate penalty for each day may be imposed.
- (4) State of mind. It shall be unnecessary to prove the violator's state of mind with regard to the failure to comply with any provision of this Section, as the legislative purpose is to impose strict liability for such non-compliance.
- (5) Appeals. The owner of ot person responsible for a property aggrieved by any civil penalty imposed pursuant to § 80-4C. may appeal the ticket to the Board of Adjustments and Appeals in accordance with § 80-4F., Administrative appeal.
- D. Costs. The owner of or person responsible for the property shall be responsible for all costs associated with the enforcement of this Code and the investigation, removal, remediation, or abatement of Code violations including the costs of the institution and maintenance of temporary safeguards and reasonable attorneys' fees associated with the above. The costs shall be liens on the property to the extent permitted by law.
- E. Administrative penalty provisions. The following administrative penalties may be imposed by the Constable:
  - (1) Administrative fines. Notwithstanding any other section of this Code, any person who is found to have violated any provision of this Code or directive of the Constable, may be subject to the penalties specified in § 80-4G.(3) for each day that the violation continues in addition to any expense incurred by the County for the removal or abatement of the violation. Administrative fines imposed pursuant to this section shall be a lien on the parcel of real property that the expense is incurred upon or which is the subject of the violation. Upon certification of the lien by the Constable's Office, the amount of such lien shall be recorded and collected in the same manner as other county real estate taxes, and paid to Sussex County, when collected. 9 Del. C. § 7207 et seq. (Abatement; creation of tax lien).
  - (2) <u>Institution of remedial action. The County may initiate action to remedy the violation. Upon completion of such remedial work, the violator shall be</u>

provided the opportunity to reimburse the County for the cost incurred. If the violator fails to reimburse the County within the time period specified, the County may:

- (a) call or collect on any bond or insurance established for this purpose;
- (b) place a lien on any property within the County held by the person as permitted by State law; or
- (c) institute a civil action for the recovery of such expenses, together with any penalty, fine, fee and/or interest, against the person, and the County shall be awarded reasonable attorneys' fees and all expenses and costs the County has incurred including, without limitation, proceedings pursuant to a writ of monition, as permitted under 9 Del. C., Chapter 72. An administrative fee for processing vendor requests and providing vendor services shall be charged for each instance such service is provided as set forth in the appendix to this Chapter. This Section shall not be construed to limit any other actions or remedies at law or equity.
- (3) Voluntary assessment. The Constable may issue a summons to a person the officer has reasonable ground to believe has committed an offense against any County ordinance. Any summons issued by a Constable may provide that, in lieu of appearing in court, the offender may correct the offense(s) and remit a voluntary assessment of up to two hundred dollars (\$200.00) for each offense cited. The summons may provide that each day such violation continues shall constitute a separate offense.

# F. Administrative appeal.

- (1) Appeal to the Board of Adjustments and Appeals. Any person aggrieved by any administrative enforcement action taken pursuant to this Chapter, or any person who in good faith claims that the true intent of this Chapter or the rules legally adopted there under have been incorrectly interpreted, the provisions of this Chapter do not fully apply, or an equally good or better form of construction is proposed shall have the right to appeal to the Board of Adjustments and Appeals. The Board shall not have the authority to waive any requirement of this Chapter.
- (2) Time. All appeals shall be filed with the Board of Adjustments and Appeals within twenty (20) days of the date the citation issued by the Constable. A public hearing will then be afforded to the appellant within forty-five (45) days of the filing of the appeal.
- (3) Written decision. The Board of Adjustments and Appeals shall make findings of fact and shall render a decision in writing based upon the record created at the public hearing within twenty (20) days.

- (4) Actions that can be taken. The Board of Adjustments and Appeals may affirm, modify, reverse, vacate, or revoke the action appealed, provided that such action shall be affirmed by the Board if the action was not arbitrary or capricious, or was not taken pursuant to law.
- (5) Stay. If a stay of the action being appealed is desired, a written request must be submitted in writing to the Constable at the Constable's Office. The stay will be granted unless the Constable can demonstrate that the granting of the stay would jeopardize the health, safety or welfare of the public.
- (6) Fee. The fee for filing of an appeal under this Section is set forth in the Appendix to this Chapter. Such fee shall be refunded to the applicant if it prevails on all issues presented to the Board after any right(s) to appeal have expired or have been exhausted.
- (7) Writ of certiorari. An aggrieved party may appeal the decision of the Board of Adjustments and Appeals by filing a petition for a writ of certiorari in the Delaware Superior Court.
- G. Criminal enforcement. Any person violating the provisions of this Code may be subject to a criminal proceeding instituted by the Constable or the County Attorney, or his or her designee. It is unnecessary to prove the defendant's state of mind with regard to offenses which constitute violations as the legislative purpose is to impose strict liability for such offenses.
  - (1) Dismissal of charges. Any person subject to criminal prosecution under this Chapter may avoid the same upon presenting sufficient evidence to establish that the alleged violation has been remedied. At the discretion of the County Attorney, or his or her designee, and if sufficient evidence is presented prior to trial, the County may enter a nolle prosequi with or without prejudice.
  - (2) <u>Criminal proceedings. Justices of the Peace shall have jurisdiction throughout the State to hear, try and finally determine any violation or violations of any ordinance. Only upon conviction shall the defendant have the right to appeal to the Court of Common Pleas.</u>
  - (3) Penalties. Violations of this chapter shall be deemed misdemeanor offenses. The sentence for any person convicted of such a misdemeanor offense shall include the following fines and may include restitution or such other conditions as the court deems appropriate:
    - (a) For the first conviction, the penalty shall be a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00).
    - (b) For the second conviction for the same offense, the penalty shall be a fine of not less than five hundred dollars (\$500.00), nor more than two thousand five hundred dollars (\$2,500.00).

- (c) For all subsequent convictions for the same offense, the penalty shall be a fine of no less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00). The unpaid fine amounts may be considered a tax lien and collected in the same manner as other County real estate taxes. "Fines" as used in this section shall also include any civil judgment awarded to the County thereof entered pursuant to 11 Del. C. § 4101 (Payment of fines, costs and restitution upon conviction), 25 Del. C. § 2901 et seq. (Liens of the State and/or its political subdivisions) or 9 Del. C. § 7207 et seq. (Abatement; creation of tax lien).
- (4) Continuing violations. Each day any violation of this Chapter shall continue shall constitute a continuing violation for which a separate conviction may be obtained and a separate penalty for each day shall be imposed, and shall be considered a single conviction for the purposes of § 80-4G.(3).
- H. <u>Civil enforcement. Any person violating the provisions of this Chapter may be subject to a civil proceeding instituted by the County Attorney or his or her designee. The County may apply to the Court of Chancery for injunctive relief against the person, to prevent, restrain, correct, abate, remove, or enjoin any violation of the provisions of this Chapter.</u>
- Abatement of violation. The imposition of the penalties and remedies herein prescribed shall not preclude the Constable or his or designee from instituting the appropriate action to restrain, correct or abate a violation when such person fails to correct the violation after due notice, either actual or constructive, has been given to the person responsible, and where such person has had the opportunity to be heard by the Board of Adjustments and Appeals through a timely filed appeal or court of competent jurisdiction on the issue of the violation.
- J. Reimbursement. Upon completion of any action taken by the County to correct or abate a violation, the violator shall be provided the opportunity to reimburse the County for any costs incurred within thirty (30) days of providing the person responsible written notice thereof. An administrative fee for processing vendor requests and providing vendor services shall be charged for each instance such service is provided as set forth in the appendix to this Chapter.
- K. Remedies. Upon failure to reimburse the County within the time period specified, the County may:
  - (1) Call or collect on any bond or insurance established for this purpose;
  - (2) Place a lien upon the parcel of real property which is the subject of the abatement or after a Notice of Lien is filed on any property within the County which is held by the responsible person. Upon certification of the lien by the Constable's Office, the amount of such lien shall be recorded and collected

- in the same manner as other county real estate taxes and paid to New Castle County when collected. There shall be a right to appeal the abatement cost to the Board of Adjustments and Appeals; or
- (3) Institute a civil action for the recovery of such expense, together and with any penalty, fine, fee and/or interest, against the person, and the County shall be awarded reasonable attorneys' fees and all expenses and costs the County has incurred including, without limitation, proceedings pursuant to a writ of monition, as permitted under 9 Del. C., Chapter 72. This Section shall not be construed to limit any other actions or remedies at law or equity.
- L. Extensions. Application for an extension of the time frame to correct the violations addressed in the violation notice may be made in writing to the Constable. The Constable is authorized to grant, in writing, one (1) or more extensions of time. The applicant must demonstrate justifiable cause and explain all pertinent surrounding circumstances including reasons for the delay, plans for completion, and what actions the applicant has taken to correct the problem. The Constable may set conditions regarding the time frame to rectify any violation as well as any other conditions such as, but not limited to, those prescribed by a court of law or the Board of Adjustments and Appeals. A fee as set forth in the Appendix to this Chapter shall be charged for each extension.

### § 80-5 Notices and Orders

- A. Notice to owner or person responsible. Whenever the Constable determines that there has been a violation of this Chapter, or has reasonable grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in § 80-5B.and § 80-5C.to the owner or person responsible for the violation as specified in this Chapter.
- B. Form. Such notice prescribed in § 80-5A. shall be in accordance with all of the following:
  - (1) Be in writing;
  - (2) Include a description of the real estate sufficient for identification;
  - (3) Include a statement of the violation or violations and why the notice is being issued; and
  - (5) <u>Include a directive indicating the time to make the repairs and improvements required to bring the premises into compliance with the provisions of this Chapter.</u>

#### C. Service.

- (1) Method of service. Such notice shall be deemed to be properly served if a copy thereof is:
  - (a) Delivered personally to the owner or person responsible for the property; or
  - (b) Sent by certified or first-class mail addressed to the last known address; or
  - (c) Posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.
- (2) Method of service exception. In no case shall the Constable be required by this Section to provide a violation notice within a twelve (12) month period to any owner or person responsible previously provided notice pursuant to this Section or under any former Code provision where the same Code violation is alleged by the Constable to exist.

Section 5. Chapter 80 of the Sussex County Code is hereby amended by renumbering § 80-5, "Withholding of permits and approvals" to § 80-6, by deleting the bracketed number and inserting the underlined number in its place and stead as follows:

## "§ 80-[5]6"

Section 6. Effective Date. This Ordinance shall become effective upon its adoption.

### Synopsis

This Ordinance amends Chapter 80 ("Lot Maintenance") of the Sussex County Code by renaming it, "Property Maintenance Code" as well as including the adoption of comprehensive enforcement and penalty procedures with due process protections in accordance with Title 9, Chapter 72 of the Delaware Code all of which substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens. This Ordinance creates enforcement procedures for the Constable's Office to administer Sussex County's Property Maintenance Code.

Deleted text is italicized and in brackets. All new text is underlined.

ORDINANCE	NO.	

AN ORDINANCE TO AMEND CHAPTER 80 ("LOT MAINTENANCE") OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE, INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE.

WHEREAS, Sussex County is charged with protecting the health, safety and welfare of its citizens; and

WHEREAS, on July 16, 2013, Sussex County adopted Chapter 80, "Lot Maintenance"; and

WHEREAS, on February 10, 2020, the Delaware legislature passed and the Governor signed into law, Title 9, Chapter 72 of the Delaware Code, entitled, "Sussex County Property Maintenance", which provides a mechanism by which the Sussex County Council is authorized to promulgate Sussex County Code provisions, including civil penalties for enforcement with due process protections;

WHEREAS, the Sussex County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens.

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

Section 1. Chapter 80 of the Sussex County Code is hereby amended by deleting the title of, "Lot Maintenance" and substituting the following underlined language in its place and stead:

### Chapter 80 Property Maintenance Code

Section 2. Chapter 80, § 80-1 is hereby amended by inserting new subparagraphs -C and -D which is underlined as follows:

- C. The definitions contained in 9 Del. C. § 71201 shall govern this chapter.
- D. This chapter shall not apply to:
  - (1) properties, buildings, or structures located within any incorporated city or town in Sussex County unless the responsibility for the local code enforcement has been duly transferred to Sussex County.
  - (2) <u>land deemed to be actively devoted to agricultural, horticultural, or forestry as defined in 9 Del. C. § 8333.</u>
  - (3) any structure that is not subject to regulation pursuant to 9 Del. C. § 6902(b).

# (4) State Parks and Wildlife Areas.

Section 3. Chapter 80 of the Sussex County Code is hereby amended by deleting §§ 80-2, 80-3 and 80-4 in their entirety which is bracketed and italicized as follows:

# [§ 80-2 Enforcement.

- A. It shall be the duty of the Constable or his/her designee to enforce the provisions of this chapter. When the Constable, or his/her designee, determines that there has been a violation of this chapter, or has grounds to believe that a violation has occurred, notice shall be given to the owner, occupant or party responsible for the subject property. All notices shall:
  - (1) Be in writing.
  - (2) Include a tax parcel number for the property.
  - (3) Include a statement or description and/or photograph of the violation or violations and state why the violation notice is being issued.
  - (4) Include a statement of the required corrective action and the time period within which the corrective action must occur to bring the subject property into compliance, which time period shall be not less than five calendar days. In the event the owner, occupant or party responsible for the subject property notifies the Constable, or his/her designee, in writing, within the five-day corrective period of an intent to correct the violation, the Constable or his/her designee may, at his/her discretion, extend the time for corrective action up to a total period of 10 days from the date the violation notice is served. The notice of violation shall be deemed to be properly served if a copy thereof, together with a copy of this chapter, is:
    - (a) Delivered personally;
    - (b) Sent by certified or first-class mail addressed to the last known address; or
    - (c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on the property affected by such notice and the person posting the notice shall take a photograph of the posted notice.
- § 80-3 Removal by County; recovery of County expenses.
- A. If, within five days after due notice by the Constable's office to the owner, occupant or party responsible for the subject property, the grasses or weeds in violation of this chapter are not removed, an administrative fee of \$50 per incident will be assessed to the owner, occupant or party responsible for the subject property and the Constable, or his/her

designee, may contract with a third-party subcontractor who will cause such grasses or weeds to be cut and/or removed and may incur any expense in the removal thereof.

B. Any expense of removal incurred by the Constable or his/her designee shall be the financial responsibility of and paid by the owner, occupant or party responsible for the subject property within 15 days after notice thereof has been given in compliance with the provisions of § 80-2. If such amount is not paid within such time period, such amount, together with the administrative fee set forth in § 80-3A, and interest on such expenses at 10% per annum, shall be assessed against the subject property and shall, until paid, constitute a lien against the subject property in favor of the County upon the filing in the office of the Recorder of Deeds by the appropriate County official of a certificate of lien setting forth the amount equal to the expenses assessed against the owner, occupant, or responsible party by the County for bringing the subject property into compliance of this chapter.

C. In addition to any other remedy, the County may file and maintain a civil action for the recovery of such expense of cutting and/or removal against the owner, occupant or party responsible for the subject property and shall be awarded reasonable attorney's fees and costs of the action by any court having proper jurisdiction over the subject matter.

D. No civil liability shall attach to any act of any contractor or County employee engaged in carrying out the provisions of this section or any of its subsections.

§ 80-4 Violations and penalties; jurisdiction.

A. Any person who shall violate a provision of this chapter or any of its subsections and/or fails to comply with any notice of violation served in accordance with § 80-2 above shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of \$250 for the first conviction; \$500 for the second conviction; \$1,000 for the third conviction; and for the fourth and any subsequent conviction of the same violation that has still not been corrected, the fine for such conviction shall be \$2,500. The fines specified herein for the second through fourth convictions shall not be suspended. Upon conviction of a first violation of this chapter, the court may order the defendant to correct the violation by a certain date, not to exceed 10 days from the date of the conviction. Proof of guilt of a violation hereof may be proven through the testimony of a witness who has observed the violation and/or one or more photographs which document and depict the violation. Jurisdiction over the enforcement of this provision shall be in the Justice of the Peace Courts of the State of Delaware.

B. In addition to prosecuting a violator in the Justice of the Peace Courts, the prosecuting County employee is authorized, but is not required, to institute appropriate proceedings at law or in equity to restrain, correct, abate or enjoin a violation or to require the removal of the offending condition at the expense of the person who is found to be in violation of these provisions. If the County prevails, the Court shall order the violator to pay the County's reasonable attorney's fees and costs of the action.

- C. Pursuant to 25 Del. C. § 2901, civil penalties may be added to the County property tax billings for the property which was the subject of the violation. Additional civil penalties shall also double if not paid within 30 calendar days from the date of the respective violation.
- D. The penalties set forth in this section shall not affect the County's right to also recover expenses incurred pursuant to § 80-3.]

Section 4. Chapter 80 of the Sussex County Code is hereby amended by inserting the following new §§ 80-2 through 80-5 underlined language as follows in its place and stead:

## § 80-2. Approval.

- Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Chapter, the Constable shall have the authority to grant modifications for individual cases, provided the Constable shall first find that special individual reason makes the strict letter of this Chapter impractical and the modification is in compliance with the intent and purpose of this Chapter and that such modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the departmental files.
- B.A. Fees. No fee shall be charged for the first modification request if the applicant is actively working toward correcting the violation. A fee as set forth in the Appendix to this Chapter shall be charged for each subsequent request for code modification.

#### § 80-3 Violations.

Any person who shall violate any provision(s) of this Chapter or shall fail to comply with any of the requirements hereof, shall be subject to any of the enforcement mechanisms and penalties outlined in this Chapter.

### § 80-4 Enforcement.

- A. Constable Authority. It shall be the duty of the Constable or his/her designee (collectively "Constable") to enforce the provisions of this chapter. When the Constable, or his/her designee, determines that there has been a violation of this chapter, or has grounds to believe that a violation has occurred, notice shall be given to the owner of the subject property, if known. Notice may also be given to the person responsible for the subject property as defined in 9 Del. C. § 71201(34).
- B. Administrative enforcement. Any person violating the provisions of this Chapter may be subject to administrative proceedings instituted by the Constable.

  Violations subject to administrative enforcement shall be commenced within three (3) years as provided in 10 Del. C. § 8106.

- (1) Notice to owner or person responsible. Whenever the Constable determines that there has been a violation of this Chapter or has reasonable ground to believe that a violation has occurred, notice shall be given to the owner, if known. Notice may also be given to person(s) responsible for the property as defined in 9 Del. C. § 7101(3). Any person(s) noticed shall be responsible for correcting such violation(s).
- (2) Form. The form of such notice prescribed in subsection (1) shall be in accordance with §80-5B.
- (3) Method of service. The method of service of the notice prescribed in subsection (1) shall be in accordance with §80-5C. Notice required under this section shall be satisfied where a copy of the decision, or violation notice is:

  (a) delivered personally to the owner or person responsible for the property; or (b) mailed by regular United States mail and addressed to the owner or person responsible for the property at their last known address; or (c) posted in a conspicuous place on the property. Service of such notice in the foregoing manner upon an owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
- (4) Exceptions. In no case shall the Constable be required under this section to provide a subsequent violation notice to any owner or person responsible who has previously been provided notice pursuant to this section or under any former provision of this Chapter, where the same violation is alleged by the Constable to exist with a twelve (12) month period.
- C. Ticketing. Pursuant to Title 9, Chapter 712 and Title 25, Chapter 29 of the Delaware Code, the Constable shall have the authority to issue ticket(s) to the owner of a property, regardless of whether the owner actually resides upon the property, including any vacant lots, for violations of § 80-1, Prohibited growth and accumulations; § 115-191, Parking, Storing and Maintaining of Vehicles and Trailers; and § 115-191.1, Prohibited Accumulations.
  - Procedure. Whenever the Constable's Office receives a complaint that there has been an alleged violation(s) of the above-referenced sections, the Constable's Office shall inspect the property to determine whether a violation(s) has occurred. If a violation(s) has occurred, a notice of violation(s) shall be given to the owner of the property. Notice may also be given to the person responsible for the subject property. The owner and/or noticed person responsible shall be responsible for correcting such violation(s) within ten (10) calendar days. If the Constable determines that the violation(s) remains after the tenth (10<sup>th</sup>) calendar day, the owner of the property on which such non-compliance exists shall be subject to, and liable for, a civil penalty in the amount of \$10050.00. This civil penalty shall double if not paid within thirty (30) calendar days from the date of the citationticket. In no case shall the Constable be required by this Section to provide notice

- within a twelve (12) month period to any owner previously provided notice pursuant to this Section where the same Code violation exists.
- (2) Citation. Any citation—ticket issued for failure to comply with any provision identified in § 80-4C. may be mailed or personally delivered to the person responsible for the property and shall be mailed or personally delivered to the owner of the property that is the subject of the ticketcitation. Pursuant to 9 Del. C. § 71207 and 25 Del. C. § 2901, civil penalties may be added to the County property tax billings for the property which was the subject of the citationticket. Additional civil penalties shall also double if not paid within thirty (30) calendar days from the date of the respective citationticket.
- (3) Continuing violations. After the recipient of a ticket(s) has an opportunity to appeal the ticket(s) as permitted by § 80-4C.(5), the violation shall constitute a continuing violation; a ticket for the same violation may be issued each day the violation continues and a separate penalty for each day may be imposed.
- (4) State of mind. It shall be unnecessary to prove the violator's state of mind with regard to the failure to comply with any provision of this Section, as the legislative purpose is to impose strict liability for such non-compliance.
- (5) Appeals. The owner of ort person responsible for a property aggrieved by any civil penalty imposed pursuant to § 80-4C- may appeal the ticket to the Board of Adjustments and Appeals in accordance with § 80-4F., Administrative appeal.
- D. Costs. The owner of or person responsible for the property shall be responsible for all costs associated with the enforcement of this Code Chapter and the investigation, removal, remediation, or abatement of Code violations including the costs of the institution and maintenance of temporary safeguards and reasonable attorneys' fees associated with the above. The costs shall be liens on the property to the extent permitted by law.
- E. Administrative penalty provisions. The following administrative penalties may be imposed by the Constable:
  - Administrative fines. Notwithstanding any other section of this Code, any person who is found to have violated any provision of this Code-Chapter or directive of the Constable, may be subject to the penalties specified in § 80-4G-(3) for each day that the violation continues in addition to any expense incurred by the County for the removal or abatement of the violation. Administrative fines imposed pursuant to this section shall be a lien on the parcel of real property that the expense is incurred upon or which is the subject of the violation. Upon certification of the lien by the Constable's Office, the amount of such lien shall be recorded and collected in the same manner as other county real estate taxes, and paid to Sussex County, when collected. 9 Del. C. § 71207 et seq. (Abatement; creation of tax lien).

- (2) Institution of remedial action. The County may initiate action to remedy the any violation. Upon completion of such remedial work, the violator shall be provided the opportunity to reimburse the County for the cost incurred. If the violator fails to reimburse the County within the time period specified, the County may:
  - (a) call or collect on any bond or insurance established for this purpose;
  - (b) place a lien on any property within the County held by the person as permitted by State law; or
  - (c) institute a civil action for the recovery of such expenses, together with any penalty, fine, fee and/or interest, against the person, and the County shall be awarded reasonable attorneys' fees and all expenses and costs the County has incurred including, without limitation, proceedings pursuant to a writ of monition, as permitted under 9 Del. C., Chapter 712. An administrative fee for processing vendor requests and providing vendor services shall be charged for each instance such service is provided as set forth in the Aappendix to this Chapter. This Section shall not be construed to limit any other actions or remedies at law or equity.
- (3) Voluntary assessment. The Constable may issue a summons to a person the officer has reasonable ground to believe has committed an offense against any County ordinance. Any summons issued by a Constable may provide that, in lieu of appearing in court, the offender may correct the offense(s) and remit a voluntary assessment of up to two hundred dollars (\$200.00) for each offense cited. The summons may provide that each day such violation continues shall constitute a separate offense.

### F. Administrative appeal.

- (1) Appeal to the Board of Adjustments and Appeals. Any person aggrieved by any administrative enforcement action taken pursuant to this Chapter, or any person who in good faith claims that the true intent of this Chapter or the rules legally adopted there under have been incorrectly interpreted, the provisions of this Chapter do not fully apply, or an equally good or better form of construction is proposed shall have the right to appeal to the Board of Adjustments and Appeals. The Board shall not have the authority to waive any requirement of this Chapter.
- (2) Time. All appeals shall be filed with the Board of Adjustments and Appeals within twenty ten (2010) days of the date the ticketcitation issued by the Constable. A public hearing will then be afforded to the appellant within forty-five (45) days of the filing of the appeal, or as soon as can practically be heard.

- (3) Written decision. The Board of Adjustments and Appeals shall make findings of fact and shall render a decision in writing based upon the record created at the public hearing within twenty (20) days.
- (4) Actions that can be taken. The Board of Adjustments and Appeals may affirm, modify, reverse, vacate, or revokeor deny the action appealed, provided that such action shall be affirmed by the Board if the action was not arbitrary or capricious, or was not taken pursuant to law.
- (5) Stay. If a stay of the action being appealed is desired, a written request must be submitted in writing to the Constable at the Constable's Office. The stay will be granted unless the Constable can demonstrate that the granting of the stay would jeopardize the health, safety or welfare of the public.
- (6) Fee. The fee for filing of an appeal under this Section is set forth in the Appendix to this Chapter. Such fee shall be refunded to the applicant if it prevails on all issues presented to the Board after any right(s) to appeal have expired or have been exhausted.
- (7) Writ of certiorari. An aggrieved party may appeal the decision of the Board of Adjustments and Appeals by filing a petition for a writ of certiorari in the Delaware Superior Court.
- G. Criminal enforcement. Any person violating the provisions of this ChapterCode may be subject to a criminal proceeding instituted by the Constable or the County Attorney, or his or her designee. It is unnecessary to prove the defendant's state of mind with regard to offenses which constitute violations as the legislative purpose is to impose strict liability for such offenses.
  - (1) Dismissal of charges. Any person subject to criminal prosecution under this Chapter may avoid the same upon presenting sufficient evidence to establish that the alleged violation has been remedied. At the discretion of the Constable or the County Attorney, or his or her designee, and if sufficient evidence is presented prior to trial, the County may enter a nolle prosequi with or without prejudice.
  - (2) <u>Criminal proceedings. Justices of the Peace shall have jurisdiction throughout the State to hear, try and finally determine any violation or violations of any ordinance. Only upon conviction shall the defendant have the right to appeal to the Court of Common Pleas.</u>
  - (3) Penalties. Violations of this chapter shall be deemed misdemeanor offenses. The sentence for any person convicted of such a misdemeanor offense shall include a fine of up to One Thousand Dollars (\$1,000.00) for each violation the following fines and may include restitution or such other conditions as the court deems appropriate:

- (a) For the first conviction, the penalty shall be a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00).
- (b) For the second conviction for the same offense, the penalty shall be a fine of not less than five hundred dollars (\$500.00), nor more than two thousand five hundred dollars (\$2,500.00).
- (c) For all subsequent convictions for the same offense, the penalty shall be a fine of no less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00). The Any unpaid fine amounts may be considered a tax lien and collected in the same manner as other County real estate taxes. "Fines" as used in this section shall also include any civil judgment awarded to the County thereof entered pursuant to 11 Del. C. § 4101 (Payment of fines, costs and restitution upon conviction), 25 Del. C. § 2901 et seq. (Liens of the State and/or its political subdivisions) or 9 Del. C. § 71207 et seq. (Abatement; creation of tax lien).
- (4) Continuing violations. Each day any violation of this Chapter shall continue shall constitute a continuing violation for which a separate conviction may be obtained and a separate penalty for each day shall be imposed, and shall be considered a single conviction for the purposes of § 80-4G<sub>-</sub>(3).
- H. Civil enforcement. Any person violating the provisions of this Chapter may be subject to a civil proceeding instituted by the County Attorney or his or her designee. The County may apply to the Court of Chancery for injunctive relief against the person, to prevent, restrain, correct, abate, remove, or enjoin any violation of the provisions of this Chapter.
- Abatement of violation. The imposition of the penalties and remedies herein prescribed shall not preclude the Constable or his or designee from instituting the appropriate action to restrain, correct or abate a violation when such person fails to correct the violation after due notice, either actual or constructive, has been given to the person responsible, and where such person has had the opportunity to be heard by the Board of Adjustments and Appeals through a timely filed appeal or court of competent jurisdiction through a timely filed appeal on the issue of the violation.
- J. Reimbursement. Upon completion of any action taken by the County to correct or abate a violation, the violator shall be provided the opportunity to reimburse the County for any costs incurred within thirty (30) days of providing the person responsible issuance of written notice thereof served in accordance with §80-5C. An administrative fee for processing vendor requests and providing vendor services shall be charged for each instance such service is provided as set forth in the Aappendix to this Chapter.

- K. Remedies. Upon failure to reimburse the County within the time period specified, the County may:
  - (1) Call or collect on any bond or insurance established for this purpose;
  - (2) Place a lien upon the parcel of real property which is the subject of the abatement or after a Notice of Lien is filed on any property within the County which is held by the responsible person. Upon certification of the lien by the Constable's Office, the amount of such lien shall be recorded and collected in the same manner as other county real estate taxes and paid to New Castle the County when collected. There shall be a right to appeal the abatement cost to the Board of Adjustments and Appeals; or
  - (3) Institute a civil action for the recovery of such expense, together and with any penalty, fine, fee and/or interest, against the person, and the County shall be awarded reasonable attorneys' fees and all expenses and costs the County has incurred including, without limitation, proceedings pursuant to a writ of monition, as permitted under 9 Del. C., Chapter 712. This Section shall not be construed to limit any other actions or remedies at law or equity.
- L. Extensions. Application for an extension of the time frame to correct the violations addressed in the violation notice may be made in writing to the Constable. The Constable is authorized to grant, in writing, one (1) or more extensions of time. The applicant must demonstrate justifiable cause and explain all pertinent surrounding circumstances including reasons for the delay, plans for completion, and what actions the applicant has taken to correct the problem. The Constable may set conditions regarding the time frame to rectify any violation as well as any other conditions such as, but not limited to, those prescribed by a court of law or the Board of Adjustments and Appeals. A fee as set forth in the Appendix to this Chapter shall be charged for each extension.

#### § 80-5 Notices and Orders

- A. Notice to owner or person responsible. Whenever the Constable determines that there has been a violation of this Chapter, or has reasonable grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in § 80-5B, and § 80-5C, to the owner or person responsible for the violation as specified in this Chapter.
- B. Form. Such notice prescribed in § 80-5A. shall be in accordance with all of the following:
  - (1) Be in writing;
  - (2) Include a description of the real estate sufficient for identification;

- (3) Include a statement of the violation or violations and why the notice is being issued; and
- (5) (4) Include a directive indicating the time to make the repairs and improvements required to bring the premises into compliance with the provisions of this Chapter within ten (10) days.

#### C. Service.

- (1) Method of service. Such notice shall be deemed to be properly served if a copy thereof is:
  - (a) Delivered personally to the owner or person responsible for the property; or
  - (b) Sent by certified or first-class United States mail addressed to the last known address of the owner or person responsible for the property; or
  - (c) Posting a copy of the notice in a conspicuous place in or about the property structure affected by such notice.

Service of such notice in the foregoing manner upon an owner's agent or upon the person responsible for the property shall constitute service of notice upon the owner.

(2) Method of service exception. In no case shall the Constable be required by this Section to provide a subsequent violation notice within a twelve (12) month period to any owner or person responsible who has previously been provided notice pursuant to this Section or under any former Code provision where the same Code violation is alleged by the Constable to exist.

#### **APPENDIX**

#### Fees

Extension for Compliance with Violation Notice-

- \$25 for initial approved request and
- \$25 for each subsequently approved requests.

## Vendor Processing Fee-

A vendor processing fee of \$100, in addition to all other costs and fees permitted by this Chapter, shall be imposed for removal or abatement of a violation.

## Appeal Fee to Board of Adjustment and Appeal-

An aggrieved party shall include a fee of \$100 with their application for appeal of a ticket to the Board of Adjustment and Appeal.

Section 5. Chapter 80 of the Sussex County Code is hereby amended by renumbering § 80-5, "Withholding of permits and approvals" to § 80-6, by deleting the bracketed number and inserting the underlined number in its place and stead as follows:

## <u>"§ 80-[5]6"</u>

Section 6. Effective Date. This Ordinance shall become effective upon its adoption.

#### **Synopsis**

This Ordinance amends Chapter 80 ("Lot Maintenance") of the Sussex County Code by renaming it, "Property Maintenance Code" as well as including the adoption of comprehensive enforcement and penalty procedures with due process protections in accordance with Title 9, Chapter 72 (now Chapter 71) of the Delaware Code all of which substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens. This Ordinance creates enforcement procedures for the Constable's Office to administer Sussex County's Property Maintenance Code.

Deleted text is italicized and in brackets. All new text is underlined.

## **Outline of Revisions to Chapter 80 Ordinance**

- The ordinance as introduced cited Title 9, Chapter 72 of the Delaware Code as the enabling statute. All references to Chapter 72 have been changed to Chapter 71 because the Code Revisors renumbered the chapter after it was signed into law.
- § 80-2A deletes the word "fire" as this ordinance does not govern fire safety.
- § 80-2B. was deleted. Fees are now referenced in the Appendix.
- § 80-4A. corrects a statute reference.
- § 80-4B. (opening paragraph) removed reference to statute of limitations. This is not required and will avoid need to amend the ordinance if it changes in the future.
- § 80-4B.(3) now cites § 80-5C. to avoid duplication.
- § 80-4B.(4) clarifies that the Constable is not required to send subsequent Notices of Violation for the same violation within a 12-month period.
- § 80-4C. All references to "citation" have been changed to "ticket" for consistency.
- § 80-4C.(1) increases the civil penalty from \$50 to \$100.
- § 80-4D. substitutes the word "Chapter" for "Code" because only Chapter 80 applies.
- § 80-4E.(3) deletes the provision regarding "voluntary assessment" which is better suited for a building code violation.
- § 80-4F.(2) shortens the appeal period from 20 days to 10 days to increase efficiency in the process. It also inserts "or as soon as can practically be heard" to the 45-day period within which appeals must be heard to allow the Board of Adjustments and Appeals some flexibility.
- § 80-4F.(4) modifies the Board's actions to "affirm and deny" as opposed to "affirm, modify, reverse, vacate or revoke". This will limit the Board's discretion.
- § 80-4F.(6) removes language whereby the County will refund the appeals fee in the event the owner prevails. The County is still required to pay the Board members for their time in hearing each appeal.

- § 80-4G. The opening paragraph again substitutes "Chapter" for "Code" to limit the applications of the criminal enforcement provisions.
- § 80-4G.(1) now allows both the Constable and the County Attorney, or their designees, to make decisions on the County's behalf in the disposition of criminal matters.
- § 80-4G.(3) deletes the graduated fines and now references fines up to \$1,000 as authorized by 11 Del. C. § 5917.
- § 80-4I. clarifies that abatement can occur after the owner or person responsible
  has had the opportunity to be heard by the Board or a court of competent
  jurisdiction through a timely filed appeal.
- § 80-4J. inserts a reference to the method of service of notice in § 80-5C.
- § 80-4K, deletes the reference to New Castle County that was inserted in error.
- § 80-5B. requires compliance within 10 days of the Notice.
- § 80-5C.(1) moves language from § 80-4B. to avoid duplication.
- § 80-5C.(2) clarifies that the Constable is not required to send subsequent Notices of Violation for the same violation within a 12-month period.
- An Appendix has been added to set fees for enforcement.

ORDINANCE NO.	ORDINANCE	NO.	
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AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, "SUPPLEMENTARY REGULATIONS", §§ 115-191 THROUGH 115-191.8 OF THE CODE OF SUSSEX COUNTY RELATING TO "PARKING, STORING AND MAINTAINING VEHICLES AND TRAILERS" AND "PROHIBITED ACCUMULATIONS", INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE.

WHEREAS, Sussex County is charged with protecting the health, safety and welfare of its citizens; and

WHEREAS, on May 6, 2008, Sussex County adopted Chapter 115, Article XXV, "Supplementary Regulations" §§ 115-191 through 115-191.8, pertaining to "Parking, storing and maintaining of vehicles and trailers", "Prohibited accumulations" and the enforcement procedures and penalties for violations thereof; and

WHEREAS, on February 10, 2020, the Delaware legislature passed and the Governor signed into law, Title 9, Chapter 72 of the Delaware Code, entitled, "Sussex County Property Maintenance", which provides a mechanism by which the Sussex County Council is authorized to promulgate Sussex County Code provisions, including civil penalties for enforcement with due process protections; and

WHEREAS, this amendment adopts the violation, enforcement, penalties and appeals procedures set forth in Chapter 80 of the Sussex County Code; and

WHEREAS, the Sussex County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Chapter 115 of the Sussex County Code is hereby amended by deleting § 115.191.1, "Enforcement" and § 115-191.2, "Penalties; jurisdiction" in their entirety which is bracketed and italicized as follows:

[§ 115-191.1 Enforcement.

[Added 5-6-2008 by Ord. No. 1968]

A. It shall be the duty of the Director or his designee (which shall include the County Constables) to enforce the provisions of § 115-191. When the Director, or his designee determines that there has been a violation or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible for the violation, in accordance with all of the following requirements:

- (1) Be in writing.
- (2) Include a tax parcel number for the property.
- (3) Include a statement or description and/or photograph of the violation or violations and state why the violation notice is being issued.
- (4) Include a statement of the required corrective action and the time period within which the corrective action must occur to bring the property into compliance, which time period shall be not less than 30 calendar days. In the event the owner of the property or the person responsible for the violation notifies the Director, or his designee, in writing, within the thirty-day corrective period of an intent to correct the violation, the Director or his designee may, at his/her discretion, extend the time for corrective action up to a total period of 60 days from the date the violation notice is served. Further, if the violator signs a written cleanup or remediation plan with the County within the sixty-day period, the Director or his designee shall have the discretion to extend the cleanup or remediation period up to a maximum of six months from the date the violation notice is served. The notice of violation shall be deemed to be properly served if a copy thereof, together with a copy of §§ 115-191 and 115-191.1 through 115-191.8 is:
- (a) Delivered personally;
- (b) Sent by certified or first-class mail addressed to the last known address; or
- (c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on the property affected by such notice and the person posting the notice shall take a photograph of the posted notice.
- (5) If a citizen domiciled in the County signs a written cleanup or remediation plan and can provide bona fide proof that he/she is financially and/or physically incapable of fully complying with the terms and time limits of the plan proposed by the Director, he/she can file a letter of appeal to County Council within 30 days after executing the written cleanup or remediation plan with the Director, asking Council to grant additional time to complete the clean up, to modify the terms of the plan or for assistance in completing it. There shall be no appeal fee and no public hearing required by Council. If the violation notice was sent in response to the complaint of another citizen, the citizen who made the complaint shall be given a minimum of five days' written notice of the date when Council will consider the appeal and will be allowed to address Council concerning the substance of the appeal request. When Council considers the request, the burden shall be upon the requesting owner to satisfy Council that a financial and/or physical hardship or timing issue exists which prevents or limits his/her ability to comply with the cleanup plan. If that burden is met, the options available to Council are:
- (a) To modify the plan or to extend the time for clean up completion and/or to impose a phasing plan requiring the owner to achieve meaningful incremental progress and to specify the date or circumstances under which such a phasing plan would be revoked if the owner fails to make substantial progress toward completion.

- (b) To advise the owner of any available sources of assistance that may be available to help him/her complete the clean up.
- (c) To grant such other and further relief as Council may consider appropriate under the circumstances.

§ 115-191.2 Penalties; jurisdiction.

Any person who shall violate a provision of § 115-191 or any of its subsections and/or fails to comply with any notice of correction served in accordance with § 115-191.1 above shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$250 nor more than \$500 for the first conviction; not less than \$500 nor more than \$750 for the second conviction; and not less than \$750 nor more than \$1,000 for the third conviction; and for the fourth and any subsequent conviction of the same violation that has still not been corrected, the minimum fine for such conviction shall be not less than \$2,500. The minimum fines specified herein for the second through fourth convictions shall not be suspended. Upon conviction of a first violation of this chapter, the court may order the defendant to correct the violation by a certain date, not to exceed 30 days from the date of the conviction. Proof of guilt of a violation hereof may be proven through the testimony of a witness who has observed the violation and/or one or more photographs which document and depict the violation. Jurisdiction over the enforcement of §§ 115-191, 115-191.1 and 191.2 shall be in the Justice of the Peace Courts of the State of Delaware.

A. In addition to prosecuting a violator in the Justice of the Peace Courts, the prosecuting County employee is, but is not required, to institute appropriate proceedings at law or in equity to restrain, correct, abate or enjoin a violation or to require the removal of the offending condition at the expense of the person who is found to be in violation of these provisions. If the County prevails, the Court shall order the violator to pay the County's reasonable attorney's fees and costs of the action.]

Section 2. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.4, "Prohibited accumulations" to 115-191.1, by deleting the bracketed number and inserting the underlined number in its place and stead and further amended by inserting the underlined language in subparagraph A as follows:

§ 115-191.[4]1 Prohibited accumulations.

The purpose of this section is to prevent the accumulation of <u>refuse</u>, rubbish, trash, <u>inoperable appliances</u>, <u>tires</u> or waste material so as to create an unsightly condition and/or a nuisance detrimental to the use or value of adjoining properties and/or to create a potential fire or safety hazard that could endanger the safety of the owner, possessor or other persons. <u>To the extent the accumulation of tires is not within the exclusive jurisdiction of the State of Delaware and the Delaware Department of Natural Resources and Environmental Control, the accumulation of tires shall be governed hereunder. In that regard:</u>

- A. No person, being the owner or possessor of improved or unimproved lands or premises that are not used for bona fide agricultural purposes <u>as hereinafter defined in § 115-191.4</u> shall permit refuse, rubbish, trash, inoperable appliances, <u>tires</u> or other waste material to be placed or to accumulate upon such lands or premises. Tire accumulations in excess of 20 tires shall be considered a violation.
- Section 3. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.6, "Deposit of waste materials on premises outside of commercial establishments" to 115-191.2, by deleting the bracketed number and inserting the underlined number in its place and stead, and further amended by inserting the underlined language in subparagraph A as follows:

§ 115-191.[6]2

A. No refuse, rubbish, trash, inoperable appliances, tires or other waste materials shall be deposited by any person on land or improved premises outside of any commercial establishment, except that such refuse, rubbish, trash, inoperable appliances, tires or other waste material shall be placed in a metal or heavy-duty rigid plastic container having a secure lid that will prevent the spillage of the contents or the opening of the container and spreading of the contents by animals or rodents. The owner or possessor of such commercial establishment, any officer of a corporation or other entity being the owner or possessor of such land or improved premises or commercial establishment and any agent having the management thereof whose employee or agent violates the provisions of this section shall be deemed to be in violation of the provisions of this Code.

Section 4. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.3, "Exemptions" to § 115.191.4, by deleting the bracketed number and inserting the underlined number in its place and stead, and is further amended by deleting the bracketed language and inserting the underlined language as follows:

§ 115-191.[3]4 Exemptions.

Section 115-191.3 shall not apply to:

- A. An antique car, as defined by Title 21, Delaware Code, § 2196, or parts for an antique car, provided the antique car or parts thereof are housed in a building consisting of four sides and a roof, the construction of which was approved by the County and said car is not visible from any location on the street, road or highway that is closest to the property or from an adjoining property.
- [B. A dwelling which is part of and located on a tract of land of five acres or more that is primarily used for bona fide agricultural purposes.]
- [C]B. Vehicles, boats or other watercraft which are not required to be licensed and registered pursuant to Delaware law.

- C. Properties, buildings, or structures located within any incorporated city or town in Sussex County unless the responsibility for the local code enforcement has been duly transferred to Sussex County.
- D. Land deemed to be actively devoted to agricultural, horticultural, or forestry as defined in 9 Del. C. § 8333.
  - E. Any structure that is not subject to regulation pursuant to 9 Del. C. § 6902(b).
  - F. State Parks and Wildlife Areas.

Section 5. Chapter 115 of the Sussex County Code is hereby amended by inserting a new § 115.191.3, "Violations, enforcement procedure, penalties and appeals" which is underlined as follows:

§ 115.191.3 Violations, enforcement procedure, penalties and appeals.

Sussex County Code §§ 80-2 through 80-5 of the Property Maintenance Code shall govern the procedure for violations, enforcement, penalties and appeals of §191 and each subsection thereunder.

Section 6. Chapter 115 of the Sussex County Code is hereby amended by deleting § 115.191.5, "Removal by County; recovery of County expenses" in its entirety which is bracketed and italicized as follows:

[§ 115-191.5 Removal by County; recovery of County expenses.

[Added 5-6-2008 by Ord. No. 1968]

- A. If, within 10 days after due notice by the Director of Planning and Zoning or his designee to the owner or possessor of land or improved premises, refuse, rubbish, trash or other waste materials in violation of this section are not removed, the Director or his designee may contract with a third party subcontractor who will cause such weeds, grasses, refuse, rubbish, trash or other waste materials to be removed and may incur any expense in the removal thereof.
- B. Any expense of removal incurred by the Director or his designee shall be paid by the owner or possessor of the land or improved premises within 15 days after notice thereof given in compliance with the provisions of § 115-191.1A(1) through (3). If such amount is not paid within such time period, such amount, together with a penalty of 10% of such expense and interest on such expenses at 10% per annum, shall be assessed against the land or improved premises and shall, until paid, constitute a lien against such land or improved premises in favor of the County on the filing in the Office of the Recorder of Deeds by the Director of Finance of a certificate of lien setting forth the amount of such expense, including all penalties and interest accrued thereon and the per diem rate of increase in interest thereafter.
- C. In addition to any other remedy, the County may file and maintain a civil action for the recovery of such expense of removal and the penalty and interest accrued against

the owner or possessor and shall be awarded reasonable attorney's fees and costs of the action by any court having proper jurisdiction over the subject matter.

D. No civil liability shall attach to any act of any contractor or County employee engaged in carrying out the provisions of this section or any of its subsections.]

Section 7. Chapter 115 of the Sussex County Code is hereby amended by deleting § 115.191.7, "Violations and penalties" in its entirety which is bracketed and italicized as follows:

[§ 115-191.7 Violations and penalties.

[Added 5-6-2008 by Ord. No. 1968]

Violations and penalties of the above referenced sections dealing with prohibited accumulations and/or the deposit of waste materials shall be assessed in accordance with the penalties contained in § 115-191.2 hereof.]

Section 8. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.8, "Withholding of permits and approvals" to 115-191.5, by deleting the bracketed number and inserting the underlined number in its place and stead as follows:

§ 115-191.[8]<u>5</u>

Section 9. Effective Date. This Ordinance shall become effective upon its adoption.

# **Synopsis**

This Ordinance amends Chapter 115, Article XXV, §§ 115-191 through 115-191.8 ("Supplementary Regulations") of the Sussex County Code by adopting the comprehensive enforcement and penalty procedures with due process protections in accordance with Title 9, Chapter 72 of the Delaware Code and Chapter 80 of the Sussex County Code, all of which substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens.

Deleted text is italicized and in brackets. All new text is underlined.

ORDINANCE NO.	ORDINANCE	NO.	
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AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, "SUPPLEMENTARY REGULATIONS", §§ 115-191 THROUGH 115-191.8 OF THE CODE OF SUSSEX COUNTY RELATING TO "PARKING, STORING AND MAINTAINING VEHICLES AND TRAILERS" AND "PROHIBITED ACCUMULATIONS", INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE.

WHEREAS, Sussex County is charged with protecting the health, safety and welfare of its citizens; and

WHEREAS, on May 6, 2008, Sussex County adopted Chapter 115, Article XXV, "Supplementary Regulations" §§ 115-191 through 115-191.8, pertaining to "Parking, storing and maintaining of vehicles and trailers", "Prohibited accumulations" and the enforcement procedures and penalties for violations thereof; and

WHEREAS, on February 10, 2020, the Delaware legislature passed and the Governor signed into law, Title 9, Chapter 72 of the Delaware Code, entitled, "Sussex County Property Maintenance", which provides a mechanism by which the Sussex County Council is authorized to promulgate Sussex County Code provisions, including civil penalties for enforcement with due process protections; and

WHEREAS, this amendment adopts the violation, enforcement, penalties and appeals procedures set forth in Chapter 80 of the Sussex County Code; and

WHEREAS, the Sussex County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens.

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

Section 1. Chapter 115 of the Sussex County Code is hereby amended by deleting § 115.191.1, "Enforcement" and § 115-191.2, "Penalties; jurisdiction" in their entirety which is bracketed and italicized as follows:

[§ 115-191.1 Enforcement.

[Added 5-6-2008 by Ord. No. 1968]

A. It shall be the duty of the Director or his designee (which shall include the County Constables) to enforce the provisions of § 115-191. When the Director, or his designee determines that there has been a violation or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible for the violation, in accordance with all of the following requirements:

- (1) Be in writing.
- (2) Include a tax parcel number for the property.
- (3) Include a statement or description and/or photograph of the violation or violations and state why the violation notice is being issued.
- (4) Include a statement of the required corrective action and the time period within which the corrective action must occur to bring the property into compliance, which time period shall be not less than 30 calendar days. In the event the owner of the property or the person responsible for the violation notifies the Director, or his designee, in writing, within the thirty-day corrective period of an intent to correct the violation, the Director or his designee may, at his/her discretion, extend the time for corrective action up to a total period of 60 days from the date the violation notice is served. Further, if the violator signs a written cleanup or remediation plan with the County within the sixty-day period, the Director or his designee shall have the discretion to extend the cleanup or remediation period up to a maximum of six months from the date the violation notice is served. The notice of violation shall be deemed to be properly served if a copy thereof, together with a copy of §§ 115-191 and 115-191.1 through 115-191.8 is:
- (a) Delivered personally;
- (b) Sent by certified or first-class mail addressed to the last known address; or
- (c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on the property affected by such notice and the person posting the notice shall take a photograph of the posted notice.
- (5) If a citizen domiciled in the County signs a written cleanup or remediation plan and can provide bona fide proof that he/she is financially and/or physically incapable of fully complying with the terms and time limits of the plan proposed by the Director, he/she can file a letter of appeal to County Council within 30 days after executing the written cleanup or remediation plan with the Director, asking Council to grant additional time to complete the clean up, to modify the terms of the plan or for assistance in completing it. There shall be no appeal fee and no public hearing required by Council. If the violation notice was sent in response to the complaint of another citizen, the citizen who made the complaint shall be given a minimum of five days' written notice of the date when Council will consider the appeal and will be allowed to address Council concerning the substance of the appeal request. When Council considers the request, the burden shall be upon the requesting owner to satisfy Council that a financial and/or physical hardship or timing issue exists which prevents or limits his/her ability to comply with the cleanup plan. If that burden is met, the options available to Council are:
- (a) To modify the plan or to extend the time for clean up completion and/or to impose a phasing plan requiring the owner to achieve meaningful incremental progress and to specify the date or circumstances under which such a phasing plan would be revoked if the owner fails to make substantial progress toward completion.

- (b) To advise the owner of any available sources of assistance that may be available to help him/her complete the clean up.
- (c) To grant such other and further relief as Council may consider appropriate under the circumstances.

§ 115-191.2 Penalties; jurisdiction.

Any person who shall violate a provision of § 115-191 or any of its subsections and/or fails to comply with any notice of correction served in accordance with § 115-191.1 above shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$250 nor more than \$500 for the first conviction; not less than \$500 nor more than \$750 for the second conviction; and not less than \$750 nor more than \$1,000 for the third conviction; and for the fourth and any subsequent conviction of the same violation that has still not been corrected, the minimum fine for such conviction shall be not less than \$2,500. The minimum fines specified herein for the second through fourth convictions shall not be suspended. Upon conviction of a first violation of this chapter, the court may order the defendant to correct the violation by a certain date, not to exceed 30 days from the date of the conviction. Proof of guilt of a violation hereof may be proven through the testimony of a witness who has observed the violation and/or one or more photographs which document and depict the violation. Jurisdiction over the enforcement of §§ 115-191, 115-191.1 and 191.2 shall be in the Justice of the Peace Courts of the State of Delaware.

A. In addition to prosecuting a violator in the Justice of the Peace Courts, the prosecuting County employee is, but is not required, to institute appropriate proceedings at law or in equity to restrain, correct, abate or enjoin a violation or to require the removal of the offending condition at the expense of the person who is found to be in violation of these provisions. If the County prevails, the Court shall order the violator to pay the County's reasonable attorney's fees and costs of the action.]

Section 2. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.4, "Prohibited accumulations" to 115-191.1, by deleting the bracketed number and inserting the underlined number in its place and stead and further amended by inserting the underlined language in subparagraph A as follows:

§ 115-191.[4]1 Prohibited accumulations.

The purpose of this section is to prevent the accumulation of <u>refuse</u>, rubbish, trash, <u>inoperable appliances</u>, <u>tires</u> or waste material so as to create an unsightly condition and/or a nuisance detrimental to the use or value of adjoining properties and/or to create a potential fire or safety hazard that could endanger the safety of the owner, possessor or other persons. <u>To the extent the accumulation of tires is not within the exclusive jurisdiction of the State of Delaware and the Delaware Department of Natural Resources and Environmental Control, the accumulation of tires shall be governed hereunder. In that regard:</u>

- A. No person, being the owner or possessor of improved or unimproved lands or premises that are not used for bona fide agricultural purposes <u>as hereinafter defined in § 115-191.4</u> shall permit refuse, rubbish, trash, inoperable appliances, <u>tires</u> or other waste material to be placed or to accumulate upon such lands or premises. Tire accumulations in excess of 20 tires shall be considered a violation.
- Section 3. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.6, "Deposit of waste materials on premises outside of commercial establishments" to 115-191.2, by deleting the bracketed number and inserting the underlined number in its place and stead, and further amended by inserting the underlined language in subparagraph A as follows:

§ 115-191.[6]2

A. No refuse, rubbish, trash, inoperable appliances, tires or other waste materials shall be deposited by any person on land or improved premises outside of any commercial establishment, except that such refuse, rubbish, trash, inoperable appliances, tires or other waste material shall be placed in a metal or heavy-duty rigid plastic container having a secure lid that will prevent the spillage of the contents or the opening of the container and spreading of the contents by animals or rodents. The owner or possessor of such commercial establishment, any officer of a corporation or other entity being the owner or possessor of such land or improved premises or commercial establishment and any agent having the management thereof whose employee or agent violates the provisions of this section shall be deemed to be in violation of the provisions of this Code.

Section 4. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.3, "Exemptions" to § 115.191.4, by deleting the bracketed number and inserting the underlined number in its place and stead, and is further amended by deleting the bracketed language and inserting the underlined language as follows:

§ 115-191.[3]4 Exemptions.

Section 115-191.3 shall not apply to:

- A. An antique car, as defined by Title 21, Delaware Code, § 2196, or parts for an antique car, provided the antique car or parts thereof are housed in a building consisting of four sides and a roof, the construction of which was approved by the County and said car is not visible from any location on the street, road or highway that is closest to the property or from an adjoining property.
- [B. A dwelling which is part of and located on a tract of land of five acres or more that is primarily used for bona fide agricultural purposes.]
- [C]B. Vehicles, boats or other watercraft which are not required to be licensed and registered pursuant to Delaware law.

- C. Properties, buildings, or structures located within any incorporated city or town in Sussex County unless the responsibility for the local code enforcement has been duly transferred to Sussex County.
- D. Land deemed to be actively devoted to agricultural, horticultural, or forestry as defined in 9 Del. C. § 8333.
  - E. Any structure that is not subject to regulation pursuant to 9 Del. C. § 6902(b).
  - F. State Parks and Wildlife Areas.

Section 5. Chapter 115 of the Sussex County Code is hereby amended by inserting a new § 115.191.3, "Violations, enforcement procedure, penalties and appeals" which is underlined as follows:

§ 115.191.3 Violations, enforcement procedure, penalties and appeals.

Sussex County Code §§ 80-2 through 80-5 of the Property Maintenance Code shall govern the procedure for violations, enforcement, penalties and appeals of §191 and each subsection thereunder.

Section 6. Chapter 115 of the Sussex County Code is hereby amended by deleting § 115.191.5, "Removal by County; recovery of County expenses" in its entirety which is bracketed and italicized as follows:

[§ 115-191.5 Removal by County; recovery of County expenses.

[Added 5-6-2008 by Ord. No. 1968]

- A. If, within 10 days after due notice by the Director of Planning and Zoning or his designee to the owner or possessor of land or improved premises, refuse, rubbish, trash or other waste materials in violation of this section are not removed, the Director or his designee may contract with a third party subcontractor who will cause such weeds, grasses, refuse, rubbish, trash or other waste materials to be removed and may incur any expense in the removal thereof.
- B. Any expense of removal incurred by the Director or his designee shall be paid by the owner or possessor of the land or improved premises within 15 days after notice thereof given in compliance with the provisions of § 115-191.1A(1) through (3). If such amount is not paid within such time period, such amount, together with a penalty of 10% of such expense and interest on such expenses at 10% per annum, shall be assessed against the land or improved premises and shall, until paid, constitute a lien against such land or improved premises in favor of the County on the filing in the Office of the Recorder of Deeds by the Director of Finance of a certificate of lien setting forth the amount of such expense, including all penalties and interest accrued thereon and the per diem rate of increase in interest thereafter.
- C. In addition to any other remedy, the County may file and maintain a civil action for the recovery of such expense of removal and the penalty and interest accrued against

the owner or possessor and shall be awarded reasonable attorney's fees and costs of the action by any court having proper jurisdiction over the subject matter.

D. No civil liability shall attach to any act of any contractor or County employee engaged in carrying out the provisions of this section or any of its subsections.]

Section 7. Chapter 115 of the Sussex County Code is hereby amended by deleting § 115.191.7, "Violations and penalties" in its entirety which is bracketed and italicized as follows:

[§ 115-191.7 Violations and penalties.

[Added 5-6-2008 by Ord. No. 1968]

Violations and penalties of the above referenced sections dealing with prohibited accumulations and/or the deposit of waste materials shall be assessed in accordance with the penalties contained in § 115-191.2 hereof.]

Section 8. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.8, "Withholding of permits and approvals" to 115-191.5, by deleting the bracketed number and inserting the underlined number in its place and stead as follows:

§ 115-191.[8]<u>5</u>

Section 9. Effective Date. This Ordinance shall become effective upon its adoption.

# Synopsis

This Ordinance amends Chapter 115, Article XXV, §§ 115-191 through 115-191.8 ("Supplementary Regulations") of the Sussex County Code by adopting the comprehensive enforcement and penalty procedures with due process protections in accordance with Title 9, Chapter 72 (now Chapter 71) of the Delaware Code and Chapter 80 of the Sussex County Code, all of which substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens.

Deleted text is italicized and in brackets. All new text is underlined.

§ 115-191 Parking, storing and maintaining of vehicles and trailers.

On lands which are zoned and used for owner-occupied single-family purposes, the following requirements shall exist with respect to the parking, storing or maintaining of automotive vehicles of any type, including, but not limited to, cars, trucks, vans, motor homes, recreational vehicles and trailers designed and/or built to be towed behind an automotive vehicle and which are all hereafter collectively referred to as "vehicles" and with respect to the storing or maintaining of boats and other watercraft on the ground, a cradle or on a trailer, and as to all of which, the following requirements shall apply and be complied with:

- A. The purpose of this section is to eliminate the parking, storing or maintaining of those vehicles, boats and watercraft that are in violation of Subsections B and C, which tend to interfere with the enjoyment of, and/or reduce the value of private property, invite plundering, create visually unsightly conditions, create fire and/or pollution hazards and/or other safety and/or health hazards, to interfere with the well being of the public and/or to create, extend and/or aggravate blight.
- B. No more than a total of two automotive vehicles, boats or other watercraft, which are either inoperable, dismantled, wrecked, or which display registration plates (as to vehicles for which they are required under state law) and/or registration stickers (as to boats or watercraft for which they are required under state law) which are at least 30 days expired or which do not display a required current registration plate or sticker, or display a plate or sticker not validly issued to that vehicle, boat or other watercraft, or from which major components have been removed, or which are in such a state of obvious disrepair as to be incapable, without repair, of being operated in the manner for which they are designed, shall be situated on any residentially zoned property other than in a completely enclosed garage or other permitted accessory structure located on the same lot or tax parcel the dwelling is located on.
- C. No vehicle and/or boat or other watercraft, shall be situated on any residentially zoned property that is vacant and not improved with a dwelling for which a certificate of compliance has been issued pursuant to § 115-223A.

### § 115-191.1 Prohibited accumulations.

The purpose of this section is to prevent the accumulation of refuse, rubbish, trash, inoperable appliances, tires or waste material so as to create an unsightly condition and/or a nuisance detrimental to the use or value of adjoining properties and/or to create a potential fire or safety hazard that could endanger the safety of the owner, possessor

or other persons. To the extent the accumulation of tires is not within the exclusive jurisdiction of the State of Delaware and the Delaware Department of Natural Resources and Environmental Control, the accumulation of tires shall be governed hereunder. In that regard:

- A. No person, being the owner or possessor of improved or unimproved lands or premises that are not used for bona fide agricultural purposes as hereinafter defined in § 115-191.4 shall permit refuse, rubbish, trash, inoperable appliances, tires or other waste material to be placed or to accumulate upon such lands or premises. Tire accumulations in excess of 20 tires shall be considered a violation.
- B. For the purposes of this section:
- (1) "Waste material" does not include materials accumulated in an orderly fashion for useful purposes, such as firewood, compost piles and building materials in good condition, topsoil and earth fill, except that the accumulation of such material in a haphazard, disorderly or unsightly fashion shall be prima facie evidence of waste and/or a nuisance and/or a detriment to the use and/or value of adjoining property and/or to the health and/or safety of other persons or themselves.
- § 115-191.2 Deposit of waste materials on premises outside of commercial establishments.
  - A. No refuse, rubbish, trash, inoperable appliances, tires or other waste materials shall be deposited by any person on land or improved premises outside of any commercial establishment, except that such refuse, rubbish, trash, inoperable appliances, tires or other waste material shall be placed in a metal or heavy-duty rigid plastic container having a secure lid that will prevent the spillage of the contents or the opening of the container and spreading of the contents by animals or rodents. The owner or possessor of such commercial establishment, any officer of a corporation or other entity being the owner or possessor of such land or improved premises or commercial establishment and any agent having the management thereof whose employee or agent violates the provisions of this section shall be deemed to be in violation of the provisions of this Code.
  - B. The County, in addition to other remedies provided by County law, may apply to the Court of Chancery for injunctive relief against the owner or possessor of such land or improved premises to prevent, enjoin or abate any continuing violation of the provisions of § 115-191 or any of its subsections and shall be awarded reasonable attorney's fees and costs of the action.

§ 115.191.3 Violations, enforcement procedure, penalties and appeals.

Sussex County Code §§ 80-2 through 80-5 of the Property Maintenance Code shall govern the procedure for violations, enforcement, penalties and appeals of §191 and each subsection thereunder.

#### § 115-191.4 Exemptions.

Section 115-191.3 shall not apply to:

- A. An antique car, as defined by Title 21, Delaware Code, § 2196, or parts for an antique car, provided the antique car or parts thereof are housed in a building consisting of four sides and a roof, the construction of which was approved by the County and said car is not visible from any location on the street, road or highway that is closest to the property or from an adjoining property.
- B. Vehicles, boats or other watercraft which are not required to be licensed and registered pursuant to Delaware law.
- C. Properties, buildings, or structures located within any incorporated city or town in Sussex County unless the responsibility for the local code enforcement has been duly transferred to Sussex County.
- D. Land deemed to be actively devoted to agricultural, horticultural, or forestry as defined in 9 <u>Del. C.</u> § 8333.
- E. Any structure that is not subject to regulation pursuant to 9 <u>Del</u>. <u>C</u>. § 6902(b).
- F. State Parks and Wildlife Areas.

#### § 115-191.5 Withholding of permits and approvals.

No County license, building permit, building code approval or the approval of a subdivision, rezoning, conditional use, variance, special exception or other form of County approval shall be issued by any County employee for properties found to be in violation of these requirements until such time as the Director determines that all violations have been corrected and that all penalties, fines, attorney's fees and costs imposed as a result of a violation of § 115-191 or any of its subsections have been paid in full to the County.





Requires a mechanism to appeal a violation Provides extensions for land owners to comply Simplified notification and service Exemptions for active agriculture Fine (Ticket) for failure to correct violation Unpaid fines and costs added to real estate taxes

**Step 1**- Constable responds to a complaint and verifies a violation. A violation notice is issued to the owner or persons responsible for property giving ten (10) days to remedy violation.

The violation notice, specific to the type of violation, will be the only notice provided for the calendar year.

**Step 2**- Constable visits the property after the ten (10) calendar days have elapsed to determine if the violation has been remediated.

Property owners have the ability to extend this period if progress has been made in clearing the violation. The 1<sup>st</sup> extension would be free, additional extensions for a fee.

### 9

### **Administrative Enforcement:**

**Step 3**- If violation is removed the matter is closed. If the violation is not removed, a ticket is issued with a fine of a \$100.00. Fines may be appealed to the Board of Adjustment and Appeals

A new inspection date will be scheduled. If the violation continues at that time, an additional fine may be issued or will be abated.

All abatement costs will be billed to the property owner.

Step 4- Owner or responsible party has ten (10) days after the issuance of the ticket to appeal to the Board of Adjustment and Appeal who will either affirm or deny the appeal.

### 5

### **Administrative Enforcement:**

**Step 1**- Constable responds to a complaint and verifies a violation. A violation notice is issued to the owner or part responsible for property giving ten (10) calendar days to remedy violation.

**Step 2**- Constable visits the property after the ten (10) calendar days have elapsed to determine if the violation has been remediated.

**Step 3**- If violation is remediated the matter is closed. If the violation is not remediated, a ticket is issued with a fine of a \$100.00.

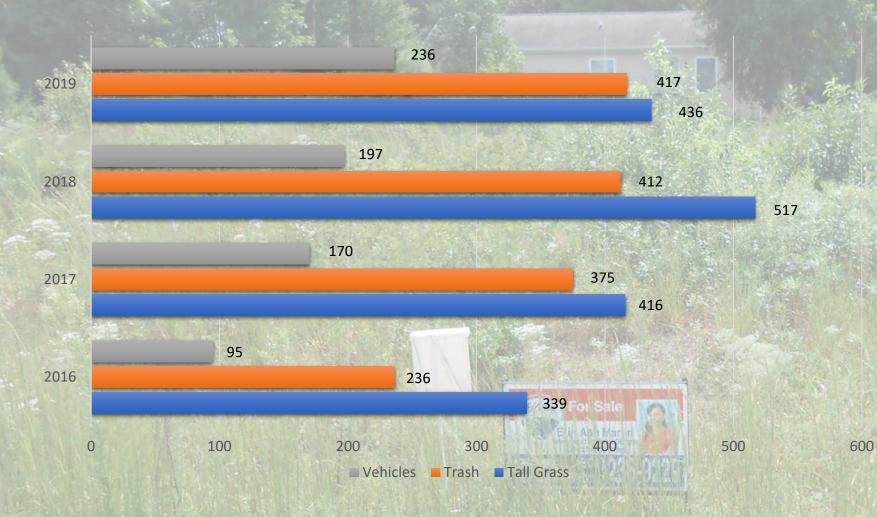
**Step 4**- Owner or responsible party has ten (10) days after the issuance of the ticket to appeal to the Board of Adjustment and Appeal who will either affirm or deny the appeal.





# 2016-2019 Activity





\$51,248 to service non-complying properties \$29,654 in ordered demolitions (Chancery Court and condemnations) \$2,970 in recording fees for liens

### Compliance Timeline 25 26 88 Days 58 57 Notice mailed Notice returned Notice posted Complaint Re-inspection Inspection Summons The initial caller is still waiting for us to do something

# How Will This Help?

- Compliance periods are realistic for the violation
- Matter removed from the CJ system
- Notification service is less restrictive/costly
- Recovering abatement costs is simplified
- Allows for due process in a timely manner
- Compliance achieved much faster



#### BRANDY BENNETT NAUMAN HOUSING COORDINATOR & FAIR HOUSING COMPLIANCE OFFICER

(302) 855-7777 T (302) 854-5397 F bnauman@sussexcountyde.gov





### **MEMORANDUM**

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Douglas B. Hudson The Honorable John L. Rieley

The Honorable Samuel R. Wilson, Jr. Todd F. Lawson, County Administrator

FROM: Brandy B. Nauman, Housing Coordinator & Fair Housing Compliance Officer

**RE:** CARES Act CDBG-CV1 Award Recommendation

DATE: September 18, 2020

On Tuesday, Brad Whaley and I will provide an update on the CARES Act CDBG-CV1 funding. Beginning July 24, 2020, Community Development & Housing opened an advertised 5-day public comment period regarding use of the funding. On August 10<sup>th</sup>, the application was officially posted to the County website and sent electronically. Seventeen (17) applications were submitted by the due date of August 24, 2020.

The Scoring Committee convened on September 16<sup>th</sup> to review, score, and rank the applications. On Tuesday, we will present our funding recommendations to County Council and seek approval.

Please do not hesitate to contact me with any questions. Thank you.

CC: Brad Whaley, Director, CD&H

Gina Jennings, Finance Director/COO



#### **ENGINEERING DEPARTMENT**

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





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

#### **Memorandum**

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Douglas B. Hudson The Honorable John L. Rieley The Honorable Samuel R. Wilson, Jr.

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

RE: IBRWF -BIOSOLIDS & SEPTAGE FACILITIES, PROJECT 18-19

A. APPROVAL, CHANGE ORDER NO. 7

B. Komline-Sanderson Spare Parts Procurement Approval

DATE: September 22, 2020

On June 2, 2015, County Council initially considered a comprehensive biosolids approach at the Inland Bays Regional Wastewater Facility (IBRWF) by approving Whitman, Requardt & Associates' (WRA) Amendment No. 5 to the base contract for the evaluation of Class A sludge drying options. During the May 2, 2016 FY17 budget workshop, the Engineering Department presented drying alternatives and a list of potential municipal partners.

On August 30, 2016, County Council approved WRA's Amendment 7 for design of the IBRWF's Phase 2 Regional Biosolids Upgrades and on April 24, 2018 Council approved Amendment 7A for the drying system design changes associated with competitive bidding two optional systems side by side. On June 26, 2018 Council approved Amendment No. 7B for construction administration and inspection services associated with the biosolids and septage upgrades and Amendment No. 7C for control system coordination. The completed biosolids and septage upgrade package was publicly advertised and awarded on June 26, 2018 to Bearing Construction, Inc. in the amount of \$13,668,346.00.

Sussex County's treatment capacity expansion plans for the Inland Bays Spray Irrigation Facility Phase 3 have been submitted mid-2019 to DNREC and received comments from the Department on August 3, 2020. The Team is currently addressing the comments and a resubmittal is expected in early October. DNREC, Division of Water has expressed support for alternative disposal methodologies in lieu of requiring the additional storage lagoon no. 3. The Department furthermore signaled permitting of capacity increases would be in stages with the first stage not to exceed 3.0 million gallons per day on annual average. The County's modified design plans reflect this approach keeping the location for a potential storage lagoon unencumbered by permanent structures while at the same time moving forward with developing all alternative outlets.



The elimination of the storage lagoon allowed a modification in the plant's gravity discharge piping, netting a credit of \$73,697.95. However, during the submittal process all parties realized that larger sludge handling pumps and associated wet well would be beneficial to the long-term operation and maintenance, resulting in a cost increase of \$73,376.48. The resulting Change Order No. 1, in the net deduct amount of (\$321.47) was approved by Council on October 1, 2019.

As previously discussed, this is one of the sites where the County is pursuing regional stormwater quality improvements. However, the banking program was at that time and still is under DNREC review and the associated enhancements are not yet built and hence, not available for use. Tying the project into County owned stormwater quality credits would be preferable since IBRWF is a challenging site to meet individual stormwater requirements. The biosolids and septage facilities construction documents as bid, envisioned an innovative low-cost solution which ultimately was rejected by DNREC. The regulatory compliant approach later approved by the Sussex Conservation District, was more involved but less expensive than paying the State's "fee in lieu". Therefore, the permitted solution was pursued under a time & material approach. The Engineering Department concluded the review of the contractor time and material submittals associated with Change Order No. 2 in the amount of \$258,451.63. This amount included \$71,425.58 related to beneficial regrading of spray fields which was accomplished using material excavated from the stormwater facility rather than trucking it off site.

The time required by WRA and the Department to work through the modification associated with the stormwater improvement triggered a compensatory 81 calendar day contract time extension. The costs of carrying the general conditions associated with each day are known and the parties tracked the working days contractor's staff was on-site to a total of 45 days in that period. The Engineering Department concurred with Change Order No. 3 in amount of \$61,878.66 to compensate for costs incurred by the contractor during the 81-day time extension.

In a value engineering attempt, the Department identified an option which would eliminate process by-pass pumping during construction without negatively impacting either the project integrity or schedule. The value was determined as a combination of the equipment rental as well as the labor cost to set-up and operate the system. Credit Change Order No. 4 was developed in the deduct amount of \$77,000.00, eliminating the by-pass pumping requirement.

The resulting Change Order Nos. 2, 3 & 4 were approved by Council on January 14, 2020.

After the bidding process, the County's IT department requested a scope modification from multimode fiber to single mode fiber for improved communication capability. This work resulted in higher material costs and some limited fiber re-terminations in the motor control cabinets. In addition, the Environmental Services Division requested a communication extension to the future filtration building to be constructed under Phase 3 requiring an additional pull box with an associated cost for this combined RFI No. 11 valued at \$16,954.95.

The elimination of the storage lagoon allowed a modification in the plant's gravity discharge piping resulting in a contract credit covered under Change Order No.1. Additional cost savings were identified by no longer routing the effluent forcemain as well as the electrical ductbank around the lagoon effectively shortening the distance to the North Field center pivot significantly. The encasement of the 12-inch force main underneath the proposed lagoon was also eliminated. The contractor provided a proposed credit of \$92,258.68 in response to RFI No. 4.

On April 28, 2020 County Council approved Change Order No. 5 covering both RFI items in the net deduct amount of (\$75,303.73).

In an effort to regrade the entrance section of the facility, the Department was able to partially eliminate the pipe run of SD-12 & SD-13 and requested PCO-007. The material credit in addition to the reduced utilization of labor and equipment utilization resulted in an overall credit of (\$23,011.34).

The Department further reviewed the overall site grading for deficiencies as well as value engineering opportunities. Unfortunately, a large area south of the sludge cake building was holding water and could not be drained by gravity in any direction requiring the installation of an infiltration swale on a time & material basis. The Engineering Department concluded the review of the contractor time and material submittals associated with the PCO-016 in the amount of \$92,361.50. This amount includes again, a percentage associated with beneficial regrading of spray fields using material excavated from the stormwater facility rather than trucking it off site. The value engineering opportunity summarized in PCO-015 was tied to a reduction in impervious surface area and the addition of level spreaders with infiltration wells. It also addressed the utility adjustments of all existing electrical manholes for a credit in the amount of (\$13,902.92).

The other item to be addressed was the sludge cake piping. Change Order No. 1 had addressed the increase in pump sizing however, the associated piping issue was left unresolved. The Engineering Department, in direct cooperation with the equipment manufacturer Komline-Sanderson developed an alternate piping plan for the sludge cake building. The topic had been discussed between WRA and manufacturer during the design phase but was never fully incorporated in the construction documents. The associated cost for PCO-017 was \$17,151.26.

On July 28, 2020, Council approved Change Order No. 6 encompassing PCOs 007 & 015 -017 in the combined amount of \$72,598.50.

During the final stages of the work additional electric and mechanical piping gaps were identified. PCO-018 in the amount of \$14,499.29 for changes to the HOA switch wiring, end of conveyor sensors and auger emergency shut offs. PCO-019 in the amount of \$41,933.55 for additional utility air and water piping, fittings, valves, and insulation to satisfy the overall system scope. In summary, the Department requests issuance of Change Order No. 7 encompassing PCOs 018 & 019 in the combined amount of \$56,432.84.

The project pace has accelerated, and start-up is scheduled for October. However, this date is still behind schedule and the necessary time extension change order and its associated contractor costs will have to be weighed against the County's incurred expenses. This evaluation effort is still evolving.

The construction documents state:" Provide a list of the manufacturer's recommended spare parts for the drying system. The Owner may elect to purchase spare parts at a later date."

Immediate availability of critical spare parts is essential for a complex process like the Komline-Sanderson drying system. We requested a comprehensive listing for the start-up spare parts as

SEPTEMBER 22, 2020

well as spare parts needed for the extended one-year warranty period. Any parts consumed during that time would be replaced by Komline-Sanderson at no additional expense to the County.

After review of the comprehensive listing the parties jointly developed the final quotation request in the amount of \$168,603.00. We requested consideration of a reduced cost due to the experienced delays and the manufacturer agreed to a \$50,000.00 credit. Freight is not included in the quotation, but Komline-Sanderson will pre-pay the freight to the jobsite for later reimbursement. Time is of the essence and parts orders and shipment will be expedited under a \$10,000.00 shipping allowance. The Department is therefore requesting a purchase order to Komline-Sanderson in the net amount of \$128,603.00.



		Change	e Order No. 7				
Date of Issua	ance: September 18, 2020	Effective Date:	September 22, 2020				
Owner:	Sussex County	Owner's Contract No.:	18-19				
Contractor:	Bearing Construction, Inc.	Contractor's Project No.:					
Engineer:		Engineer's Project No.:					
Project:	Inland Bays Regional Wastewater Facility	Contract Name:	Regional Biosolids &				

Septage Facilities

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

Description: Modifications to the HOA switch wiring, end of conveyor sensors and auger emergency shut offs as well as additional utility air/water piping, fittings valves and insulation for electrical and mechanical piping gaps.

Attachments: PCO 018 & 019

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES							
	[note changes in Milestones if applicable]							
Original Contract Price:	Original Contract Times: 474 Calendar Days							
	Substantial Completion: 474 Calendar Days							
\$ <u>13,668,346.00</u>	Ready for Final Payment:							
	days or dates							
Increase from previously approved Change Orders No	Increase from previously approved Change Orders No. 1							
to No. <u>6</u> :	to No. <u>6</u> : 81 days							
	Substantial Completion: <u>555 Calendar Days</u>							
\$ <u>240,303.59</u>	Ready for Final Payment:							
	days							
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:							
	Substantial Completion: <u>555 Calendar Days</u>							
\$ <u>13,908,649.59</u>	Ready for Final Payment:							
	days or dates							
Increase of this Change Order:	[Increase] [Decrease] of this Change Order: 0 days							
	Substantial Completion: <u>555 Calendar Days</u>							
\$ <u>56,432.84</u>	Ready for Final Payment:							
	days or dates							
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:							
	Substantial Completion: <u>555 Calendar Days</u>							
\$ <u>13,965,082.43</u>	Ready for Final Payment:							
	days or dates							
RECOMMENDED: AC	CCEPTED: ACCEPTED:							
By: By:	Ву:							
Engineer (if required) Owner (	(Authorized Signature) Contractor (Authorized Signature)							
Title: Title	Title							
Date: Date	Date							
Access to the first transfer of the								
Approved by Funding Agency (if								
applicable)								
Ву:	Date:							
Title:								
FIODO® C 041	Change Ouder							



805 Shine Smith Road Sudlersville, MD 21668

P: 410.556.6100 @ F: 410.556.6574

INLAND BAYS REGIONAL WASTEWATER TREATMENT FACILITY REGIONAL BIOSOLIDS AND SEPTAGE FACILITIES

**Sussex County Project: 18-19** 

#### PROPOSED CHANGE ORDER

PCO #18117-018 Additional Electrical Coordination and Material/Install Required 8/14/2020

**Background:** There was additional electric coordination, materials, and installation needed that were not shown in the contract drawings and also corrections that had to be made due to conflicts between inaccurate drawings and actual field conditions (see individual PCOs from subcontractor).

**Scope Narrative:** Bearing Construction and it's subcontractors will procure and install additional electrical conduit, fittings, switches, etc. to satisfy scope necessity.

This proposal may be withdrawn if not accepted within fourteen (14) calendar days.

This total proposed change order <adder> including labor, materials, equipment, overhead, profit and bond costs is: **§14,499.29**.

Respectfully submitted,

Robert L. Saia, Jr.
Robert Saia

Project Manager Bearing Construction, Inc.



#### **PROPOSED CHANGE ORDER**

Date: 14-Aug-20

Proposed Change Order Number: 18117-018

Inland Bays Regional Wastewater Facility Upgrades

#### Scope of Work

Additional Electrical Coordination, Materials, and Installation

Materials & Lab	<u>or</u>					Material			<u>Labor</u>
								\$	-
						\$	-	\$	-
						\$	-	\$	-
				Mat	erials Subtotal:	¢	_		
				Wide	Labor Total:	7		\$	_
				Equipm	ent Subtotal			-	
					10% Overhead:	\$	-	\$	-
			Labor,	, Materials, Equipment Costs with Taxe	s & Overhead:			\$	-
<u>Subcontract</u>									
Bilbrough PCO	Wire (5) HOA Switches per manufactu	rer's recon	nmendation			\$	8,776.20		
Bilbrough PCO	Wire (5) E-stop pull cords					\$	3,009.04		
Bilbrough PCO	Sump Pump re-wire in sludge cake red	eiving				\$	824.16		
Bilbrough PCO	Install sensor on end product conveyo	r speed sw	vitch			\$	1,199.45		
						\$	-		
				Subcor	tract Subtotal:	\$	13,808.85		
				5% Overhead on Sub	contract Work:	\$	690.44		
				Subcontract Costs v	vith Overhead:			\$	14,499.29
	Total of Labor & Materials:		-						
	Total of Subcontract:	\$ :	14,499.29						
	Subtotal of Materials & Subcontract:		14,499.29						
	Cost of Bond:	\$							
	Total Proposed Change Order:	\$ 1	4,499.29						

CELECTRIC, INC.

Let Your Light Shine

8/14/2020 Proposed Change Order

Job: Inland Bays WW Facility Project

Description -Wire (5) HOA the way Komline wants wired

	410-479-421	5	Description W	110/11/11	c way ito	mine wants wil	cu
	710-717-741	3		Materials		Labor	
		Price Ea.	Materials	Hours Ea.		Labor	Labor
Qty.	Item:	or Per Foot	Extended	or Per Foot	Hours	Burden	Extended
60	3/4" PVC coated cond	uit \$6.88	\$412.80	0.1	6	\$100.00	\$600.00
15	3/4" PVC coated strap	s \$44.39	\$665.85	0.1	1.5	\$100.00	\$150.00
8	3/4" PVC coated Ts	\$100.22	\$801.76	1.25	10	\$100.00	\$1,000.00
1	3/4" PVC coated LB	\$105.73	\$105.73	0.8	0.8	\$100.00	\$80.00
4000	#14 THHN wire	\$0.11	\$440.00	0.006	24	\$100.00	\$2,400.00
15	1/2" Sealtite	\$3.80	\$57.00	0.25	3.75	\$100.00	\$375.00
20	1/2" Sealtite connector	s \$1.44	\$28.80	0.05	1	\$100.00	\$100.00
5	3/4" Chase bushings	\$4.24	\$21.20	0.17	0.85	\$100.00	\$85.00
10	3/4" to 1/2" RES	\$0.77	\$7.70	0.21	2.1	\$100.00	\$210.00
**Spare	e pipe in slab						
100	3/4" PVC conduit	\$0.30	\$30.00	0.06	6	\$100.00	\$600.00
2	3/4" PVC 90s	\$2.32	\$4.64	0.28	0.56	\$100.00	\$56.00
		e currently wired & functioning	g correctly. They	were not shown	on I draw	ings or E drawing	gs and
were no	t in electrical spec.						
		Subtotal	\$2,575.48	Total Hours	56.56	Total Labor	\$5,056.00
		Subtotal Labor	\$5,056.00				
		Subtotal	\$7,631.48				
		Mark Up 15%	\$1,144.72				
		Total w/Mark-up	\$8,776.20				

5	Geogric, inc	0	Job: Inland Bay	s WW Facility	Project		
<u>B</u> (	et Your Liebt Shine	3	Description - (5	· ·			
	410-479-4215			•			
	and a 1 mil and and another in a distribution			Materials		Labor	
		Price Ea.	Materials	Hours Ea.	197	Labor	Labor
Qty.	Item:	or Per Foot	Extended	or Per Foot	Hours	Burden	Extended
10	3/4" PVC coated conduit	\$6.88	\$68.80	0.1	1	\$100.00	\$100.00
4	3/4" PVC coated Ts	\$100.22	\$400.88	1.25	5	\$100.00	\$500.00
1	3/4" PVC coated LR	\$110.07	\$110.07	0.8	0.8	\$100.00	\$80.00
1500	# 14 THHN wire	\$0.11	\$165.00	0.006	9	\$100.00	\$900.00
5	3/4" Sealtite	\$1.81	\$9.05	0.06	0.3	\$100.00	\$30.00
4	3/4" Sealtite connectors	\$5.94	\$23.76	0.31	1.24 0.25	\$100.00 \$100.00	\$124.00
5	1/2" Sealtite	\$1.44	\$7.20	0.05			\$25.00
6	1/2" sealtite connectors	\$3.80	\$22.80	0.25	1.5	\$100.00	\$150.00
***NO′	ΓE*** Emergency pull cords α	on Augers Not shown on F	E drawings or I dr	awings			
110	E Emergency pair cords (	on ragers. Not shown on t	J drawnigs or r dis			(N	
		Subtotal	\$807.56	Total Hours	19.09	Total Labor	\$1,809.00
		Subtotal Labor	\$1,809.00				
			\$2.616.56				
		Subtotal	\$2,616.56				
		Mark Up 15%	\$392.48				

(3)U	Tradeone none	8/14/2020	Proposed Chan	ge Order			
	Gectric, inc.		Job: Inland Bay		Project		
	n Your Liebt Sbins		Description - Sump Pump				
	410-479-4215			B/F 4 1 1			
		Price Ea.	Materials	Materials Hours Ea.	•	Labor	T 1
Qty.	Item:	or Per Foot	Extended	or Per Foot	Hanna	Labor	Labor
600	#8 THHN wire	\$0.37	\$222.00	0.014	Hours 8.4	Burden	Extended
300	#10 THHN wire	\$0.23	\$69.00			\$100.00	\$840.00
1	30A single pole Sq D breaker	\$38.66	\$69.00	0.011	3.3 0.57	\$100.00 \$100.00	\$330.00
	John single pole sq D oleakel	φ30.00	Φ30.00	0.37	0.57	\$100.00	\$57.00
***NO	TE*** Changed from contract drav	ving from 480V to sing	gle phase 120V				
					*		
		Subtotal	\$329.66	Total Hours	12.27	Total Labor	\$387.00
		Subtotal Labor	\$387.00			No. 10 (10 (10 (10 (10 (10 (10 (10 (10 (10	
		Subtotal	\$716.66				
		Mark Up 15%	\$107.50				
		Total w/Mark-up	\$824.16				

	GEGFRIC, INC.	8/14/2020	Proposed Chang Job: Inland Bay		Project		
	et Your Liebt Sbins		Description - En	nd product con	veyor spe	ed switch	
	410-479-4215			Materials		Labor	
		Price Ea.	Materials	Hours Ea.		Labor	Labor
Qty.	Item:	or Per Foot	Extended	or Per Foot	Hours	Burden	Extended
100	3/4" PVC coated conduit	\$6.88	\$688.00	0.1	10	\$100.00	\$1,000.00
500	#14 THHN 100' x 5	\$0.11	\$55.00	0.006	3	\$100.00	\$300.00
		Subtotal	\$743.00	Total Hours	13	Total Labor	\$300.00
		Subtotal Subtotal Labor	\$743.00 \$300.00	Total Hours	13	Total Labor	\$300.00
				Total Hours	13	Total Labor	\$300.00
		Subtotal Labor	\$300.00	Total Hours		Total Labor	\$300.00



805 Shine Smith Road Sudlersville, MD 21668

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INLAND BAYS REGIONAL WASTEWATER TREATMENT FACILITY REGIONAL BIOSOLIDS AND SEPTAGE FACILITIES

**Sussex County Project: 18-19** 

#### PROPOSED CHANGE ORDER

PCO #18117-019 Provide Additional Utility Water & Air Piping & Insulation 9/16/2020

**Background:** There was additional utility air and water piping (coordination, materials, and installation) over and beyond what was shown in the contract drawings.

**Scope Narrative:** Bearing Construction and it's subcontractor will provide and install additional utility air and water piping, fittings, valves, and insulation to satisfy scope necessity.

This proposal may be withdrawn if not accepted within fourteen (14) calendar days.

This total proposed change order <adder> including labor, materials, equipment, overhead, profit and bond costs is: **§41,933.55**.

Respectfully submitted,

Robert L. Saia, Jr.

Robert Saia Project Manager Bearing Construction, Inc.



#### **PROPOSED CHANGE ORDER**

Date: 16-Sep-20

Proposed Change Order Number: 18117-019
Inland Bays Regional Wastewater Facility Upgrades

#### Scope of Work

Additional Utility Piping & Insulation

Materials & Labor						Material		<u>Labor</u>
Provide and Install Addit	tional Utility Air and Water Pipir	ng (piping,	fittings, val	ves)	\$	25,163.00	\$	8,830.00
					\$	-	\$	-
					\$	-	\$	-
				Materials Subtotal:	¢	25,163.00		
				Labor Total:	7	25,105.00	Ś	8,830.0
				Equipment Subtotal				-,
				10% Overhead:	\$	2,516.30	\$	883.0
			Lab	or, Materials, Equipment Costs with Taxes & Overhead:			\$	37,392.3
<u>Subcontract</u>								
TriState Insulation	Insulate Additional Utility	Water Pipi	ng		\$	4,325.00		
					\$	-		
					<u> </u>			
					\$	-		
					\$			
				Subcontract Subtotal:		4,325.00		
				5% Overhead on Subcontract Work:	\$	216.25		
				Subcontract Costs with Overhead:			\$	4,541.2
	Tatal aftaban 0 Mataniala	<u> </u>	27 202 20					
	Total of Labor & Materials: Total of Subcontract:		37,392.30					
			4,541.25					
Subtota	al of Materials & Subcontract: Cost of Bond:		41,933.55					
Tot	tal Proposed Change Order:	\$ 4	11,933.55					





Over 50 Years of Service on Delmarva

www.tristateinsulation-md.com

09/02/2020

Mr. Rob Saia Bearing Construction Co. 805 Shine Smith Road Suddlersville, MD 21668

**RE: Inland Bays WWTP** 

Dear Rob,

Tri-State Insulation proposes to insulate both the ductile iron and PVC utility water piping at the Inland Bays WWTP in Sussex County Delaware. We will be using 1" thick elastomeric pipe covering and ¾" thick elastomeric sheet goods on flanges. Any outdoor piping will have an aluminum jacket for protection.

#### Cost of Project-- \$8,650

Sincerely,

Steve Ashcraft, President



FEL WATERWORKS #1883 28596 NAYLOR MILL RD SALISBURY, MD 21801-0000 Deliver To:

From: **Bob Johns** 

Comments:

09:05:27 SEP 17 2020

Page 1 of 2

#### FERGUSON WATERWORKS #920 Price Quotation

Bid No:

B376492

Bid Date:

09/16/20

Quoted By: RWJ

**Customer:** 

BEARING CONSTRUCTION INC

**IBRWF REGIONAL BIOSOLIDS** 805 SHINE SMITH ROAD

SUDLERSVILLE, MD 21668

Cust Phone: 410-556-6064

Terms:

**NET 10TH PROX** 

Ship To:

BEARING CONSTRUCTION INC

**IBRWF REGIONAL BIOSOLIDS** 

805 SHINE SMITH ROAD SUDLERSVILLE, MD 21668

Cust PO#:

Job Name: WATER

Item	Description	Quantity	Net Price	UM	Total
P80PK	2 X 20 FT PVC S80 PE PIPE	120	156.165	С	187.40
P80PG	1 X 20 FT PVC S80 PE PIPE	100	81.924	С	81.92
P80S9K	2 PVC S80 SXS 90 ELL	10	3.358	EA	33.58
P80S9G	1 PVC S80 SXS 90 ELL	10	2.242	EΑ	22.42
P80STK	2 PVC S80 SXSXS TEE	5	13.489	EΑ	67.45
P80STG	1 PVC S80 SXSXS TEE	5	3.073	EA	15.37
80SUG	1 PVC S80 SXS UNION EPDM	5	5.805	EA	29.03
NW340NAEG	1 PVC EPDM T/U BV	5	22.732	EΑ	113.66
NW340NAEK	2 PVC EPDM T/U BV	3	65.156	EΑ	195.47
NW340NAEF	3/4 PVC EPDM T/U BV	5	17.746	EΑ	88.73
A236206POL	4 FLG RW OL GATE VLV W/ H/WHL	2	681.068	EΑ	1362.14
PCP	4 FLG C110 TEE PC	2	202.231	EΑ	404.46
PPK	4X2'0 FLGXFLG CL BT DI SPL	1	237.746	EΑ	237.75
PPG	4X1'0 FLGXFLG CL BT DI SPL	1	216.129	EΑ	216.13
NWNBGZ1RF8P	4 ZN 150# RR FF 1/8 FLG PKG	8	12.931	EA	103.45
SP-SST16S08320	1 OD X .083 WALL TUBING	60	40.148	FT	2408.88
SSP46LD	1/2 SS S40 316L A312 WELD PIPE	20	8.150	FT	163.00
SS16109	1 SS UNION ELL 90	20	183.038	EA	3660.76
		N	et Total:		\$9391.60
			Tax:		\$0.00

Freight: \$0.00 \$9391.60 Total:





FEL WATERWORKS #1883 28596 NAYLOR MILL RD SALISBURY, MD 21801-0000

Phone: 410-677-6793 Fax: 410-543-9646 Deliver To:

From: Bob Johns

Comments:

Cust Phone: 410-556-6064

Page 1 of 1

17:33:24 SEP 16 2020

FERGUSON WATERWORKS #920

Price Quotation Phone: 410-677-6793

Fax: 410-543-9646

Bid No:

B376491

Bid Date:

09/16/20 RWJ

B3/0491

Quoted By:
Customer:

BEARING CONSTRUCTION INC

IBRWF REGIONAL BIOSOLIDS 805 SHINE SMITH ROAD SUDLERSVILLE, MD 21668 Ship To:

Terms:

BEARING CONSTRUCTION INC

IBRWF REGIONAL BIOSOLIDS 805 SHINE SMITH ROAD

SUDLERSVILLE, MD 21668

Cust PO#:

Job Name:

SWAGELOK

**NET 10TH PROX** 

Item	Description	Quantity	Net Price	UM	Total
SP-SST16S08320	1 OD X .083 WALL TUBING	200	35.270	FT	7054.00
SP-SST6S03520	3/8 IN, OD X 0.035 IN, WALL TUBE	100	8.150	FT	815.00
SSS16109	1 SS UNION ELL 90	20	160.800	EA	3216.00
SSS6009	3/8 SS UNION ELL 90	20	118.670	EA	2373.40
SSS16103	1 SS UNION TEE	5	212.270	EΑ	1061.35
SSS1610116	1 SS TUBE X MPT CONN	10	24.150	EΑ	241.50
FNW200AG	1 SS 1000# THRD 2PC FP BV LL	5	66.960	EΑ	334.80
FNW16B200G	1 SS 200# THRD CHK VLV	1	79,850	EA	79.85
IS4CTTK	2 SS 304 150# THRD TEE	5	119.100	EA	595.50

 Net Total:
 \$15771.40

 Tax:
 \$0.00

 Freight:
 \$0.00

 Total:
 \$15771.40

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.

CONTACT YOUR SALES REPRESENTATIVE IMMEDIATELY FOR ASSISTANCE WITH DBE/MBE/MBE/SMALL BUSINESS REQUIREMENTS.

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.



#### HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

- b. Submit certified results of all start-up and performance tests.
- D. Maintenance Data and Operating Instructions:
  - a. Submit required number of copies of an Operation and Maintenance Manual for the equipment furnished including detailed description of function of each principal component, procedures for starting and operation, instructions for shut-down, overhaul and maintenance. Include preventive maintenance schedule, lubrication schedule, safety precautions, test procedures and parts lists. The manual shall include a separate manual for the graphic interface screen showing each graphic screen display, a description of the purpose of each screen, a description of each function key icon, and LED light used in that particular screen display, and a description for making each system setting and selection.
  - b. Provide specific information on the design and performance of each principal component including the size, and materials of construction.
  - c. Include Record Drawings that reflect any changes made during installation.
- E. Maintenance Material (Spare Parts): Provide a list of the manufacturer's recommended spare parts for the drying system. The Owner may elect to purchase spare parts at a later date.
- F. Provide a list of all equipment and tools needed to maintain and calibrate the equipment.

#### 1.03 EQUIPMENT DESIGN

- A. Mechanical equipment design, workmanship, testing and operation shall be as specified herein and in accordance with Section 15000, General Mechanical Requirements.
- B. Electrical and Instrumentation equipment design, workmanship, testing and operation shall be as specified herein and in accordance with Division 16 and 17.

#### 1.04 OUALITY CONTROL

- A. The equipment manufacturer shall have a minimum of 10 years of experience in manufacturing equipment similar, equal or larger size, to that specified.
- B. The Equipment Manufacturer shall provide a list of at least 10 exclusively different U.S. installations where equipment identical type to that proposed to be provided has been in successful operation. The term "installation" shall mean individual projects/contracts. Multiple equipment units for a project shall be considered as 1 installation toward meeting the experience requirements. Installation information shall include, but not be limited to, the following:
  - 1. Name and location of the installation.
  - 2. Name of person in direct responsible charge for the equipment.
  - 3. Address and phone number of person in direct responsible charge.
  - 4. Month and year the equipment was placed in operation.

KS	Komline-Sa	anderson
	12 Holland Ave.	www.komline.com
	Peanack N I 07977-0257	(908) 234-1000

K-S Paddle Dryer, 13W-2000 Recommended Spare Parts List Through June 2021

D0597 K-S Job No.: Inland Bays RWWF Customer: Milsboro, DE Location:

Line no.	K-S Part -OR- DWG No.	Description	Dryer Assembly	Required to Manufacture	Est. Lead Time (wks)	Unit Price	Essential Start- up Spares	Extension	*Start-up Quantity	Extension	1 Year Service Qty.	Extension	Long Term Sevice Qty.	Extension
1	D056115-RJ	Rotary Joint only		2	6 to 8	\$19,909.00	1	\$19,909.00	1	\$19,909.00	-		1	\$19,909.00
2	16428035	Gasket, Aluminum, Rotary Joint		2	1 to 2	\$285.00	1	\$285.00	2	\$570.00	-		-	
3	D0561-13001D-01	Siphon Pipe, Rotary Joint		2	2 to 4	\$1,162.00	-		-		-		2	\$2,324.00
4	20Z0018-120	Bearing Grease, Almaplex, #9901, 120# Drum	General	2	1 to 2	\$1,761.00	2	\$3,522.00	2	\$3,522.00	-		-	
5	D0493-13002A	Dogleg Flex Hoses- 4" Supply	Assembly	2	2 to 4	\$1,114.00	-		1	\$1,114.00	-		1	\$1,114.00
6	D0493-13003A	Dogleg Flex Hoses- 3" Return		2	2 to 4	\$762.00	-		1	\$762.00	-		1	\$762.00
7	26U0062	Gasket, Flex Hose, 4"		2	1 to 2	\$32.00	1	\$32.00	2	\$64.00	-		-	
8	26U0102	Gasket, Flex Hose, 3"		2	1 to 2	\$22.00	1	\$22.00	2	\$44.00	-		-	
9	D0597-10010D-01	Gasket, Side Disch, Front Dr Grating		1	2 to 4	\$309.00	-		-		-		1	\$309.00
10	D0597-10010D-02	Gasket, Side Disch, Front Dr		1	2 to 4	\$363.00	-		1	\$363.00	-		-	
11	D0597-10010D-06	Gasket, Bottom, Side Disch/RV-1		2	2 to 4	\$244.00	2	\$488.00	2	\$488.00	-		-	
12	D0597-10010D-03	Gasket, Side Disch, Trough		1	2 to 4	\$363.00	-		-		-		1	\$363.00
13	D0597-10010D-04	Gasket, Bottom Discharge		2	2 to 4	\$356.00	2	\$712.00	2	\$712.00	-		-	
14	34J0025	Nozzle, Side Discharge, Tag: SN-4	Trough	1	1 to 2	\$126.00	-		-		-		1	\$126.00
15	D035411	Bushing, Graphalloy, Upper Weir Column		1	2 to 4	\$168.00	1		-		-		1	\$168.00
16	27U0073	Packing , Flex Graphite, Upper Weir Column (lb)		1	1 to 2	\$194.00	1		-		-		1	\$194.00
17	90M0680	Actuator w/Potentiometer, Upper Weir Column		1	2 to 4	\$5,464.00	-		-		-		1	\$5,464.00
18	D0597-21200D-01	Gasket, Weir Tower		1	2 to 4	\$104.00	-		1	\$104.00	-		-	
19	D0597-21200D-15	Gasket, Weir Tower, Cover		1	2 to 4	\$96.00	-		1	\$96.00	-		-	
20	0399201	Kit, Repair, Split, 13W, Face Seal		4	1 to 2	\$1,910.00	2	\$3,820.00	2	\$3,820.00	2	\$3,820.00	-	
21	9010285	Rotameter, Air Purge, 8SCFM	Shaft	4	2 to 4	\$317.00	1	\$317.00	1	\$317.00	-		3	\$951.00
22	9010278	Air Regulator, Air Purge	Seals	4	2 to 4	\$144.00	1	\$144.00	1	\$144.00	-		3	\$432.00
23	9010279	Pressure Gauge, 2" Dial,		4	2 to 4	\$16.00	1	\$16.00	1	\$16.00	-		3	\$48
24	D059703	Bearing Housing- Fixed w/stab ring and ring seals		2	29 to 30	\$11,555.00	-		1	\$11,555.00	1	\$11,555.00	1	\$11,555.00
25	D059704	Bearing Housing-Float w/ring seals		2	29 to 30	\$16,616.00	-		1	\$16,616.00	1	\$16,616.00	1	\$16,616.00
26	D059705	Bearing		4	2 to 4	\$3,013.00	-		4	\$12,052.00	4	\$12,052.00	-	
27	D059706	Adapter, Bearing, Hyd. Assist		4	2 to 4	\$4,451.00	-		4	\$17,804.00	4	\$17,804.00	-	
28	D059701	Dryer Drive Reducer	Drive	1	14 to 16	\$99,888.00	-		-		-		1	\$99,888.00
29	D050009	Dryer Drive Motor, 200 hp		1	2 to 4	\$16,304.00	-		-		-		1	\$16,304.00
30	39R0004	V-belts (Set of 8)		1	1 to 2	\$780.00	-		1	\$780.00	1	\$780.00	-	
31	43D0124	Timing Gear		2	8 to 10	\$21,627.00	-		-		-		2	\$43,254.00
32	41D0006	Timing Gear Locking Ring Assembly		2	16 to 18	\$3,112.00	-		-		-		2	\$6,224.00
33	6397130-Gskt	Dryer Cover Access Door Gasket (1 per door)		2	1 to 2	\$35.00	1	\$35.00	2	\$70.00	1	\$35.00	-	
34	D0597-10011D-01	Gasket, Hood	Hood	1	2 to 4	\$3,090.00	-		-		-		1	\$3,090.00
35	34J0024	Nozzle, Hood, Tag: SN-5	11300	3	2 to 4	\$231.00	-		-		-		3	\$693.00
36	63GM004	Explosion Relief Panels w/sensor		3	10 to 12	\$2,264.00	3	\$6,792.00	3	\$6,792.00	-		-	
	NOTES.						Essential Start up Total	\$36,094.00	Start Up Parts Total	\$97,714.00	1 Year Parts Total	\$62,662.00	Long Term Parts Total	\$229,788.00

NOTES:

- \*1.) Start-up items should always be in stock and reordered immediately upon consumption.
- 2.) Prices valid through June 2021.
- 3.) All Prices in USD. Freight Excluded
- 4.) Quantities listed are per dryer.

Komline-Sanderson  12 Holland Ave.  www.komline.com  www.komline.com			K-S Paddle Dryer, 13W-2000									K-S Job No.: D0597		
					Recon		Customer:	Inland Bays RWWF		/F				
	Peapack, NJ	07977-0257 [908] 234-1000	Through June 2021									Location: Milsboro, DE		
Line no.	Part No.	Description	Dryer Assembly	Required to Manufacture	Est. Lead Time (wks)	Unit Price	Essential Start- up Spares	Extension	*Start-up Quantity	Extension	1 Year Service Qty.	Extension	Long Term Sevice Qty.	Extension
1	90T0092	Level Transmitter, Radar, Tag: LT-2002 & LT-2102		2	2 to 4	\$5,730.00	-		1	\$5,730.00	-		1	\$5,730.00
2	9010313	Level Switch, 24VDC, Tag: LSH-2002, 2102, LSL-2002,2102		4	2 to 4	\$964.00	-		1	\$964.00	-		3	\$2,892.00
3	9010301	Thermocouple, 18", Tag: TE-3002, 05, 06 & 07		4	2 to 4	\$116.00	1	\$116.00	1	\$116.00	-		3	\$348.00
4	90T0104	Transmitter, Temp, Tag: TT-3002, 05, 06, 07, 3101, 4007, 5000		7	2 to 4	\$671.00	1	\$671.00	1	\$671.00	-		6	\$4,026.00
5	90T0105	Transmitter, Pressure, Diff, Tag; PT-3003		1	2 to 4	\$1,788.00	1	\$1,788.00	1	\$1,788.00	-		-	
6	90X0299	Level Switch, Vibrating Rod, Tag: LSH-3102		1	2 to 4	\$2,347.00	-		1	\$2,347.00	-		-	
7	9010302	Thermocouple, J, 6", Grd, 3" Ext, TE-3103	Instruments	1	2 to 4	\$129.00	1	\$129.00	1	\$129.00	-		-	
8	90X0439	Speed Switch, 24 VDC, Tag: SSL-3105, 4001,4005 & 4007		4	2 to 4	\$874.00	-		1	\$874.00	-		3	\$2,622.00
9	9010303	Thermocouple, J, 9", TE-3103		1	2 to 4	\$96.00	1	\$96.00	1	\$96.00	-		-	
10	9010304	Thermocouple, J, 9", Tag: TE-5000		1	2 to 4	\$129.00	1	\$129.00	1	\$129.00	-		-	
11	90X0206	Switch, Liquid Level Float, Tag: LSH-5008		1	2 to 4	\$1,282.00	-		1	\$1,282.00	-		-	
12	9010307	Monitor, Flow, Thermal, 4-Digit, Tag: FSL-7006		1	2 to 4	\$522.00	-		1	\$522.00	-		-	
13	90K0389	Connector, 90 Deg M12 Micro, Tag: FSL-7006		1	2 to 4	\$26.00	-		1	\$26.00	-		-	
14	D059734	Pressure Switch, 0 to 100 PSI,, Tag: PSLL-7005 & PSL-7007		2	2 to 4	\$812.00	-		1	\$812.00	-		1	\$812.00
15	90P0602	Circuit Breaker, UL 489, One Pole, Type C, 25 Amp		1	2 to 4	\$42.00	1	\$42.00	1	\$42.00	-		-	
16	90P0484	Circuit Breaker, UL 1077, One Pole, Type C, 5 Amp		2	2 to 4	\$22.00	1	\$22.00	1	\$22.00	-		1	\$22.00
17	90L0343	Power Supply, Input: 100-230V AC		2	2 to 4	\$211.00	1	\$211.00	1	\$211.00	-		1	\$211.00
18	90Q0169	Modicon CPU Module, 4Mb Flash, 1 Ethernet		1	1 to 2	\$2,277.00	1	\$2,277.00	1	\$2,277.00	-		-	
19	90Q0522	Modicon M340, 12 Slot Backplane,	_	2	2 to 4	\$478.00	-		1	\$478.00	-		1	\$478.00
20	90Q0523	Modicon X80 I/O Platform, Power Supply,		2	2 to 4	\$868.00	1	\$868.00	1	\$868.00	-		1	\$868.00
21	90Q0521	Modicon X80 I/O Platform, Analog Input, 8 Channel		3	2 to 4	\$922.00	1	\$922.00	1	\$922.00	-		2	\$1,844.00
22	90Q0273	Modicon X80 I/O Platform, Analog Output, 8 Channel		2	2 to 4	\$878.00	1	\$878.00	1	\$878.00	-		1	\$878.00
23	90Q0274	Modicon X80 I/O Platform, Digital Input		7	2 to 4	\$315.00	1	\$315.00	1	\$315.00	-		6	\$1,890.00
24	90Q0520	Modicon X80 I/O Platform, Digital Relay Output		2	2 to 4	\$485.00	1	\$485.00	1	\$485.00	-		1	\$485.00
25	90L0344	Redundancy Module	Control	1	2 to 4	\$355.00	1	\$355.00	1	\$355.00	-		-	
26	90Q0551	Magelis GTU Universal Display Module,	Panel	1	2 to 4	\$3,980.00	1	\$3,980.00	1	\$3,980.00	-		-	
27	90Q0537	Magelis GTU Universal Box Module		1	2 to 4	\$1,629.00	1	\$1,629.00	1	\$1,629.00	-		-	
28	90Q0337 90Q0473	Ethernet Switch, Industrial, Unmanaged	_	1	2 to 4	\$1,304.00	1	\$1,304.00	1	\$1,304.00	-		-	
29	90L0352	Uninterruptible Power Supply, 120 VAC		1	2 to 4	\$1,551.00	-	+ = / = = : : : : : : : : : : : : : : : :	1	\$1,551.00	-		-	
30	90P0488	Circuit Breaker, UL 1077, One Pole, Type C, 10 Amp		3	2 to 4	\$23.00	1	\$23.00	1	\$23.00	-		2	\$46.00
31	90L0353	Relay, Plug-In Power, 120V AC Coil,		13	2 to 4	\$20.00	1	\$20.00	1	\$20.00	_		12	\$240.00
32	90L0353 90L0354	Relay, Plug-In Power, 24V DC Coil	_	25			1	\$20.00	5	\$100.00	_		19	\$380.00
33		Modicon M340, Ethenet Module		1	2 to 4	\$20.00	1	\$1,567.00	1	\$1,567.00	_		-	\$300.00
34	90Q0276 90P0723	Fuse, Time Delay, 2 Amp , 250 Volt		10	2 to 4	\$1,567.00 \$5.00	4	\$20.00	10	\$50.00	-		6	\$30.00
35		Fuse, Time Delay, 1/4 Amp	-	70	2 to 4		10	\$60.00	20	\$120.00	_		40	\$240.00
36	90P0724 90L0347	Solid state relay, panel mount, 90-280 VAC		1	1 to 2	\$6.00 \$48.00	10	\$48.00	1	\$48.00	_		-	Ç2-10.00
30	9010347	Solid State Felay, paner mount, 30 200 VAC		1 -	1 (0 2	\$48.00	Essential Start	\$17,975.00	Start Up Parts Total	\$32,731.00	1 Year Parts Total	\$0.00	Long Term Parts Total	\$24,042.00
NOTES:														
		ld always be in stock and reordered immediately upon consumption.												
	rices valid through													
	II Prices in USD. Fr													
4.) Quantities listed are per dryer system														

July 20, 2020
20200720 D0597 Recommended Dryer Spares.xls
Completd by J. Dieckmann

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#### K-S Paddle Dryer, 13W-2000 Recommended Spare Parts List Through June 2021

K-S Job No.: D0597 Inland Bays RWWF Customer: Milsboro, DE Location:

						0	June 202	-					-	
Line no.	Part No.	Description	Dryer Assembly	Required to Manufacture	Est. Lead Time (wks)	Unit Price	Essential Start-up Spares	Extension	*Start-up Quantity	Extension	1 Year Service Qty.	Extension	Long Term Sevice Qty.	Extension
1	CPZ11883	Kit, Maintenance, R30 Pump, Duplex Air Comp		4	4 to 6	\$155.00	2	\$310.00	1	\$155.00	1	\$155.00	2	\$310.00
2	D057135-14	Set, V-belts, Duplex Air Comp.		1	4 to 6	\$246.00	-		1	\$246.00	-		-	
3	CPZ5157	Kit, Maintenance, Valve w/Gaskets, Duplex Air Comp	Air Compressor	2	4 to 6	\$512.00	-		1	\$512.00	1	\$512.00	-	
4	D057135-FFE	Element, Filter, In-line		1	4 to 6	\$253.00	1	\$253.00	1	\$253.00	-		-	
5	D059733	Switch, Pressure, Tag: PSH-7002, PSL-7002A, & PSLL-7002B		3	4 to 6	\$808.00	1	\$808.00	1	\$808.00	-		2	\$1,616.00
6	39118304	Filter-Hyd, In-Tank Element, HPU 1 & 2		2	4 to 6	\$232.00	-		-		2	\$464.00		
7	39310281	Valve - Hyd Dir 4/3 D05 24V SOL, HPU 1 & 2		1	4 to 6	\$1,570.00	-		-		-		1	\$1,570.00
8	39113726	Valve - Hyd Dir 4/3 D03 24V SOL, HPU 1 & 2		1	4 to 6	\$1,570.00	-		-		-		1	\$1,570.00
9	39315909	Cylinder - Hyd 5.5/3x27, 3-12 Thrd Rod, HPU 1 & 2		1	4 to 6	\$18,290.00	-		-		-		1	\$18,290.00
10	30364187	Bearing - Stuff. Box 4" Gld Insert Sleeve Bearing, HPU 1 & 2		2	4 to 6	\$185.00	-		-		-		2	\$370.00
11	39315290	Bar-SludgePak Mount Brz, HPU 1 & 2	Wet Cake	2	4 to 6	\$764.00	-		-		1	\$764.00	1	\$764.00
12	39115056	Seal-Sludgepack, HPU 1 & 2	Live	2	4 to 6	\$1,169.00	-		-		1	\$1,169.00	1	\$1,169.00
13	39115060	O-Ring - 133 X 3.53 NBR, HPU 1 & 2	Bottom Hopper	2	4 to 6	\$42.00	-		-		1	\$42.00	1	\$42.00
14	39115184	Seal - Ice Scraper, 4", HPU 1 & 2	<b>Ж</b>	2	4 to 6	\$177.00	-		-		1	\$177.00	1	\$177.00
15	39325002	Shaft-SF Ext 4"X27" Stroke Chr, HPU 1 & 2	Feed	1	4 to 6	\$6,655.00	-		-		-		-	
16	39315327	Tool, SludgePak Installation, 4", HPU 1 & 2	Pumps	1	4 to 6	\$629.00	-		-		1	\$629.00	-	
17	D059755-29	Kit, Gear Joint Seal, PCP-201, 202, 203 & 204		4	4 to 6	\$252.00	-		-		1	\$252.00	3	\$756.00
18	D059755-12	Kit, Gear Joint, PCP-201, 202, 203 & 204		4	4 to 6	\$3,199.00	=		-		1	\$3,199.00	3	\$9,597.00
19	D059755-04	Gasket, Stator, PCP-201, 202, 203 & 204		4	4 to 6	\$42.00	=		-		1	\$42.00	3	\$126.00
20	D059755-11	Stator, PCP-201, 202, 203 & 204		4	4 to 6	\$13,817.00	-		-		1	\$13,817.00	3	\$41,451.00
21	D059755-14	Rotor, PCP-201, 202, 203 & 204		4	4 to 6	\$16,134.00	-		-		1	\$16,134.00	3	\$48,402.00
22	49910408	Rear Door Reseal Kit		1	4 to 6	\$1,576.00	=		-		1	\$1,576.00	-	
23	46116274-05	Spark Plug		2	4 to 6	\$252.00	1	\$252.00	2	\$504.00	1	\$252.00	-	
24	45020748	Peep Hole Glass Assy		2	4 to 6	\$295.00	1	\$295.00	1	\$295.00	-		1	\$295.00
25	45010750	Peep Hole Gasket		2	4 to 6	\$13.00	1	\$13.00	1	\$13.00	-		1	\$13.00
26	20810008-01	Relay		3	4 to 6	\$50.00	1	\$50.00	1	\$50.00	-		2	\$100.00
27	41020710	Temperature Controller		1	2 to 4	\$486.00	1	\$486.00	1	\$486.00	-		-	
28	41310017-05	Red Indicator Light		1	2 to 4	\$382.00	1	\$382.00	1	\$382.00	-		-	
29	205	White Indicator Light		1	2 to 4	\$382.00	1	\$382.00	1	\$382.00	-		-	
30	40411025	LMV51 Control		1	2 to 4	\$3,728.00	-		-		-		1	\$3,728.00
31	40411026-01	AZL52 Display		1	2 to 4	\$1,673.00	-		-		-		1	\$1,673.00
32	41610496-08	Pump, Centrifugal	Thermal	1	4 to 6	\$51,373.00	-		-		-		1	\$51,373.00
33	40920600	Self Check Scanner	Fluid Heater	1	4 to 6	\$2,000.00	-		-		-		1	\$2,000.00
34	49930580	Actuator, Main Gas Valve	ricatei	1	2 to 4	\$1,139.00	1	\$1,139.00	1	\$1,139.00	-		-	
35	48415064	Gasket, Burner		2	2 to 4	\$209.00	1	\$209.00	1	\$209.00	-		1	\$209.00
36	48415019	Gasket, Air Dome		1	2 to 4	\$388.00	1	\$388.00	1	\$388.00	-		-	
37	48310194-01	Solenoid Valve, Gas Pilot		1	2 to 4	\$332.00	1	\$332.00	1	\$332.00	-		-	
38	49311191	Thermocouple, Coil		1	4 to 6	\$613.00	-		-		-		1	\$613.00
39	47510685-01	Thermocouple, Stack		1	4 to 6	\$715.00	-		-		-		1	\$715.00
40	40411030	Air Actuator		1	2 to 4	\$2,591.00	1	\$2,591.00	1	\$2,591.00	-		-	
41	40411031	Gas Actuator		1	2 to 4	\$1,111.00	1	\$1,111.00	1	\$1,111.00	-		-	
42	D059765-GSKT	Set, Gasket, Heat Exchanger, HE-1		1	2 to 4	\$1,910.00	-		-		-		1	\$1,910.00
43	D050081	Hose, Flex, FH-60B		2	2 to 4	\$696.00	-		1		1	\$696.00	1	\$696.00
							Essential Start up	\$9,001.00	Start Up Parts	\$9,856.00	1 Year Parts	\$39,880.00	Long Term Parts Total	\$189,535.00
Н.	IOTES:						Total		Total		Total	, , , , , , , , , , , , , , , , , , , ,	Total	. ,,,

July 20, 2020 Completd by J. Dieckmann

<sup>\*1.)</sup> Start-up items should always be in stock and reordered immediately upon consumption.

<sup>2.)</sup> Prices valid through June 2021

<sup>3.)</sup> All Prices in USD. Freight excluded.

<sup>4.)</sup> Quantities listed are per dryer system

KS	Komline-Sa	nderson
	12 Holland Ave. Peapack, NJ 07977-0257	www.komline.com (908) 234-1000

#### K-S Paddle Dryer, 13W-2000 Recommended Spare Parts List Through June 2021

K-S Job No.: D0597

Customer: Inland Bays RWWF

Location: Milsboro, DE

			Tilloughtu				Julie 2021				LUCATION.		IVIIISDOTO, DE	
Line no.	Part No.	Description	Dryer Assembly	Required to Manufacture	Est. Lead Time (wks)	Unit Price	Essential Start-up Spares	Extension	*Start-up Quantity	Extension	1 Year Service Qty.	Extension	Long Term Sevice Qty.	Extension
1	D059760-05	Wheel, Fan, SS, FAN-1	Off-Gas System	1	1 to 2	\$1,949.00	-		-		-		1	\$1,949.00
2	D059760-01	Motor, 3 hp, 3600 rpm, FAN-1		1	1 to 2	\$1,051.00	=		=		-		1	\$1,051.00
3	60H5006	Mesh Mist Eliminator, 4" thk, DP-1		1	1 to 2	\$466.00	1	\$466.00	1	\$466.00	-		-	
4	D059752	Flex Hose, FH-52		1	2 to 4	\$501.00	-		1	\$501.00	-		-	
5	6390060	Flex Hose, FH-51		4	2 to 4	\$344.00	-		1	\$344.00	-		3	\$1,032.00
6	D0597-03210D-01	Flex Hose, FH-501		1	1 to 2	\$3,682.00	-		1	\$3,682.00	-		-	
7	34J0003	Nozzle,Spray,OGD-1, 60 deg, SN-1		2	2 to 4	\$133.00	-		=		-		2	\$266.00
8	34J0002	Nozzle,Spray, STC-1, 60 deg, SN-2		1	1 to 2	\$174.00	-		-		-		1	\$174.00
9	34J0023	Nozzle,Spray, VS-1, 60 deg, SN-3		1	1 to 2	\$124.00	-		-		-		1	\$124.00
10	D059751-83	Support Spring Assy, 6" Lg Spring		12	1 to 2	\$107.00	-		12	\$1,284.00	-		-	
11	D059751-54	Gasket, A-Section, White Silicone		4	1 to 2	\$92.00	2	\$184.00	4	\$368.00	-		-	
12	D059751-52	Assy, Clamp Ring, 48", 304SS		4	2 to 3	\$657.00	-		1	\$657.00	1	\$657.00	3	\$1,971.00
13	D059751-73C	Inspection port cover 5", silicone		4	2 to 3	\$61.00	2	\$122.00	1	\$61.00	-		3	\$183.00
14	D059751-88	Ring, Kleen, Screen		175	2 to 3	\$71.00	-		75	\$5,325.00	-		100	\$7,100.00
15	D059751-FC40C	Sock, Flex, w/clamps, Unders/Overs		1	2 to 3	\$707.00	-		1	\$707.00	-			
16	D059751-FC40D	Sock, Flex, w/clamps, Unders/Overs/CV4		1	2 to 3	\$707.00	-		1	\$707.00	-			
17	D059751-FC40E	Sock, Flex, w/clamps, SCNR/CV-3	Vibro-	1	2 to 3	\$707.00	-		1	\$707.00	-			
18	D059751-FC40A	Sock, Flex, w/clamps, CV-2/SCNR	screener	1	2 to 3	\$1,576.00	-		1	\$1,576.00	-		-	
19	D059751-FC40F	Sock, Flex, w/clamps, CV4/RV-2		1	2 to 3	\$1,151.00	-		1	\$1,151.00	-		-	
20	D059751-FC40G	Sock, Flex, w/clamps, CV-3/CV-5		1	2 to 3	\$1,584.00	-		1	\$1,584.00	-		-	
21	D059751-18mg	Screen, 48", 304SS, 18mg opening w/Silicone		1	2 to 3	\$682.00	1	\$682.00	1	\$682.00	-		-	
22	D059751-5/16	Screen, 48", 304SS, 5/16" opening w/o Silicone		1	2 to 3	\$2,742.00	1	\$2,742.00	1	\$2,742.00	-		-	
23	D059751-FC40H	Sock, Flex, w/clamps, SCNR/TRASH		1	2 to 3	\$284.00	-		1	\$284.00	-		-	
24	D059751-FC31	Sock, Flex, w/clamps, CV1/CV2		1	2 to 3	\$326.00	-		1	\$326.00	-		-	
25	D059758-05/06	Seal/Packing, RV-1		2	2 to 3	\$464.00	1	\$464.00	1	\$464.00	1	\$464.00	-	
26	D059758-08	Bearing Insert, RV-1		2	5 to 6	\$244.00	-		-		-		2	\$488.00
27	D059758-03	Rotor, SS, Rotary Valve, RV-1		1	2 to 3	\$5,667.00	-		-		-		1	\$5,667.00
28	D059758-GM	Gearmotor, SEW, 2 hp, RV-1	Rotary	1	2 to 3	\$2,917.00	-		-		-		1	\$2,917.00
29	D059759-05/06	Seal/Packing, RV-2	Valves	2	2 to 3	\$384.00	1	\$384.00	1	\$384.00	1	\$384.00	-	
30	D059759-08	Bearing Insert, RV-2		2	2 to 3	\$185.00	-		-		-		2	\$370.00
31	D059759-03	Rotor, SS, Rotary Valve, RV-2		1	2 to 3	\$4,122.00	-		-		-		1	\$4,122.00
32	D059759-GM	Gearmotor, SEW, 3/4 hp, RV-2		1	2 to 3	\$2,253.00	-		-		-		1	\$2,253.00
33	D059730-A7	Seal, Packing Gland, 3", CV-1		1	4 to 6	\$840.00	1	\$840.00	1	\$840.00	-		-	
34	D059730-A8	Bearing, Pillow Block, 3", EXP, CV-1		1	4 to 6	\$744.00	-		-		-		1	\$744.00
35	D059730-A13	Bolt/Nut, Coupling, 304SS, CV-1		4	4 to 6	\$101.00	-		-		-		4	\$404.00
36	D059730-B8	Flange Gland Seal, 3", CV-2		1	4 to 6	\$840.00	-		1	\$840.00	-		-	
37	D059730-B9	Bearing, Pillow Block, 3", EXP, CV-2		1	4 to 6	\$744.00	-		-		-		1	\$744.00
38	D059730-B14	Bolt/Nut, Coupling, 304SS, CV-2		4	4 to 6	\$101.00	-		-		-		4	\$404.00
39	D059730-C8	Flange Gland Seal, 3", CV-3	Compression	1	4 to 6	\$840.00	-		1	\$840.00	-		-	
40	D059730-C9	Bearing, Pillow Block, 3", EXP, CV-3	Conveyors	1	4 to 6	\$744.00	-		-		-		1	\$744.00
41	D059730-C14	Bolt.Nut, Coupling, 304SS, CV-3		6	4 to 6	\$101.00	-		-		-		6	\$606.00
42	D059730-D6	Seal, Packing Gland, 2", CV-4		1	4 to 6	\$723.00	1	\$723.00	1	\$723.00	-		-	
43	D059730-D7	Bearing, Pillow Block, 2", EXP, CV-4		1	4 to 6	\$428.00	-		-		-		1	\$428.00
44	D059730-D14	Bearing, Hanger, Brz, CV4		1	4 to 6	\$206.00	1	\$206.00	1	\$206.00	-		-	
45	D059730-D15	Coupling Shaft, 2", SS, CV4		1	4 to 6	\$374.00	-		-		-		1	\$374.00
46	D059730-D16	Bolt/Nut, Coupling, 304SS, CV4		12	4 to 6	\$43.00	-		-		-		12	\$516.00
							Essential Start up	\$6,813.00	Start Up Parts	\$27,451.00	1 Year Parts	\$1,505.00	Long Term	\$34,631.00
	NOTES:						Total		Total		Total	+=,===100	Parts Total	, - ,, 1,00
1 1	NULES:													

\*1.) Start-up items should always be in stock and reordered immediately upon consumption.

3.) All Prices in USD. Freight excluded.

4.) Quantities listed are per dryer system

<sup>2.)</sup> Prices valid through June 2021

# **SALES QUOTATION**

QUOTE NO: AMQ26064

QUOTE DATE: 8/26/2020 REVISION NO: 0 QUOTE TYPE:

PORTAL NO:

Parts & Filter Fabrics Sales
12 Holland Avenue, Peapack, NJ

**Phone:** 07977 (908) 234-1000 or **Fax Orders To:** (800) 225-5457

Now Accepting Visa, Mastercard and American Express Credit Cards

#### THIS QUOTATION HAS BEEN PREPARED IN RESPONSE TO YOUR REQUEST

BILL TO:
Sussex County Engineer

ATTN: Hans Medlarz
Attn: Hans M. Medlarz, P.E.

2 The Circle PO Box 589

Georgetown DE 19947 USAPh: 302-855-7728 Inland Bays Regional WWTF 29445 Inland Bays Road Attn: Hans Medlarz, P.E. Milsboro DE 19966 USA

SHIP TO:

REFERENCE **SHIP VIA FOB** SALESPERSON D0597 \*Best Way \*Shipping Point DIECKMANN, JOHN W **EXPIRATION TERMS** FREIGHT TERMS REPRESENTATIVE 9/25/2020 Net 30 Days Prepaid & Add Home Office

LINE	ITEM DESCRIPTION	Est. Shipping	U/M	QTY/break	UNIT PRICE	EXT PRICE
	K-S Job #D-0597					
	Attn: Mr. Hanz Medlarz, P.E.					
	This quote will be offset by \$50,000. Credit per stipulation to proposal set forth in 8/23/20 Letter from KS to Sussex County.					
1	D056115-RJ	6-8 wks	ea	1.00	19,909.00	19,909.00
	Rotary Joint only					
2	16428035	1-2 wks	ea	2.00	285.00	570.00
	Gasket, Aluminum, Rotary Joint					
3	20Z0018-120	1-2 wks	ea	2.00	1,761.00	3,522.00
	Bearing Grease, Almaplex, #9901,					
4	D0493-13002A	2-4 wks	ea	1.00	1,114.00	1,114.00
	Dogleg Flex Hoses- 4" Supply					
5	D0493-13003A	2-4 wks	ea	1.00	762.00	762.00
	Dogleg Flex Hoses- 3" Return					
6	26U0062	1-2 wks	ea	2.00	32.00	64.00
	Gasket Spiral-Wound,Flange 4" #300,					
7	26U0102	1-2 wks	ea	2.00	22.00	44.00
	Gasket,Flange,Ring Style,Spiral-Wou					
8	D0597-10010D-02	2-4 wks	ea	1.00	363.00	363.00
	Gasket, Side Disch, Front Dr					
9	D0597-10010D-06	2-4 wks	ea	2.00	244.00	488.00
	Gasket, Bottom, Side Disch/RV-1					
10	D0597-10010D-04	2-4 wks	ea	2.00	356.00	712.00
	Gasket, Bottom Discharge					
11	D0597-21200D-01	2-4 wks	ea	1.00	104.00	104.00

# **SALES QUOTATION**

**QUOTE NO: AMQ26064** QUOTE DATE: 8/26/2020

REVISION NO: 0
QUOTE TYPE:
PORTAL NO:

# Parts & Filter Fabrics Sales 12 Holland Avenue, Peapack, NJ

Phone: 07977

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2 The Circle PO Box 589

Georgetown DE 19947 USAPh: 302-855-7728 **SHIP TO:** 

Inland Bays Regional WWTF 29445 Inland Bays Road Attn: Hans Medlarz, P.E. Milsboro DE 19966

USA

CSI II II 502 000 7720				
REFERENCE SHIP VIA FO		FOB	SALESPERSON	
	D0597	*Best Way	*Shipping Point	DIECKMANN,JOHN W
	EXPIRATION	TERMS	FREIGHT TERMS	REPRESENTATIVE
	9/25/2020	Net 30 Days	Prepaid & Add	Home Office

LINE	ITEM DESCRIPTION	Est. Shipping	U/M	QTY/break	UNIT PRICE	EXT PRICE
	Gasket, Weir Tower					
12	D0597-21200D-15	2-4 wks	ea	1.00	96.00	96.00
	Gasket, Weir Tower, Cover					
13	0399201	1-2 wks	ea	2.00	1,910.00	3,820.00
	Kit, Repair, Split Face Seal, 13W					
14	9010285	2-4 wks	ea	1.00	317.00	317.00
	Rotameter, Vertical, 8 SCFM Scale					
15	9010278	2-4 wks	ea	1.00	144.00	144.00
	Control Air Inc. Filter regulator #					
16	9010279	1-2 wks	ea	1.00	16.00	16.00
	Pressure Gauge, 2" Dial, 1/4" MNPT					
17	D059703	28-30 wk	ea	1.00	11,555.00	11,555.00
	Bearing Housing- Fixed w/stab &					
18	D059704	28-30 wk	ea	1.00	16,616.00	16,616.00
	Bearing Housing-Float w/ring seals					
19	D059705	2-4 wks	ea	4.00	3,013.00	12,052.00
	Bearing, Agitator					
20	D059706	2-4 wks	ea	4.00	4,451.00	17,804.00
	Adapter, Bearing, Hyd. Assist,					
21	Z39R0004 qty:8	1-2 wks	ea	1.00	780.00	780.00
	V-belts (Set of 8)					
22	6397130-Gskt	1-2 wks	ea	2.00	35.00	70.00
	Dryer Cover Access Door Gasket					
23	63GM004	10-12 wk	ea	3.00	2,264.00	6,792.00
	Panel,Explosion,Metric,EC w/burst sensor					
24	90T0092	2-4 wks	ea	1.00	5,730.00	5,730.00

# **SALES QUOTATION**

QUOTE NO: AMQ26064

QUOTE DATE: 8/26/2020 REVISION NO: 0 QUOTE TYPE: PORTAL NO:

Parts & Filter Fabrics Sales
12 Holland Avenue, Peapack, NJ

Phone: 07977

(908) 234-1000 or **Fax Orders To**: (800) 225-5457

Now Accepting Visa, Mastercard and American Express Credit Cards

#### THIS QUOTATION HAS BEEN PREPARED IN RESPONSE TO YOUR REQUEST

BILL TO: Sussex County Engineer ATTN: Hans Medlarz

Attn: Hans M. Medlarz, P.E.

2 The Circle PO Box 589

Georgetown DE 19947 USAPh: 302-855-7728 SHIP TO:

Inland Bays Regional WWTF 29445 Inland Bays Road Attn: Hans Medlarz, P.E. Milsboro DE 19966

USA

ODI II II. 302 033 7720			
REFERENCE	SHIP VIA	FOB	SALESPERSON
D0597	*Best Way	*Shipping Point	DIECKMANN,JOHN W
EXPIRATION	TERMS	FREIGHT TERMS	REPRESENTATIVE
9/25/2020	Net 30 Days	Prepaid & Add	Home Office

LINE	ITEM DESCRIPTION	Est. Shipping	U/M	QTY/break	UNIT PRICE	EXT PRICE
	Level Transmitter, Radar, Vega Tag: LT-2002 & LT-2102					
25	9010313 Z-Tron IV Level Switch,24VDC Tag: LSH-2002, 2102, LSL-2002,2102	2-4 wks	ea	1.00	964.00	964.00
26	9010301 Thermocouple, J, 18", Grounded, Tag: TE-3002, 05, 06 & 07	2-4 wks	ea	1.00	116.00	116.00
27	90T0104 Temperature Transmitter, HART, Tag: TT-3002, 05, 06, 07, 3101, 4007, 5000	2-4 wks	ea	1.00	671.00	671.00
28	90T0105 Pressure Transmitter, Differential, Tag; PT-3003	2-4 wks	ea	1.00	1,788.00	1,788.00
29	90X0299 Level Switch, Vibrating Rod, Vega Tag: LSH-3102	2-4 wks	ea	1.00	2,347.00	2,347.00
30	9010302 Thermocouple, J, 6", Grounded, 3" Tag: TE-3103	2-4 wks	ea	1.00	129.00	129.00
31	90X0439 Speed Switch, 24 VDC, 1-Turn Tag: SSL-3105, 4001,4005 & 4007	2-4 wks	ea	1.00	874.00	874.00
32	9010303 Thermocouple, J, 9", Grounded, 6" Tag: TE-4007	2-4 wks	ea	1.00	96.00	96.00
33	9010304 Thermocouple, J, 9", Grounded, 3"	2-4 wks	ea	1.00	129.00	129.00

# **SALES QUOTATION**

**QUOTE NO: AMQ26064** 

QUOTE DATE: 8/26/2020 REVISION NO: 0 OUOTE TYPE:

PORTAL NO:

#### **Parts & Filter Fabrics Sales**

12 Holland Avenue, Peapack, NJ

Phone: 07977

(908) 234-1000 or Fax Orders To: (800) 225-5457

> Now Accepting Visa, Mastercard and American Express Credit Cards

**BILL TO:** Sussex County Engineer ATTN: Hans Medlarz

Attn: Hans M. Medlarz, P.E. 2 The Circle PO Box 589

Georgetown DE 19947 USAPh: 302-855-7728

Inland Bays Regional WWTF 29445 Inland Bays Road

**SHIP TO:** 

Attn: Hans Medlarz, P.E. Milsboro DE 19966

USA

THIS QUOTATION HAS BEEN PREPARED IN RESPONSE TO YOUR REQUEST

REFERENCE **SHIP VIA FOB** SALESPERSON D0597 \*Best Way \*Shipping Point DIECKMANN, JOHN W **EXPIRATION TERMS** FREIGHT TERMS REPRESENTATIVE 9/25/2020 Net 30 Days Prepaid & Add Home Office

LINE	ITEM DESCRIPTION	Est. Shipping	U/M	QTY/break	UNIT PRICE	EXT PRICE
	Tag: TE-5000					
34	90X0206	2-4 wks	ea	1.00	1,282.00	1,282.00
	Switch, Liquid Level Float, "Tuffy Tag: LSH-5008					
				1.00		
35	9010307 Monitor, Flow, Thermal, 4-Digit,	2-4 wks	ea	1.00	522.00	522.00
	Tag: FSL-7006					
36	90K0389	2-4 wks	ea	1.00	26.00	26.00
	Connector, 90 Deg M12 Micro, DC, Tag: FSL-7006					
37	D059734	2-4 wks	ea	1.00	812.00	812.00
	Pressure Switch, 0 to 100 PSI Tag: PSLL-7005 & PSL-7007					
20		2.4.1		1.00	42.00	42.00
38	90P0602 Circuit Breaker, FAZ-NA Series, UL	2-4 wks	ea	1.00	42.00	42.00
39	90P0484	2-4 wks	ea	1.00	22.00	22.00
	Circuit Breaker, FAZ Series, UL					
40	90L0343	2-4 wks	ea	1.00	211.00	211.00
	Power Supply, QUINT Series, Input:					
41	90Q0169	2-4 wks	ea	1.00	2,277.00	2,277.00
	Modicon M340,CPU Module, 4Mb Flash,					
42	90Q0522	2-4 wks	ea	1.00	478.00	478.00
	Modicon M340, 12 Slot Backplane,					
43	90Q0523	2-4 wks	ea	1.00	868.00	868.00
	Modicon X80 I/O Platform, Power					
44	90Q0521	2-4 wks	ea	1.00	922.00	922.00
	Modicon X80 I/O Platform, Analog					

# **SALES QUOTATION**

**QUOTE NO: AMQ26064** 

QUOTE DATE: 8/26/2020 REVISION NO: 0 OUOTE TYPE: PORTAL NO:

**Parts & Filter Fabrics Sales** 12 Holland Avenue, Peapack, NJ

Phone: 07977 (908) 234-1000 or

(800) 225-5457 Now Accepting Visa, Mastercard

and American Express Credit Cards

# THIS QUOTATION HAS BEEN PREPARED IN RESPONSE TO YOUR REQUEST

Sussex County Engineer ATTN: Hans Medlarz

Fax Orders To:

Attn: Hans M. Medlarz, P.E.

2 The Circle PO Box 589

**BILL TO:** 

Georgetown DE 19947

**SHIP TO:** 

Inland Bays Regional WWTF 29445 Inland Bays Road Attn: Hans Medlarz, P.E. Milsboro DE 19966

USA

USAPh: 302-855-7728

REFERENCE **SHIP VIA FOB** SALESPERSON D0597 \*Best Way \*Shipping Point DIECKMANN, JOHN W **EXPIRATION** TERMS FREIGHT TERMS REPRESENTATIVE 9/25/2020 Net 30 Days Prepaid & Add Home Office

LINE	ITEM DESCRIPTION	Est. Shipping	U/M	QTY/break	UNIT PRICE	EXT PRICE
45	90Q0273	2-4 wks	ea	1.00	878.00	878.00
	Modicon X80 I/O Platform, Analog					
46	90Q0274	2-4 wks	ea	1.00	315.00	315.00
	Modicon X80 I/O Platform, Digital See updated quote - 9/24/18					
47	90Q0520	2-4 wks	ea	1.00	485.00	485.00
	Modicon X80 I/O Platform, Digital					
48	90L0344	2-4 wks	ea	1.00	355.00	355.00
	Redundancy Module, QUINT Series,					
49	90Q0551	2-4 wks	ea	1.00	3,980.00	3,980.00
	Magelis GTU Universal Display					
50	90Q0537	2-4 wks	ea	1.00	1,629.00	1,629.00
	Magelis GTU Universal Box Module,					
51	90Q0473	2-4 wks	ea	1.00	1,304.00	1,304.00
	Ethernet Switch, Industrial,					
52	90L0352	2-4 wks	ea	1.00	1,551.00	1,551.00
	Uninterruptible Power Supply, 120					
53	90P0488	2-4 wks	ea	1.00	23.00	23.00
	Circuit Breaker, FAZ Series, UL					
54	90L0353	2-4 wks	ea	1.00	20.00	20.00
	Relay, Plug-In Power, RPM Series,					
55	90L0354	2-4 wks	ea	5.00	20.00	100.00
	Relay, Plug-In Power, RPM Series,					
56	90Q0276	2-4 wks	ea	1.00	1,567.00	1,567.00
	Modicon M340, Ethenet Module, SQ-D					
57	90P0723	2-4 wks	ea	10.00	5.00	50.00
	Fuse, Time Delay, 239 Series, 2 Amp					

Phone: 07977

Fax Orders To: (800) 225-5457

**Parts & Filter Fabrics Sales** 

(908) 234-1000 or

NOTE: Please Advise Quotation Number When Ordering Parts

# **SALES QUOTATION**

**QUOTE NO: AMQ26064** 

REVISION NO: 0 QUOTE TYPE: PORTAL NO:

QUOTE DATE: 8/26/2020

Now Accepting Visa, Mastercard and American Express Credit Cards

12 Holland Avenue, Peapack, NJ

#### THIS QUOTATION HAS BEEN PREPARED IN RESPONSE TO YOUR REQUEST

BILL TO: Sussex County Engineer ATTN: Hans Medlarz

Attn: Hans M. Medlarz, P.E. 2 The Circle

PO Box 589

Georgetown DE 19947 USAPh: 302-855-7728

SHIP TO:

Inland Bays Regional WWTF 29445 Inland Bays Road Attn: Hans Medlarz, P.E. Milsboro DE 19966

USA

	CB1 II II: 302 033 7720				
REFERENCE SHIP VIA		SHIP VIA	FOB	SALESPERSON	
	D0597	*Best Way		DIECKMANN,JOHN W	
	EXPIRATION	TERMS	FREIGHT TERMS	REPRESENTATIVE	
9/25/2020 Ne		Net 30 Days	Prepaid & Add	Home Office	

LINE	ITEM DESCRIPTION	Est. Shipping	U/M	QTY/break	UNIT PRICE	EXT PRICE
58	90P0724	2-4 wks	ea	20.00	6.00	120.00
	Fuse, Time Delay, 239 Series, 1/4					
59	90L0347	2-4 wks	ea	1.00	48.00	48.00
	Solid state relay, panel mount,					
60	CPZ11883	4-6 wks	ea	2.00	155.00	310.00
	Kit, Maintenance, R30 Pump, Duplex					
61	D057135-14	4-6 wks	ea	1.00	246.00	246.00
	Set, V-belts, Duplex Air Comp.					
62	CPZ5157	4-6 wks	ea	1.00	512.00	512.00
	Kit, Maintenance, Valve w/Gaskets,					
63	D057135-FFE	4-6 wks	ea	1.00	253.00	253.00
	Element, Filter, In-line					
64	D059733	4-6 wks	ea	1.00	808.00	808.00
	Switch, Pressure, Tag: PSH-7002, PSL-7002A, & PSLL-7002B					
65	46116274-05	2-4 wks	ea	2.00	252.00	504.00
	Spark Plug, HTR-1					
66	45020748	4-6 wks	ea	1.00	295.00	295.00
	Peep Hole Glass Assy					
67	45010750	2-4 wks	ea	1.00	13.00	13.00
	Peep Hole Gasket, HTR-1					
68	20810008-01	4-6 wks	ea	1.00	50.00	50.00
	Relay, HTR-1					
69	41020710	4-6 wks	ea	1.00	486.00	486.00
	Temperature Controller, HTR-1					
70	41310017-05	4-6 wks	ea	1.00	382.00	382.00
	Red Indicator Light, HTR-1					

# **SALES QUOTATION**

**QUOTE NO: AMQ26064** QUOTE DATE: 8/26/2020

REVISION NO: 0
QUOTE TYPE:
PORTAL NO:

#### **Parts & Filter Fabrics Sales**

12 Holland Avenue, Peapack, NJ **Phone:** 07977

(908) 234-1000 or **Fax Orders To**: (800) 225-5457

Now Accepting Visa, Mastercard and American Express Credit Cards

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Sussex County Engineer ATTN: Hans Medlarz Attn: Hans M. Medlarz, P.E.

2 The Circle PO Box 589

**BILL TO:** 

Georgetown DE 19947 USAPh: 302-855-7728 SHIP TO:

Inland Bays Regional WWTF 29445 Inland Bays Road Attn: Hans Medlarz, P.E. Milsboro DE 19966

USA

OD/11 II. 302-033-1120			
REFERENCE	SHIP VIA	FOB	SALESPERSON
D0597	*Best Way	*Shipping Point	DIECKMANN,JOHN W
EXPIRATION	TERMS	FREIGHT TERMS	REPRESENTATIVE
9/25/2020	Net 30 Days	Prepaid & Add	Home Office

LINE	ITEM DESCRIPTION	Est. Shipping	U/M	QTY/break	UNIT PRICE	EXT PRICE
71	205	4-6 wks	ea	1.00	382.00	382.00
	White Indicator Light, HTR-1					
72	49930580	4-6 wks	ea	1.00	1,139.00	1,139.00
	Actuator, Main Gas Valve, HTR-1					
73	48415064	4-6 wks	ea	1.00	209.00	209.00
	Gasket, Burner, HTR-1					
74	48415019	4-6 wks	ea	1.00	388.00	388.00
	Gasket, Air Dome, HTR-1					
75	48310194-01	4-6wks	ea	1.00	332.00	332.00
	Solenoid Valve, Gas Pilot, HTR-1					
76	40411030	4-6 wks	ea	1.00	2,591.00	2,591.00
	Air Actuator, HTR-1					
77	40411031	4-6 wks	ea	1.00	1,111.00	1,111.00
	Gas Actuator, HTR-1					
78	D050081	2-4 wks	ea	1.00	696.00	696.00
	Hose, Flex, FH-60B					
79	60H5006	1-2 wks	ea	1.00	466.00	466.00
	Mesh Mist Eliminator, 4" thk, DP-1					
80	<b>D059752</b> Flex Hose, FH-52	2-4 wks	ea	1.00	501.00	501.00
0.1		2.4.1		1.00	244.00	244.00
81	6390060 Flex Hose,321 SS Braided Extra	2-4 wks	ea	1.00	344.00	344.00
82	D0597-03210D-01	2-4 wks		1.00	2 (92 00	2 (82 00
82	Flex Hose, FH-501	2-4 WKS	ea	1.00	3,682.00	3,682.00
83	D059751-83	2-4 wks	20	12.00	107.00	1,284.00
83	Support Spring Assy, 6" Lg Spring	∠-4 WKS	ea	12.00	107.00	1,264.00
	Support Spring 1889, O De Spring					

# **SALES QUOTATION**

**QUOTE NO: AMQ26064** 

QUOTE DATE: 8/26/2020 REVISION NO: 0 OUOTE TYPE: PORTAL NO:

**Parts & Filter Fabrics Sales** 12 Holland Avenue, Peapack, NJ

Phone: 07977

(908) 234-1000 or Fax Orders To: (800) 225-5457

> Now Accepting Visa, Mastercard and American Express Credit Cards

#### THIS QUOTATION HAS BEEN PREPARED IN RESPONSE TO YOUR REQUEST

**BILL TO:** Sussex County Engineer ATTN: Hans Medlarz

Attn: Hans M. Medlarz, P.E.

2 The Circle PO Box 589

Georgetown DE 19947

**SHIP TO:** 

Inland Bays Regional WWTF 29445 Inland Bays Road Attn: Hans Medlarz, P.E. Milsboro DE 19966

USA

USAPh: 302-855-7728

REFERENCE **SHIP VIA FOB** SALESPERSON D0597 \*Best Way \*Shipping Point DIECKMANN, JOHN W **EXPIRATION** TERMS FREIGHT TERMS REPRESENTATIVE 9/25/2020 Net 30 Days Prepaid & Add Home Office

LINE	ITEM DESCRIPTION	Est. Shipping	U/M	QTY/break	UNIT PRICE	EXT PRICE
84	D059751-54	1-2 wks	ea	4.00	92.00	368.00
	Gasket, A-Section, White Silicone,					
85	D059751-52	2-4 wks	ea	1.00	657.00	657.00
	Assy, Clamp Ring, 48", 304SS					
86	D059751-73C	1-2 wks	ea	1.00	61.00	61.00
	Inspection port cover 5", silicone,					
87	D059751-88	2-4 wks	ea	75.00	71.00	5,325.00
	Ring, Kleen, Screen					
88	D059751-FC40C	2-4 wks	ea	1.00	707.00	707.00
	Sock, Flex, w/clamps, Unders/Overs					
89	D059751-FC40D	2-4 wks	ea	1.00	707.00	707.00
	Sock, Flex, w/clamps,					
90	D059751-FC40E	2-4wks	ea	1.00	707.00	707.00
	Sock, Flex, w/clamps, SCNR/CV-3					
91	D059751-FC40A	2-4 wks	ea	1.00	1,576.00	1,576.00
	Sock, Flex, w/clamps, CV-2/SCNR					
92	D059751-FC40F	2-4 wks	ea	1.00	1,151.00	1,151.00
	Sock, Flex, w/clamps, CV4/RV-2					
93	D059751-FC40G	2-4 wks	ea	1.00	1,584.00	1,584.00
	Sock, Flex, w/clamps, CV-3/CV-5					
94	D059751-18mg	2-3 wks	ea	1.00	682.00	682.00
	Screen, 48", 304SS, 18mg opening					
95	D059751-5/16	2-3 wks	ea	1.00	2,742.00	2,742.00
	Screen, 48", 304SS, 5/16", w/o Si,					
96	D059751-FC40H	2-4 wks	ea	1.00	284.00	284.00
	Sock, Flex, w/clamps, SCNR/TRASH					
97	D059751-FC31	2-4 wks	ea	1.00	326.00	326.00
		Daga 9 of 10			·	·

# **SALES QUOTATION**

**QUOTE NO: AMQ26064** 

QUOTE DATE: 8/26/2020 REVISION NO: 0 QUOTE TYPE: PORTAL NO:

#### **Parts & Filter Fabrics Sales** 12 Holland Avenue, Peapack, NJ

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**BILL TO:** Sussex County Engineer ATTN: Hans Medlarz

Attn: Hans M. Medlarz, P.E.

2 The Circle PO Box 589

Georgetown DE 19947

SHIP TO:

THIS QUOTATION HAS BEEN PREPARED IN RESPONSE TO YOUR REQUEST

Inland Bays Regional WWTF 29445 Inland Bays Road Attn: Hans Medlarz, P.E. Milsboro DE 19966

USA

USAPh: 302-855-7728

REFERENCE **SHIP VIA FOB** SALESPERSON D0597 \*Best Way \*Shipping Point DIECKMANN, JOHN W **EXPIRATION** FREIGHT TERMS REPRESENTATIVE **TERMS** 9/25/2020 Net 30 Days Prepaid & Add Home Office

LINE	ITEM DESCRIPTION	Est. Shipping	U/M	QTY/break	UNIT PRICE	EXT PRICE
	Sock, Flex, w/clamps, CV1/CV2					
98	D059758-05/06	2-3 wks	ea	1.00	464.00	464.00
	Seal/Packing, RV-1					
99	D059759-05/06	2-3 wks	ea	1.00	384.00	384.00
	Seal/Packing, RV-2					
100	D059730-A7	4-6 wks	ea	1.00	840.00	840.00
	Seal, Packing Gland, 3", CV-1					
101	D059730-B8	2-4 wks	ea	1.00	840.00	840.00
	Flange Gland Seal, 3", CV-2					
102	D059730-C8	2-4 wks	ea	1.00	840.00	840.00
	Flange Gland Seal, 3", CV-3					
103	D059730-D6	4-6 wks	ea	1.00	723.00	723.00
	Seal, Packing Gland, 2", CV-4					
104	D059730-D14	4-6 wks	ea	1.00	206.00	206.00
	Bearing, Hanger, Brz, CV4					

168,603.00 USD **Grand Total:** 



### **SALES QUOTATION**

QUOTE NO: AMQ26064

QUOTE DATE: 8/26/2020 REVISION NO: 0 QUOTE TYPE:

PORTAL NO:

#### Parts & Filter Fabrics Sales

12 Holland Avenue, Peapack, NJ **Phone:** 07977

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THIS QUOTATION HAS BEEN PREPARED IN RESPONSE TO YOUR REQUEST

BILL TO: SHIP TO:

Sussex County Engineer
ATTN: Hans Medlarz
Attn: Hans M. Medlarz, P.E.

2 The Circle PO Box 589

Georgetown DE 19947 USAPh: 302-855-7728 Inland Day

Inland Bays Regional WWTF 29445 Inland Bays Road Attn: Hans Medlarz, P.E. Milsboro DE 19966

USA

REFERENCE S		SHIP VIA	FOB		SALESPERSON	
D0597		*Best Way	*Shipping Point		DIECKMANN,JOHN W	
EXPIRATION		TERMS	FREIGHT TERMS		REPRESENTATIVE	
9/25/2020		Net 30 Days	Prepaid & Add		Home Office	
LINE	ITEM DESCRIPTION	Est. Ship	Est. Shipping U/M OTY/break		UNIT PRICE	EXT PRICE

Minimum Order is \$ 50.00 in USA; \$ 100.00 outside of USA Freight Terms: Freight Extra unless otherwise specified above

**Taxes**: Prices are exclusive of any local, state, or Federal sales or manufacturer's taxes of any sort and such taxes and/or charges pertaining thereto are to be borne by the purchaser.

**Restocking:** It is the policy of Komline-Sanderson that there be a standard restocking charge of 25% or \$ 50.00 minimum on all goods returned that are stocked by Komline-Sanderson. A credit will be issued against future purchases only. Items that are made to order cannot be restocked and therefore are not returnable.

Goods can only be returned within 3 months of shipment with the exception of electrical items which cannot be restocked.

All requests for restocking must be authorized by the Filter Fabrics or Parts Department prior to return shipment.

A return goods tag number will be issued for authorized returns. All shipping charges are to be borne by the customer.

This quotation is valid for 30 days and is subject to change thereafter without notice.

See complete terms and conditions.

Typographical or clerical errors in quotations are subject to correction by KS.

On shipments outside the U.S.A.: All Freight, Customs, Duty, Taxes, Transfer And Any Other Fees Are The Buyers Responsibility.

#### **ENGINEERING DEPARTMENT**

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





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

# Memorandum

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Douglas B. Hudson The Honorable John L. Rieley

The Honorable Samuel R. Wilson, Jr.

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

RE: FY 2019 General Labor & Equipment Contract, Project No. 19-01

A. Approve Change Order No. 1, FY 2021

DATE: September 22, 2020

In response to the capital project backlog, the Engineering Department developed a competitively selected time and material, best value bid process consistent with the County Procurement Policy. The first General Labor & Equipment Contract for FY 17 was awarded by Council to George & Lynch, Inc., on June 21, 2016, and Council renewed the contract on June 13, 2017 for an additional one-year period based on performance.

Throughout the initial two (2) year timeframe, a significant workload was completed with considerable cost and time savings. Therefore, the Engineering Department re-advertised the contract in the spring of 2018 again using the "best value" approach. On April 24, 2018, Council awarded the FY 2019 General Labor & Equipment Contract to George & Lynch, Inc. at the first-year bid amount of \$4,827,190.00. This contract award was valid for one year, with an option for Council to extend it, based on contractor performance, for two (2) additional one-year periods at the same unit prices.

On June 11, 2019, Council approved the first one-year contract extension through June 30, 2020 in the amount of up to \$7,395,000 for the capital projects in the Environmental Services Division and the Coastal Airport with scope changes to be presented on a case by case basis.

The original scope neither included the Chapel Branch sewer district expansion nor the IBRWF Spray on Demand Loop projects. The Engineering Department requested inclusion of both with limited up-front construction in the approved FY 20 scope of work as well as a funding increase in legacy paving. On July 16, 2019 Council approved Change Order No. 1- FY 20, in the total amount of \$370,000.00.



In the fall of 2019, several emergencies and urgent repair issues arose such as damages to the 24-inch fire suppression main at the Coastal Business Park and the 10-inch forcemain damage in Old Landing Road. Council approved the associated Change Order No. 2- FY 20 in the amount of \$292,200.00 on November 12, 2019.

In the winter of 2019, the contractor and the Department had to respond to the emergency at the Greenwood Library. In addition, the budgeted work at pump station 16 proved to be substantially more challenging due to interference with previously unmarked utilities, major overhead power lines as well as enhanced traffic maintenance requirements on Kent Avenue. At the pump station no.11 project groundwater conditions and tidal influence were so challenging that a coffer dam system had to be installed to set the new wet well. At pump station no. 237 an unknown underground fuel tank had to be removed. Council approved the associated Change Order No. 3- FY 20 in the amount of \$697,000.00 on May 19, 2020.

On May 19, 2020, Council also exercised the second one-year extension option under the unit prices previously bid, in the amount of up to \$5,170,000.00, allowing for continued project completion as budgeted in the capital projects for the Environmental Services Division and the Coastal Airport. This amount represents an almost 30% reduction compared to the current fiscal year. However, it does not include emergency repair services to existing facilities through July 1, 2021. This type of work, in addition to scope changes, must be presented to Council on a case by case basis. Since the second one-year award in May the following additional issues and associated costs have surfaced:

1.	Inland Bays, northern effluent loop extension only w/ disinfection	\$ 75,000
2.	Cont. flow redirection of pump stations nos. 202 & 204	\$ 250,000
3.	Plantation Drive sewer extension	\$ 120,000
4.	Pump station no. 2 additional site work	\$ 600,000
5.	Chapel Branch sewer district, community systems only	\$1,000,000
6.	Reconstruction of parking area at RB WWTP	\$ 65,000
	Total	\$2,100,000

At Inland Bays RWF the loop extension to Artesian's rapid infiltration basin was previously installed under this contract. The Engineering Department is now requesting the extension to the proposed constructed wetland area complete with disinfection vault and valving. The redirection in the West Rehoboth area of pump stations no. 202 & 204 into the City's treatment plant is almost complete. The requested amount will finish the project. The Plantation Road sewer extension approved by Council is a 3<sup>rd</sup> party funded project which matured after the contract extension was awarded. The pump station no. 2 project in Dewey Beach is a complex complete reconstruction of the oldest station in the system. The project was originally slotted at a lower cost but the tight sight under the elevated storage has numerous previously unknown 3<sup>rd</sup> party utility conflicts.

The Chapel Branch sewer district area expansion project provides septage remediation for individual systems in Conley's Chapel Village subdivision and along Will King Road in addition to the remediation of the two community systems in Chapel Green and Oakcrest Farms. We are proposing roll the later in the General Labor & Equipment contract due to their complexity which does not lend itself to a standard unit price bid approach. The Dewey Water

September 22, 2020

team has been relocated to the Rehoboth Beach plant site due to construction at pump station no.2. The area in between their office and the plant admin is part of the Phase 2 plant improvements. We are proposing to accomplish that work through the contract for efficiency and cost savings.

In summary, the Engineering Department requests Council's concurrence to the issuance of Change Order No. 1- FY 21 in the amount of \$2,100,000.00

#### **ENGINEERING DEPARTMENT**

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





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

# <u>Memorandum</u>

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable I.G. Burton, III, Vice President

The Honorable Douglas B. Hudson The Honorable John L. Rieley

The Honorable Samuel R. Wilson, Jr.

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

RE: South Coastal WRF Treatment Process Upgrade No.3 &

Rehoboth Beach WTP Capital Improvement Program, Phase 2

A. Town of Selbyville Outfall Agreement

B. General Construction, Project C19-11, Change Order No. 5 C. Electrical Construction, Project C19-17, Change Order No.6 &7

D. Material Screening Purchase Order Update

DATE: September 22, 2020

#### Intergovernmental Background:

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

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

In the spring of 2019, a failure of the influent screen forced the acceleration of the headworks component, previously included in Phase 3. The City requested the integration of this work into Phase 2 triggering a modification to the alternative financing agreement and a GHD design amendment. On June 4, 2019, Council approved a supplemental alternative financing



agreement up to 3.0 million in additional funds using the initial 42%/58% debt service cost split and charging 2% interest, the same as an SRF financing arrangement.

While the City is still determining on how to complete the remaining phases 3 & 4 of the City's upgrade project, including the aeration system improvements, recent failures of the oxidation ditch systems forced an emergency aerator equipment purchase by the City. On July 15, 2020 the City officially requested to have Michael F. Ronca, Inc. install the equipment under the County's contract triggering a 2<sup>nd</sup> modification to the alternative financing agreement. On July 28, 2020 Council approved financing an amount of up to \$1,673,000 with the City's 58% share not to exceed \$870,000 using the initial 42%/58% cost split with an interest rate of 2%.

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

The Engineering and Finance Departments met with Town officials and presented two alternatives for amending the Agreement. The Town expressed and the Engineering Department subsequently transmitted the cost share scenarios to the Town. On August 6, 2020 the County Engineer appeared before the Town Council for a presentation. Since then the Town Council selected the flow-based billing option. The Assistant County Attorney and the County Engineer drafted a new agreement accordingly. It was considered by the Town Council on September 14, 2020. However, no final action was taken until the Town Solicitor had an opportunity to complete her review modifications to the Town Manager. We expect to present the new agreement to County Council for final approval in October of this year.

#### Professional Services Background:

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

#### Overall South Coastal Project Summary:

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

- a. Effluent Forcemain Relocation/Replacement; Completed in 2019.
- b. Influent Forcemain Consolidation; Completed in May of 2020.

#### c. Drainage Network Rerouting;

The design completed but construction was not included in the base bid. After cost comparison between the General Labor & Equipment Contract versus a change order under Ronca's general construction contract; Council awarded

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

d. General Construction Project C19-11; awarded on December 17, 2019 to M.F. Ronca & Sons, Inc. On March 10, 2020 Council awarded Change Order No.1 covering request 554-002 for deletion of the record drawing requirement and request 554-003 for the modification of the RBWTF influent forcemains in the net amount of \$97,294.31. On May 12, 2020 Council authorized credit Change Order No. 2 in the amount of \$12,705.00 eliminating an explosion proof motor requirement.

At two other ongoing County projects surplus material could be made available to Project C19-11 for a \$9,764.30 credit. The credit Change Order No. 3 in the combined amount (\$9,764.30) was approved by Council on July 28, 2020.

The City of Rehoboth wastewater treatment plant's core treatment system consists of two redundant oxidation ditches. Both ditches contain redundant aeration draft tube style original equipment which was slated for replacement under the City's Phase 3 of the plant upgrades. However, recent partial failures of the oxidation ditch systems forced an emergency equipment purchase by the City and the request to have M. F. Ronca, Inc. install the equipment under the current County contract. GHD designed the installation documentation and issued RFP-018 for pricing. On July 28, 2020, Council approved Change Order No. 4 in the amount of \$871,000.00.

Since then the County initiated two RFPs. The first one, RFP-019 addresses a required modification to the interior headworks piping. During the influent force main consolidation project is was discovered that the 18-inch influent force main was leaking and had to be abandoned. The existing 20-inch force main will be utilized instead triggering additional above grade piping in the headworks pipe gallery. This piping will connect the 20" plug valve, to the originally proposed 18-inch cast-in connection.

Under the second one, RFP-023 Sussex County requested 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 providing operational flexibility.

In response, M.F. Ronca & Sons, Inc. proposed Change Order No.5 covering request 554-005 for the aeration tank drain modifications and request 554-006 for the headworks piping modifications in the combined amount of \$32,991.66. The Engineering Department requests Council's approval.

e. <u>Electrical Construction Project C19-17</u>; awarded on December 17, 2019 to BW Electric, Inc. On February 4, 2020 Council awarded Change Order No.1 to the Electrical Construction, Project C19-17 by BW Electric, Inc.in the credit amount of \$759,374.80. A second credit change order was approved on March 10, 2020 in the amount of \$6,800.00.

DP&L's requested a change to the utility power service entrance location at the RBWTP. This triggered a design for the associated conduit run by GHD which was further valued engineered by all parties. Council approved Change Order No.3 in the not to exceed amount of \$235,637.33 on April 7, 2020. The associated work has been completed under budget and on time.

The South Coastal project includes the reconstruction of the original electrical equipment in the sludge handling building electrical room. The associated RFP-016 relates to changes required to accommodate the longer motor control center. On May 12, 2020 Council authorized the associated Change Order No.4 in the amount of \$11,350.00.

Change Order No.5 covers request RFP-020 in an amount of \$59,150.00 for the removal of an existing electrical handhole and the associated duct bank and its reconstruction in a different location removing a previously unknown conflict with the proposed effluent filter No.3. and request RFP-020 for the modification of the duct bank between the DP&L utility switching pedestal and the transformer in the credit amount of (\$21,320.00). Council approved Change Order No.5 in the combined amount of \$37,830.00 on July 28, 2020.

Proposed Change Order No.6 covers request RFP-024 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 incorporating wiring for an E-ONE package pump station.

Proposed Change Order No. 7 covers request RFP-025 in the not to exceed amount of \$307,300.00 for the City's oxidation ditch complete electrical equipment replacement. The associated mechanical equipment was directly purchased by the City and the structural and mechanical scope of work will be completed by M. F. Ronca, Inc. under their approved Change Order No. 4. The electrical components covered under RFP-025 are the feeders to the motors, lighting systems, level sensors and DO probes as well as new junction boxes to transition between conductors.

<u>The Engineering Department recommends Council's acceptance of Change Order Nos. 6 & 7 in the amounts stated above. In addition, Change Order No. 7 carries a sixty (60) days' time extension.</u>

- f. Mobile Belt Filter Press; awarded on January 7, 2020 Council to Kershner Environmental Technologies. The unit was deployed at the Inland Bays RWF reducing legacy lagoon solids accumulation.
- g. DP&L expenses; on February 4, 2020 Council approved the electric utility relocation contract.
- h. The Rehoboth Beach WTP was built on a municipal landfill. Therefore, all construction including concrete ductbanks must be supported on piles. The

September 22, 2020

encounter of landfill debris was anticipated, and the bid contained a contingency unit price bid item. However, the actual amount trash encountered exceeded expectations and triggered evaluation of alternate solutions.

On July 14, 2020 Council approved a more cost-effective stand-alone purchase order to Melvin L. Joseph Construction Company, Inc.in the not to exceed amount of \$33,000.00 for hauling & screening. The work is complete, and the screening was extremely effective reducing the cost by over 60%. Because of the reduction in material to be hauled to the landfill the contractor requested and the Department accepted a mobilization/demobilization fee for the screen in addition to the unit costs.

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. <u>ADMINISTRATIVE</u>:

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

2. Sussex County Project No. <u>C19-11</u>

3. Change Order No. \_\_\_\_\_<u>5</u>\_\_\_

4. Date Change Order Initiated - 9/22/20

5. a. Original Contract Sum \$39,526,400.00

b. Net Change by Previous \$1,045,167.97

Change Orders

c. Contract Sum Prior to \$40,571,567.97 Change Order

d. Requested Change <u>\$32,991.66</u>

e. Net Change (No. of days) \_\_\_\_\_0

f. New Contract Amount <u>\$40,604,559.63</u>

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

Telephone No. (302) 855-7718

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

X 1. Differing Site Conditions

- 2. Errors and Omissions in Construction Drawings and Specifications
- Changes Instituted by Regulatory Requirements
- \_ 4. Design Change
- \_ 5. Overrun/Underrun in Quantity

	<u> </u>	Factors Affecting Time of Co	ompletion
	7.	Other (explain below):	
C.		ON OF CHANGE ORDER: nodifications and headworks p	piping modifications.
D.	JUSTIFICATION FO	R CHANGE ORDER INCLU	DED?
	YesX	No	
E.	APPROVALS		
1.	M.F. Ronca & Sons,	Inc., Contractor	
	Signature		Date
	Representative's Nar	me in Block Letters	
2.	Sussex County Engi	neer	
	Signature		Date
3.	Sussex County Cour	ncil President	
	Signature		Date



# **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

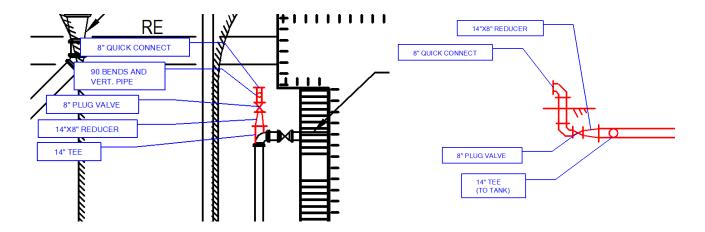
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review 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.	023 – Revised		B
RFP Subject	Aeration Tank Process Drain Connections		D
Issued By	S. Clark	Issue Date	Aug. 27, 2020

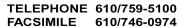
#### Description of proposed changes:

In lieu of the original request for a cross connection between the existing 14" Process Drain header for Aeration Tank Nos. 1-4 and the new 14" Process Drain header for the new Aeration Tank Nos. 5-8, please submit a proposal for a stand pipe location at each structure as shown in the following images. Note that the arrangement shown is for the drain from Aeration Tank Nos. 5-8. The proposal shall include the same arrangement for the existing from Aeration Tank Nos. 1-4. The new fittings would be located adjacent to Aeration Tank Nos. 4 and 5. Changes include the following:

- 1. Replace the proposed 14" 90-degree bend adjacent to Aeration Tank No. 5 with a 14-inch tee.
- 2. Remove and replace the existing 14" 90-degree bend adjacent to Aeration Tank No. 4 with a 14" tee. Turnover existing bend to Sussex County.
- 3. Two additional 14"x8" reducers.
- 4. Two additional 8" below grade plug valves.
- 5. Four additional 8" 90-degree bends.
- 6. Two additional 8" quick-connect fittings.









179 Mikron Road, Bethlehem, PA 18020

September 4, 2020

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. 554-005 Rev SCRWF Aeration Tank Process Drain Connection

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 Nineteen Thousand Nine Hundred Forty Nine Dollars and 05 Cents......(\$19,949.05).

Enclosed for your review is a corresponding breakdown of costs.

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

Regards,

Scott Wachinski

**Project Manger** 

cc: HO file 554

David A. Ronca

# Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-005 SCRWF - Aeration Tank Process Drain Connection - Rev

9/4/2020

#### **CHANGE ORDER SUMMARY**

Item 1 Installation of MJ/Flg Fittings, Valves & QD Fitting for Aeration Tanks1-4 & 5-8 Process Drain Above Grade Connection Points per GHD Revised RFP-023.

Labor Materials Equipment Subcontract	\$2,846.56 \$11,297.63 \$3,202.81 \$0.00
Subtotal	\$17,347.00
Contractor Overhead & Profit @ 15%	\$2,602.05
Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
Item Total	\$19,949.05
Change Order Total	\$19,949.05

# Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-005 SCRWF - Aeration Tank Process Drain Connection - Rev

<u>Item</u>

	Installation of MJ/Flg Fittings, Valves & QD Fitting for Aeration
Item 1	Tanks1-4 & 5-8 Process Drain Above Grade Connection
	Points per GHD Revised REP-023

**Description** 

Points per GHD Revised RFP-023.						
Labor: Operating Engineer Laborer	<b>Qty</b> 16.00 16.00	<u>Unit</u> MH MH	<u>Unit Cost</u> \$106.59 \$71.32	<u>Total</u> \$1,705.44 \$1,141.12	Labor Total:	\$2,846.56
Materials: 14"/8" DI Pipe, Fittings & Accessories 8" MJ Plug Valves 8" FLG x QD (Cam Lock) SS	<b>Qty</b> 1.00 2.00 2.00	<u>Unit</u> LS EA EA	Unit Cost \$4,869.63 \$1,479.00 \$1,735.00	<u>Total</u> \$4,869.63 \$2,958.00 \$3,470.00	Material Total:	\$11,297.63
Equipment: 40 K lb. Hyd. Exc. 2.5 CY RTL w/ SD 25 T Art. Hauler 8/0 x 24/0 Trench Box STS	<b>Qty</b> 8.00 8.00 8.00 1.00 12.00	<u>Unit</u> HR HR HR HR	Unit Cost \$109.19 \$102.94 \$121.71 \$156.49 \$31.30	Total \$873.52 \$823.52 \$973.68 \$156.49 \$375.60	Equipment Total:	\$3,202.81
Subcontract:	Qty	<u>Unit</u>	<u>Unit Cost</u> \$0.00	<u>Total</u> \$0.00	Subcontract Total:	\$0.00 \$17,347.00

9/4/2020



# **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.	019		TS.
RFP Subject	SCRWF Headwork's Influent Piping Modifications		p
Issued By S. Clark Issue Date		July 16, 2020	

#### Description of proposed changes:

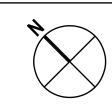
It was determined that the 18-inch influent force main, which was intended to remain in service following construction, is leaking in the yard. As a resolution, the 18-inch influent force main will now be abandoned and the County will utilize the existing 20-inch force main in its place. Provide a cost proposal to install additional above-grade piping in the Headworks Pipe Gallery as shown in the attached drawings. The piping will connect from the 20" plug valve, to the originally proposed 18-inch cast-in connection to the Receiving Tower, as shown in the attached revisions of SC-M0104 and SC-M0106. Changes include the following:

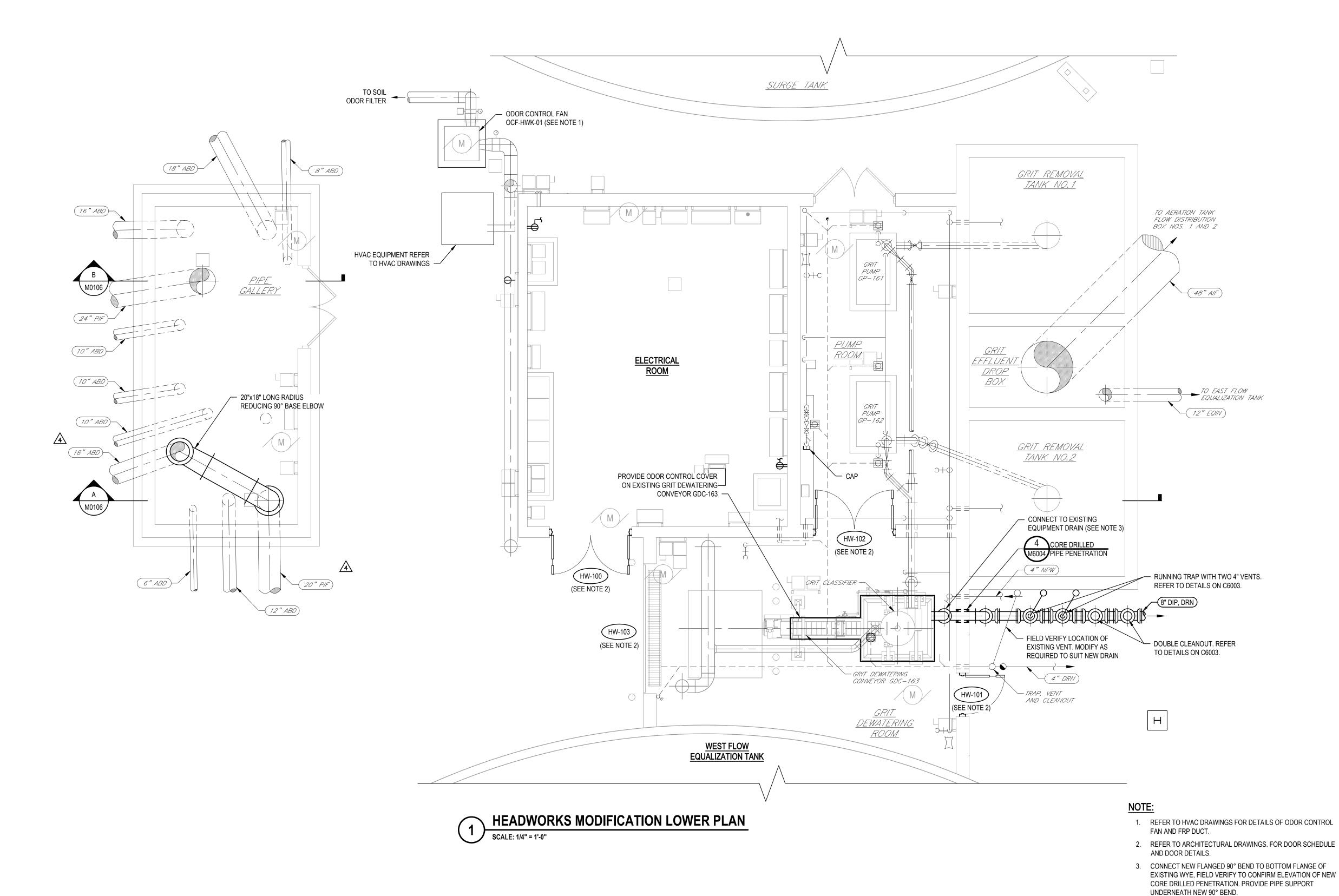
- 1. Additional 20" x 18" DIP long radius 90-degree reducing base elbow.
- 2. Additional 20" DIP 90-degree bend.
- 3. Removal of existing 18" plug valve and turnover to Sussex County.
- 4. Salvage of demolished 18" piping flanged end by plain end piping section for use in support of reducing base elbow in accordance with the attached Drawing revisions.

No additional work outside of the Pipe Gallery is required.

Revised SC-M0104 and SC-M0106 attached.







В	ISSUED FOR RFP-019	KML	TAY	06/2020
Α	CONFORMED PER ADDENDA NOS. 1-5	LB	TAY	11/2019
0	FOR BID	KML	TAY	08/2019
No.	Issue	Drawn	Approved	Date

SCALE 1/4"=1'-0" AT ORIGINAL SIZE

Bar is one inch on original size sheet 0 \_\_\_\_\_ 1" Reuse of Documents This document and the ideas and designs incorporated herein, as an instrument of professional service, is the

property of GHD and shall not be reused in whole or in part

for any other project without GHD's written authorization.

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GHD Inc. 16701 Melford Boulevard, Suite 330 Bowie MD 20715 USA **T** 1 240 206 6810 **F** 1 240 206 6811 **W** www.ghd.com

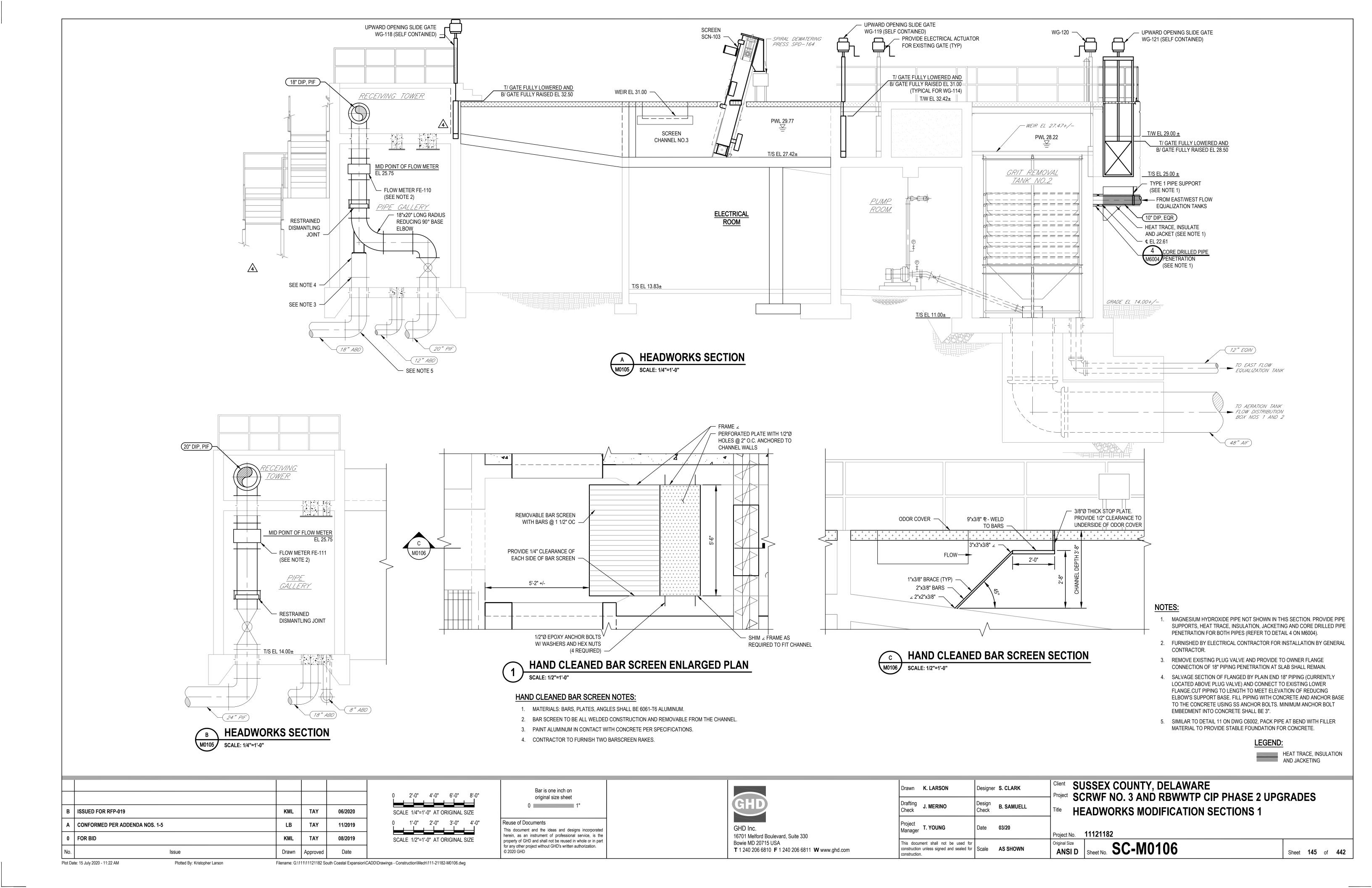
Orawn K. LARSON Designer S. CLARK Drafting J. MERINO Design Check B. SAMUELL T. YOUNG Date **03/20** Manager This document shall not be used for construction unless signed and sealed for Scale

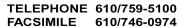
Client SUSSEX COUNTY, DELAWARE SCRWF NO. 3 AND RBWWTP CIP PHASE 2 UPGRADES **HEADWORKS MODIFICATION LOWER PLAN** 

Project No. **11121182** 

ANSI D Sheet No. SC-M0104

Sheet 143 of 442







179 Mikron Road, Bethlehem, PA 18020

September 15, 2020

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. 554-006

SCRWF Headworks Inf. Piping 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 Thirteen Thousand Forty Two Dollars and 61 Cents......(\$13,042.61).

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 554-006 SCRWF - Headworks Infl. Piping Mods

9/15/2020

#### **CHANGE ORDER SUMMARY**

	Itam 1	Modifications to Headworks Influent Pipe Gallery Piping per GHD RFP-019 to Include Addl.
	Item 1	Piping, Concrete for Base 90 Support, Etc.

Labor Materials Equipment Subcontract	\$3,156.80 \$8,028.00 \$156.60 \$0.00
Subtotal	\$11,341.40
Contractor Overhead & Profit @ 15%	\$1,701.21
Contr. Overhead & Profit on Subcontr. @ 5%	\$0.00
Item Total	\$13,042.61
Change Order Total	\$13,042.61

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

PCOR 554-006 SCRWF - Headworks Infl. Piping Mods

9/15/2020

<u>ltem</u>	<u>Description</u>						
Item 1	Modifications to Headworks Influent Pipe Gallery Piping per GHD RFP-019 to Include Addl. Piping, Concrete for Base 90 Support, Etc.						
	Labor: Mechanic/Fitter Laborer	<u>Qtv</u> 20.00 10.00	<u>Unit</u> MH MH	<u>Unit Cost</u> \$122.18 \$71.32	Total \$2,443.60 \$713.20	Labor Total:	\$3,156.80
	Materials: 18"/20" Pipe and Fittings Misc. Flange/Base Anchor Hardware & Accessories	<u>Qty</u> 1.00 1.00	<u>Unit</u> LS LS	<u>Unit Cost</u> \$7,278.00 \$750.00	<u>Total</u> \$7,278.00 \$750.00	Material Total:	\$8,028.00
	Equipment: STS	<u><b>Qtv</b></u> 10.00	<u>Unit</u> HR	<u>Unit Cost</u> \$15.66	<u>Total</u> \$156.60	Equipment Total:	\$156.60
	Subcontract:	<u>Qtv</u>	<u>Unit</u>	Unit Cost \$0.00	<u>Total</u> \$0.00	Subcontract Total:	\$0.00
						Item Total:	\$11,341.40



# SUSSEX COUNTY CHANGE ORDER REQUEST

### A. <u>ADMINISTRATIVE</u>:

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

2. Sussex County Project No. <u>C19-17</u>

3. Change Order No. \_\_\_\_\_6\_

4. Date Change Order Initiated - 9/22/20

5. a. Original Contract Sum <u>\$22,178,674.00</u>

b. Net Change by Previous (\$716,994.80)

Change Orders

c. Contract Sum Prior to \$21,461,679.20 Change Order

d. Requested Change \$16,550.00

e. Net Change (No. of days) \_\_\_\_\_0\_\_

f. New Contract Amount <u>\$21,478,229.20</u>

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

Telephone No. (302) 855-7718

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

X 1. Differing Site Conditions

- Errors and Omissions in Construction Drawings and Specifications
- \_ 3. Changes Instituted by Regulatory Requirements
- X 4. Design Change
- \_ 5. Overrun/Underrun in Quantity

	<u> </u>	Factors Affecting Ti	me of Completion		
	7.	Other (explain below	v):		
C.	Modification of sewe		<b>DER:</b> In Sludge Building from gravity of the package pump station.	Irain to pumped	
D.	JUSTIFICATION FOR CHANGE ORDER INCLUDED?				
	Yes <u>X</u>	No			
E.	APPROVALS				
1.	B.W. Electric, Inc., Contractor				
	Signature		Date		
	Representative's Na	ame in Block Letters			
2.	Sussex County Engineer				
	Signature		Date		
3.	Sussex County Cou	ncil President			
	Signature		Date		



# **Request for Proposal**

Project Title SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2			
Owner	Sussex County, Delaware		
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182

Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.

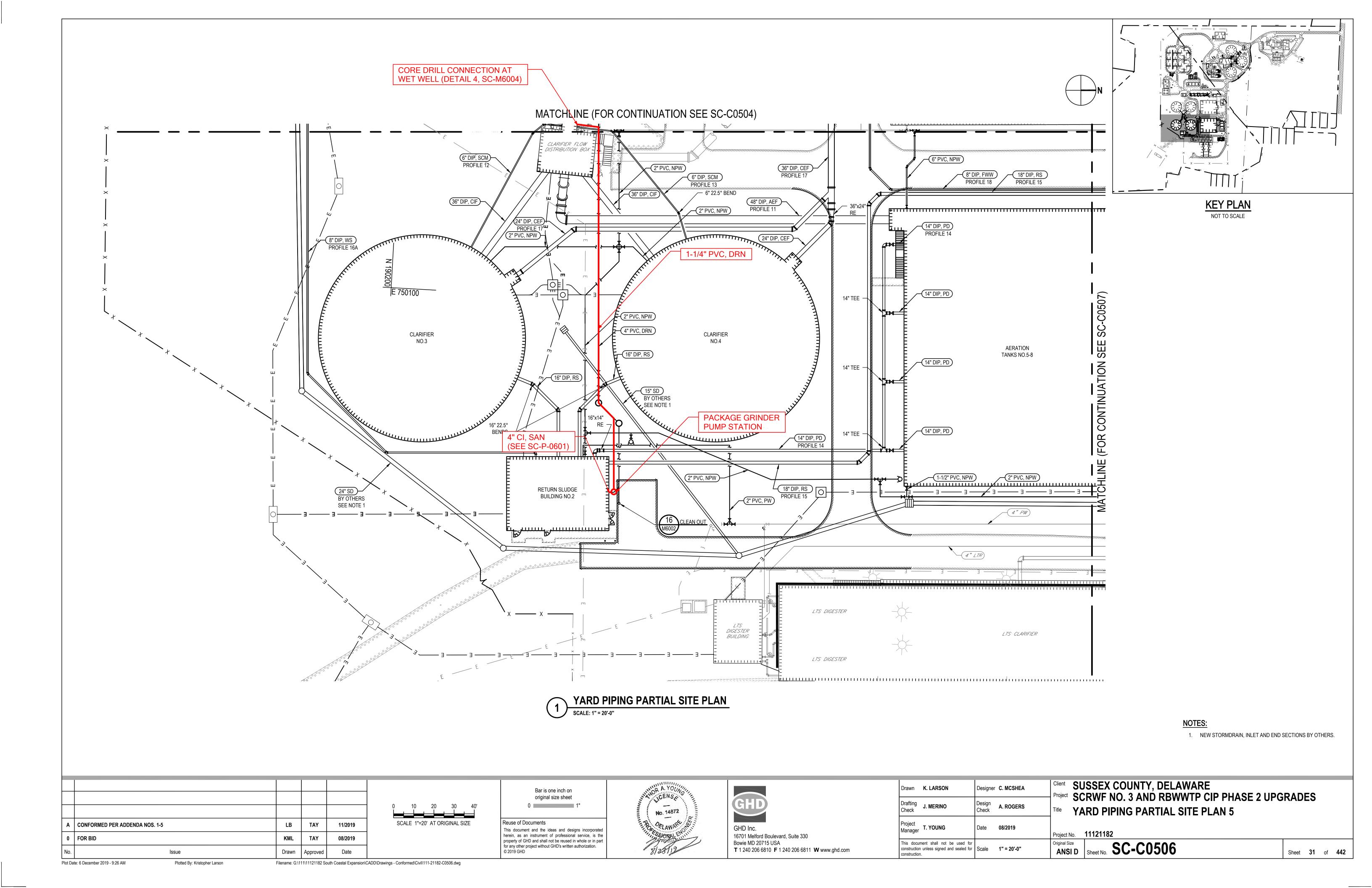
RFP No.	024		78
RFP Subject	Return Sludge Building No. 2 Drain Pump – Electrical Construction		þ
Issued By	D. Murray	Issue Date	Aug. 12, 2020

#### Description of proposed changes:

Provide cost proposal to perform the following electrical work associated with installation of package grinder pump station (GPS) by General Contractor.

- 1. Mount OEM CP furnished by GC on exterior wall of Return Sludge Building No. 2 in the vicinity of the GPS (see attached markup for location of GPS).
- 2. Provide 30A, 3P disconnect switch (DS) and mount on wall adjacent to OEM CP.
- 3. Provide 3/4" conduit with 2-#10, 1-#10G conductors from load side of DS to OEM CP
- 4. Provide 7.5 kVA 480-240VAC 1-phase transformer and mount on interior of Return Sludge Building No. 2 on opposite side of wall where OEM CP and DS are located.
- 5. Provide 3/4" conduit with 2-#10, 1-#10G conductors from 7.5 kVA transformer secondary to line side of DS.
- 6. Install one of the spare 15 A circuit breakers required by Section 16486.1.11.C in MCC-RSB2 to feed 7.5 kVA transformer.
- 7. Provide 3/4" conduit with 2-#12, 1-#12G conductors from MCC-RSB2 to primary of 7.5 kVA transformer.
- 8. Provide 1" minimum PVC coated RGS conduit at connection to OEM CP and to GPS as shown in GPS installation instructions. Coordinate size with openings provided at OEM CP and GPS.
- 9. Pull manufacturer's cable from GPS to OEM CP. Cable shall be direct buried except vertical run down to 30" minimum below grade.
- 10. Provide 3/4" conduit with 2-#14, 1-#12G from OEM CP to PCS-RSB2. Connect conductors to Power Loss/High Level Alarm Dry Contact in OEM CP. Coordinate with CSI for which terminals to land the conductors on in PCS-RSB2.







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

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

August 28, 2020

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 24

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 24. Our price does not include the use of Prevailing Wages. Our price is \$16,550.00 and includes the following:

- 1. Mount OEM CP furnished by GC on exterior wall of Return Sludge Building No. 2 in the vicinity of the GPS (see attached markup for location of GPS).
- 2. Provide 30A, 3P disconnect switch (DS) and mount on wall adjacent to OEM CP.
- 3. Provide 3/4" conduit with 2-#10, 1-#10G conductors from load side of DS to OEM CP
- 4. Provide 7.5 kVA 480-240VAC 1-phase transformer and mount on interior of Return Sludge Building No. 2 on opposite side of wall where OEM CP and DS are located.
- 5. Provide 3/4" conduit with 2-#10, 1-#10G conductors from 7.5 kVA transformer secondary to line side of DS.
- 6. Install one of the spare 15 A circuit breakers required by Section 16486.1.11.C in MCC-RSB2 to feed 7.5 kVA transformer.
- 7. Provide 3/4" conduit with 2-#12, 1-#12G conductors from MCC-RSB2 to primary of 7.5 kVA transformer
- 8. Provide 1" minimum PVC coated RGS conduit at connection to OEM CP and to GPS as shown in GPS installation instructions. Coordinate size with openings provided at OEM CP and GPS.
- 9. Pull manufacturer's cable from GPS to OEM CP. Cable shall be direct buried except vertical run down to 30" minimum below grade.

10. Provide 3/4" conduit with 2-#14, 1-#12G from OEM CP to PCS-RSB2. Connect conductors to Power Loss/High Level Alarm Dry Contact in OEM CP. Coordinate with CSI for which terminals to land the conductors on in PCS-RSB2.

#### **Exclusions**

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

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

Sincerely,

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



#### SUSSEX COUNTY CHANGE ORDER REQUEST

#### A. <u>ADMINISTRATIVE</u>:

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

2. Sussex County Project No. <u>C19-17</u>

3. Change Order No. \_\_\_\_\_\_7\_\_\_

4. Date Change Order Initiated - <u>9/22/20</u>

5. a. Original Contract Sum <u>\$22,178,674.00</u>

b. Net Change by Previous (\$700,444.80)
Change Orders

c. Contract Sum Prior to \$21,478,229.20 Change Order

d. Requested Change \$307,300.00

e. Net Change (No. of days) \_\_\_\_\_0\_\_

f. New Contract Amount <u>\$21,785,529.20</u>

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

Telephone No. (302) 855-7718

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

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

	<u> </u>	Factors Affecting	Time of Completion	
	7.	Other (explain be	low):	
C.	BRIEF DESCRIPTION City of Rehoboth oxic extension.		RDER: al equipment replacement and a	a 60 days' time
D.	JUSTIFICATION FO	R CHANGE ORDE	R INCLUDED?	
	Yes <u>X</u>	No	_	
E.	<u>APPROVALS</u>			
1.	B.W. Electric, Inc., C	Contractor		
	Signature		Date	
	Representative's Na	me in Block Letters		
2.	Sussex County Engi	neer		
	Signature		Date	
3.	Sussex County Cou	ncil President		
	Signature		Date	



#### **Request for Proposal**

Project Title	SCRWF Upgrade No. 3 & RBWWTP C	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware			
Contract No.	C19-17: Electrical Construction	GHD Project No.	11121182	

Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.

RFP No.	025		(C)
RFP Subject	RBWWTP CIP Upgrade Phase 3A – Electrical Construction		
Issued By	D. Murray, S. Clark	Issue Date	Aug. 25, 2020

#### Description of proposed changes:

The City of Rehoboth Beach is procuring Oxidation Ditch Equipment Goods and Special Services under City of Rehoboth Beach Contract No. RB-WWTP-2020-01. Sussex County and the City of Rehoboth Beach request a proposal to complete the Work shown on the attached Drawings as a Change to Sussex County Contract C19-17. These Drawings include the structural (S) and mechanical (M) sheets which show Work to be completed by the General Construction Contractor. These sheets are provided for information only. The Electrical scope is shown on the general (G) and electrical (E) drawings.

#### Sequence of construction and temporary power requirements:

A minimum of one oxidation ditch, with two draft Tube mixers, level sensor, and DO sensor must remain in service at all times. Suggested sequence of construction is as follows (contingent on General Contractor's sequence of construction):

- 1. Temporarily relocate shared T-2A/B DO transmitter to T-2A platform.
- 2. Demolish electrical equipment on T-2B platform.
- 3. Provide temporary power to equipment on T2A platform as required to clear conduits for demolition of T-2B
- 4. After T-2B platform has been refurbished and reinstalled by General Contractor, install new electrical equipment on T-2B platform and provide power to new Mixers M-3 and M-4.
- 5. Demolish electrical equipment on T-2A platform.
- 6. After T-2A platform has been refurbished and reinstalled by General Contractor, install new electrical equipment on T-2A platform and provide power to new Mixers M-1 and M-2.

Unless otherwise noted, the requirements of the Contract Documents for Sussex County Contract C19-17 shall apply. This includes, but is not limited to, General Requirements (Division 1), Electrical (Division 16), Instrumentation (Division 17), and the standard electrical details included with the Drawings. In addition, Contractor shall comply the requirements included in the General Notes on Drawing G002.

Note that one Oxidation Ditch shall remain in service at all times, and that the work cannot commence prior to the City draining the first Oxidation Ditch (November 1, 2020), and must be completed prior to April 1, 2021. Work in the second ditch cannot commence until the 2-week Startup period has been completed for the first ditch (refer to Section 01660). The procurement contract requires the delivery of equipment by November 24, 2020.

The RFP issued to the General Construction Contractor is provided separately for information.







REHOBOTH BEACH WWTP

# CAPITAL IMPROVEMENT PROGRAM UPGRADE PHASE 3A



FOR UTILITY LOCATIONS
CALL AT LEAST 48 HOURS
BEFORE BEGINNING CONSTRUCTION

#### **ENERAL NOTES:**

VERTICAL DATUM:

1. LOT ADDRESS:

20573 ROOSEVELT ST. REHOBOTH BEACH, DE 19971

2. OWNER:

CITY OF REHOBOTH BEACH

3. LATITUDE 38° 42' 01" N 75° 05' 30" W

4. DISTRICT-MAP-PARCEL 334-19.00-171.01

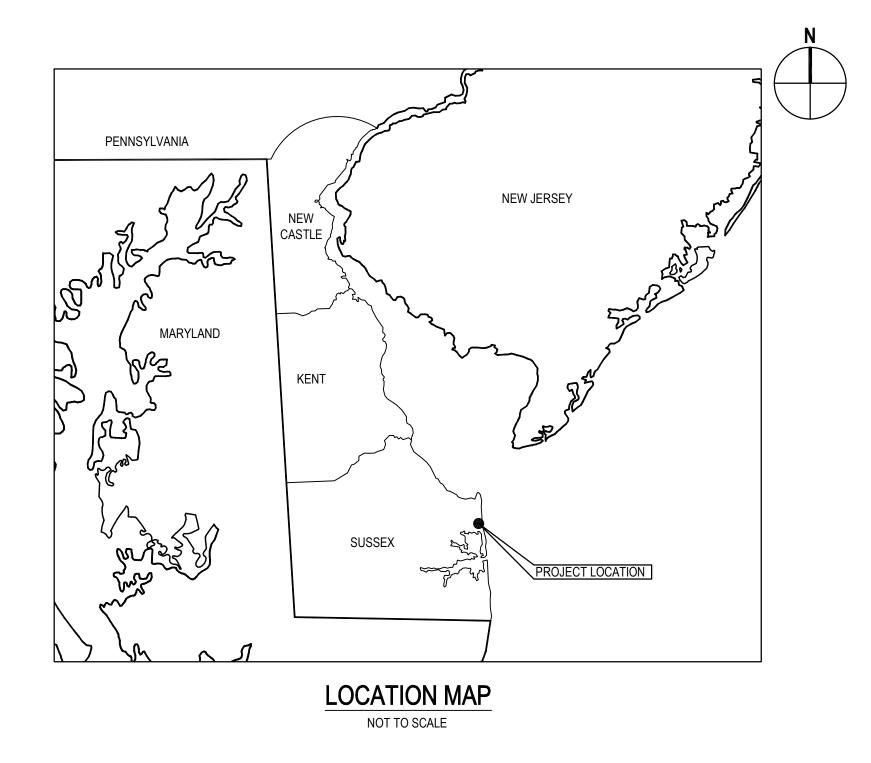
5. ZONING MEDIUM RESIDENTIAL

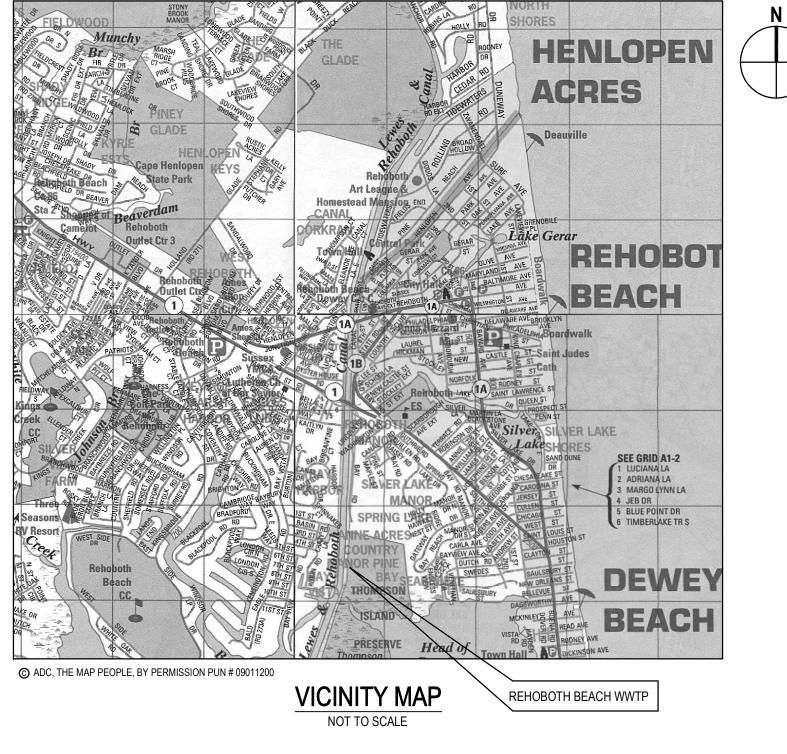
6. LOT SIZE 19.35 acres

7. ADC MAP: MAP 27; GRID A2

8. HORIZONTAL DATUM: NAD83

PLANT DATUM





0	FOR CONSTRUCTION	KML	TAY	05/2020
No.	Issue	Drawn	Approved	Date

Plot Date: 18 June 2020 - 3:47 PM



rawn	L. BEREZNITSKY	Designer	A. THRON	Client Project	CIT	Γ <b>\</b> :H
rafting neck	K. LARSON	Design Check	S. CLARK	Title	CC	
oject anager	T. YOUNG	Date	05/2020	Project N	lo.	11
	nent shall not be used for	Scale	NOT TO SCALE	Original Siz	:e	

Client CITY OF REHOBOTH BEACH, DELAWARE REHOBOTH BEACH WWTP CIP UPGRADE PHASE 3A

Title COVER SHEET, LOCATION AND VICINITY MAPS

No. 11121182/ 11207670

Sheet No. G001

#### LIST OF DRAWINGS

			GENERAL
1	G	001	COVER SHEET, LOCATION AND VICINITY MAPS
2	G	002	LIST OF DRAWINGS, LEGENDS, SYMBOLS, ABBREVIATIONS AND NOTES
			STRUCTURAL
3	S	001	STRUCTURAL PLAN
			MECHANICAL
4	М	001	OXIDATION DITCHES T-2A & T-2B DEMOLITION PLAN
5	М	002	OXIDATION DITCHES T-2A & T-2B DEMOLITION SECTION
6	М	003	OXIDATION DITCHES T-2A & T-2B MODIFICATION PLAN
7	М	004	OXIDATION DITCHES T-2A & T-2B MODIFICATION SECTION
			ELECTRICAL
8	E	001	OXIDATION DITCHES T-2A & T-2B DEMOLITION PLAN AND POWER AND CONTROL PLAN
9	E	002	OXIDATION DITCHES T-2A & T-2B LIGHTING PLAN
10	Е	003	OXIDATION DITCHES T-2A & T-2B CONDUIT RISER DIAGRAM

#### **DESIGN CRITERIA**

#### **DESIGN FLOWS**

DESIGN MAXIMUM MONTH FLOW 3.4 MGD DESIGN PEAK FLOW 7.2 MGD

#### PERMITTED EFFLUENT REQUIREMENTS

AVERAGE DAILY EFFLUENT TSS LESS THAN 15 MG/L (MONTHLY AVERAGE)
MAXIMUM DAILY EFFLUENT TSS LESS THAN 23 MG/L

#### OXIDATION DITCHES

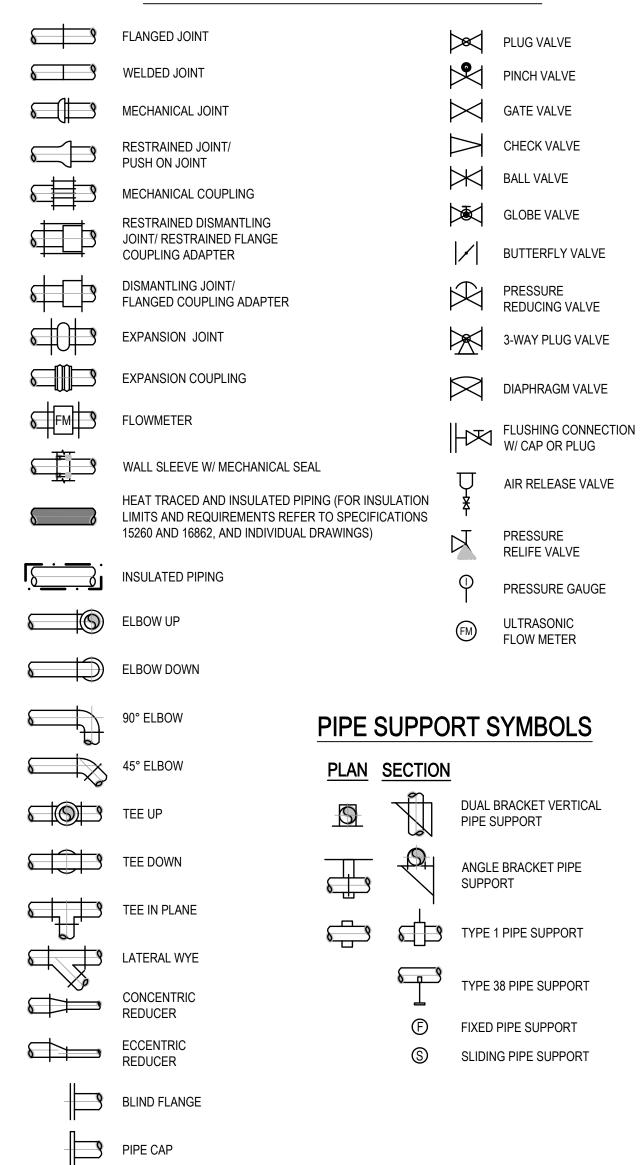
NUMBER OF TANKS
TYPE OF TANK

TYPE OF TANK OXIDATION DITCH HIGH WATER LEVEL EL 27.5'
LOW WATER LEVEL EL 22.5'

#### GENERAL NOTES (APPLIES TO ALL DRAWINGS)

- 1. OXIDATION DITCH EQUIPMENT IS BEING FURNISHED BY PHILADELPHIA MIXING SYSTEMS, LTD., CITY OF REHOBOTH BEACH PROCUREMENT CONTRACT RB-WWTP-2020-01.
- INSTALLATION IS BEING COMPLETED UNDER SUSSEX COUNTY CONTRACTS C19-11 (GENERAL CONSTRUCTION) AND C19-17 (ELECTRICAL CONSTRUCTION). INSTALLATION SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THESE CONTRACTS, AS SUPPLEMENTED BY THESE DRAWINGS.
- 3. WORK SHOWN ON THE STRUCTURAL AND MECHANICAL DRAWINGS SHALL BE COMPLETED BY THE GENERAL CONSTRUCTION CONTRACTOR. WORK SHOWN ON THE ELECTRICAL DRAWINGS SHALL BE COMPLETED BY THE ELECTRICAL CONSTRUCTION CONTRACTOR. THE GENERAL DRAWINGS APPLY TO BOTH CONTRACTS.
- 4. ONE OXIDATION DITCH MUST REMAIN IN SERVICE AT ALL TIMES. DEMOLITION WORK SHALL NOT START PRIOR TO NOVEMBER 2020. INSTALLATION, TESTING, AND STARTUP SHALL BE COMPLETED PRIOR TO APRIL 2021.
- 5. GENERAL CONTRACTOR WILL BE REQUIRED TO RECEIVE, UNLOAD AND STORE EQUIPMENT FURNISHED BY PMSL UNTIL INSTALLATION IS COMPLETE. EQUIPMENT SHALL BE FURNISHED BY MANUFACTURER IN CONTAINERS SUITABLE FOR OUTDOOR STORAGE.
- 6. GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR COMPLETING INSTALLATION, TESTING, AND STARTUP OF THE OXIDATION DITCH EQUIPMENT IN ACCORDANCE WITH SECTIONS 01600, 01640, AND 01660. THIS INCLUDES PRELIMINARY FIELD TESTING, FUNCTIONAL TESTING, SYSTEMS DEMONSTRATION TESTING, AND STARTUP. THE CITY OF REHOBOTH BEACH WILL PAY THE MANUFACTURER TO HAVE A REPRESENTATIVE ATTEND SITE DURING TESTING AND STARTUP.
- 7. THE EXISTING STEEL FRAMING OF THE OXIDATION DITCH PLATFORMS SHALL BE INSPECTED FOLLOWING REMOVAL OF GRATING AND GUARDRAIL, AND COMPLETION OF BLAST CLEANING, AND PRIOR TO APPLICATION OF NEW COATINGS. SCOPE AND EXTENT OF ANY REPAIRS TO BE DETERMINED IN THE FIELD.

#### PIPE FITTINGS AND VALVE SYMBOLS

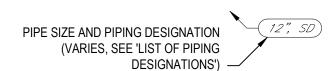


#### **GENERAL LEGEND**

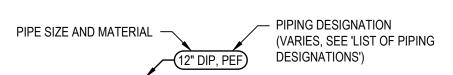
NEW GRAPHICS; EQUIPMENT, STRUCTURES, ETC., ARE SHOWN AS BOLD LINEWORK AND IN THIS TEXT FORMAT.

EXISTING GRAPHICS; EQUIPMENT, CONDITIONS STRUCTURES, ETC. ARE SHOWN AS LIGHT LINEWORK AND IN THIS TEXT FORMAT.

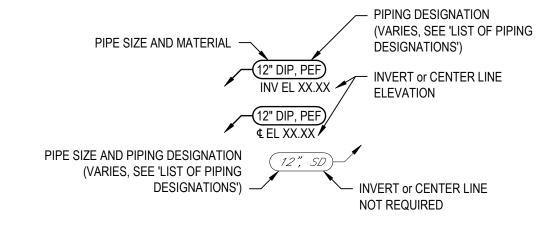
#### **EXISTING PIPE CALLOUT (FOR PLANS)**



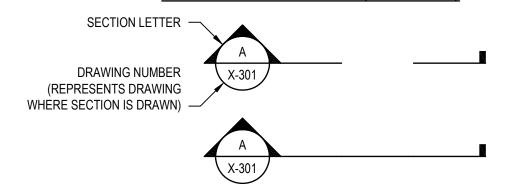
#### **NEW PIPE CALLOUT (FOR PLANS)**



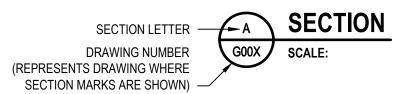
#### **NEW/EXIST PIPE CALLOUT (FOR SECTIONS)**



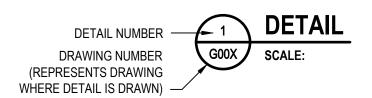
#### TYPICAL SECTION MARKS (FOR PLANS)



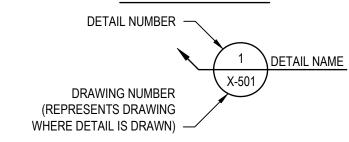
#### TYPICAL SECTION SUB-TITLE (FOR SECTIONS)



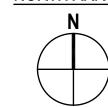
#### TYPICAL DETAIL MARKS



#### TYPICAL DETAILING



#### NORTH ARROW



0	FOR CONSTRUCTION	BOMIM	TAY	05/2020
No.	Issue	Drawn	Approved	Date

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#### lause of Decuments

Reuse of Documents

This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of GHD and shall not be reused in whole or in part for any other project without GHD's written authorization.

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Drawn	L. BEREZNITSKY	Designer	A. THRON
Drafting Check	K. LARSON	Design Check	S. CLARK
Project Manager	T. YOUNG	Date	05/2020
	ment shall not be used for a unless signed and sealed for a.	Scale	NOT TO SCALE

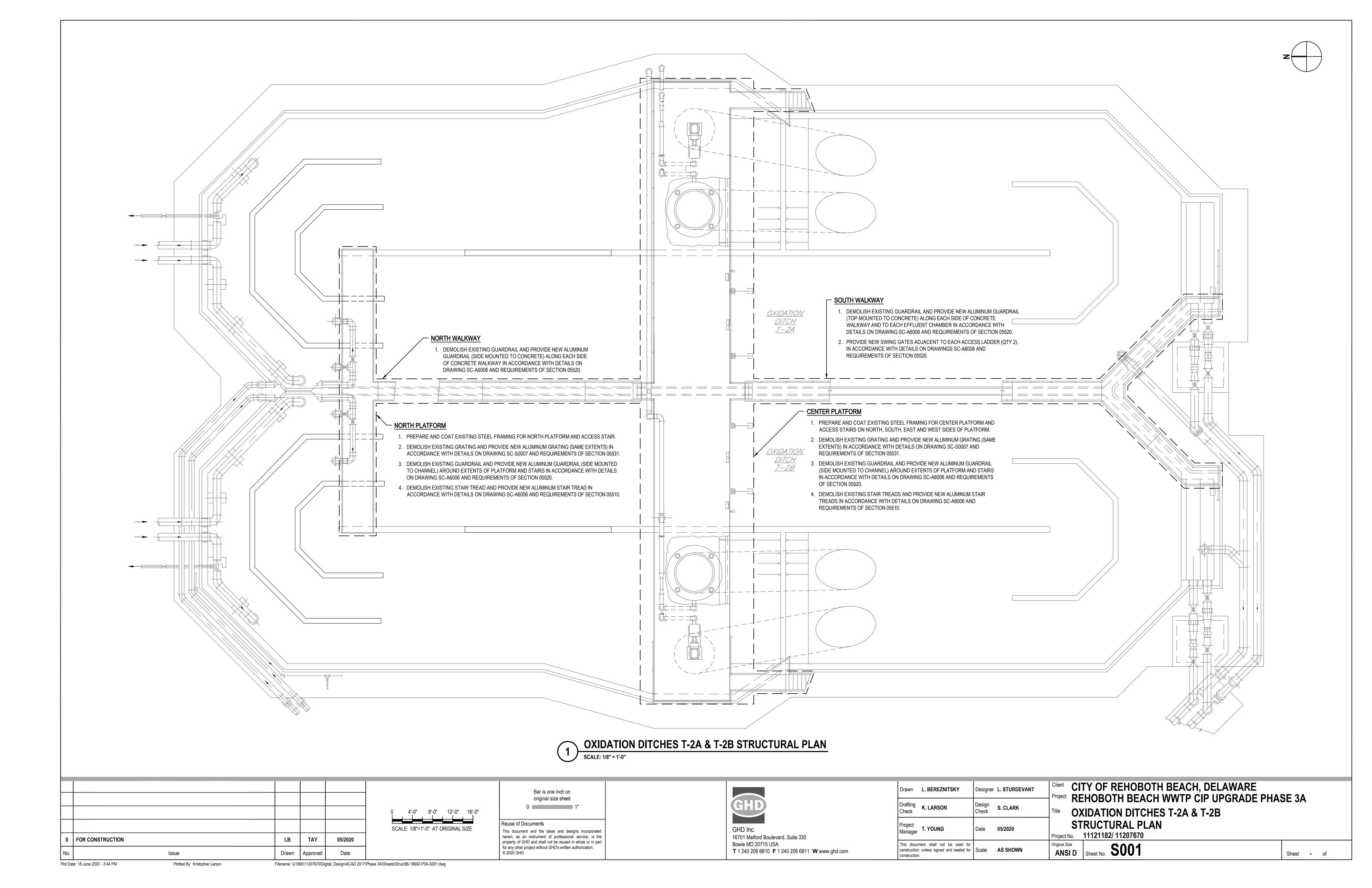
Client CITY OF REHOBOTH BEACH, DELAWARE
Project REHOBOTH BEACH WWTP CIP UPGRADE PHASE 3A

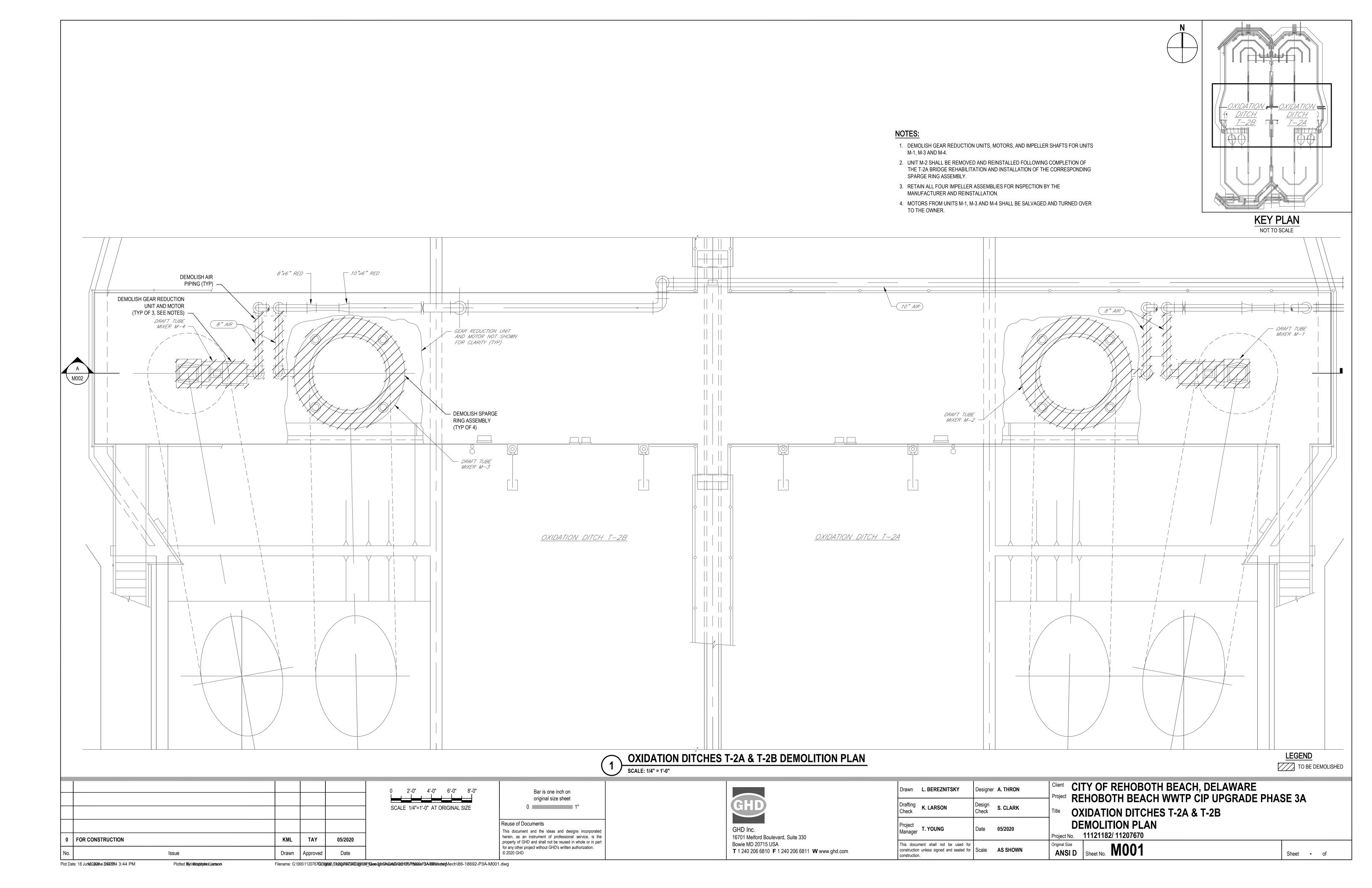
Title LIST OF DRAWINGS, LEGENDS, SYMBOLS
ABBREVIATIONS AND NOTES
Project No. 11121182/ 11207670

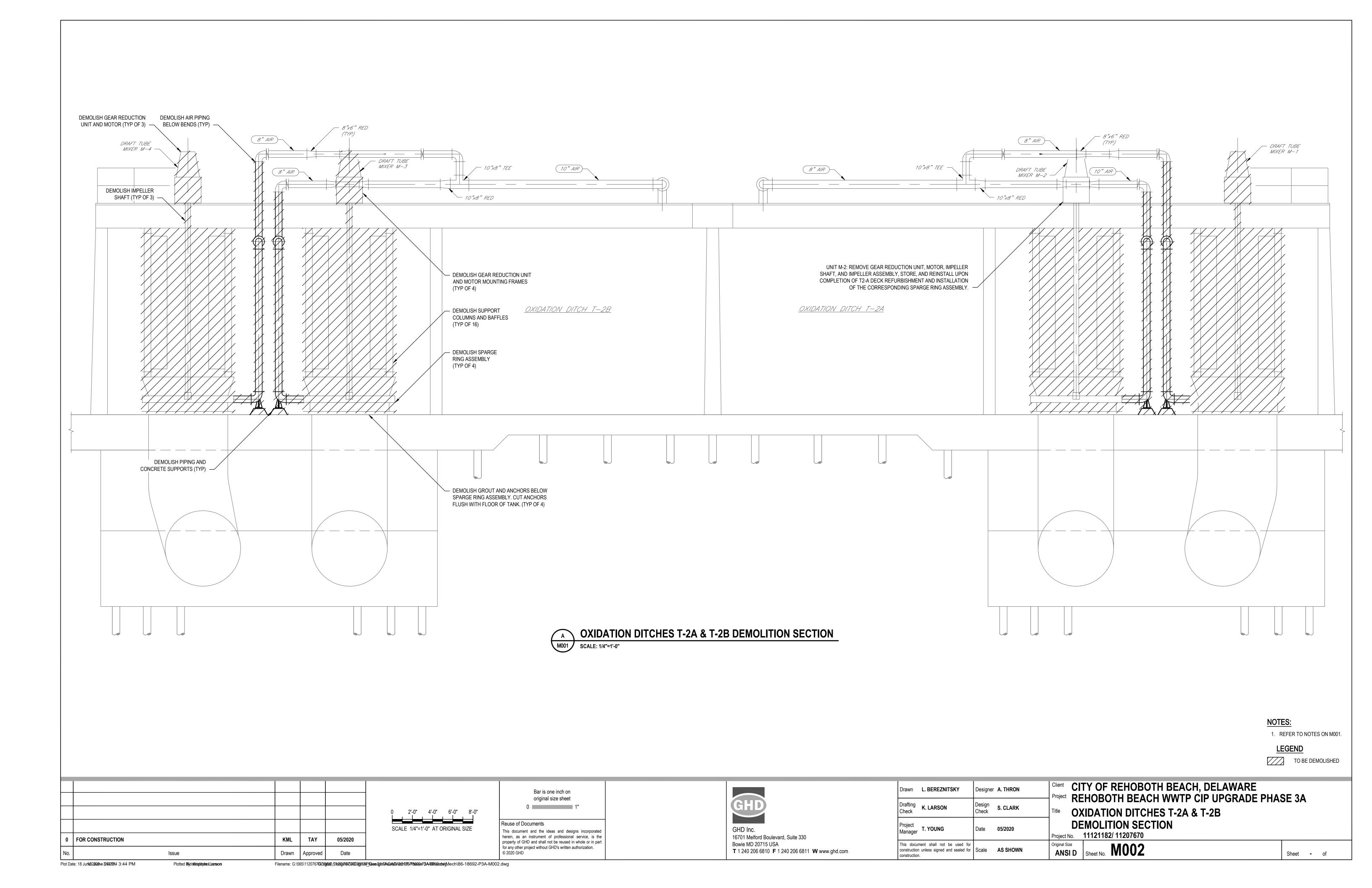
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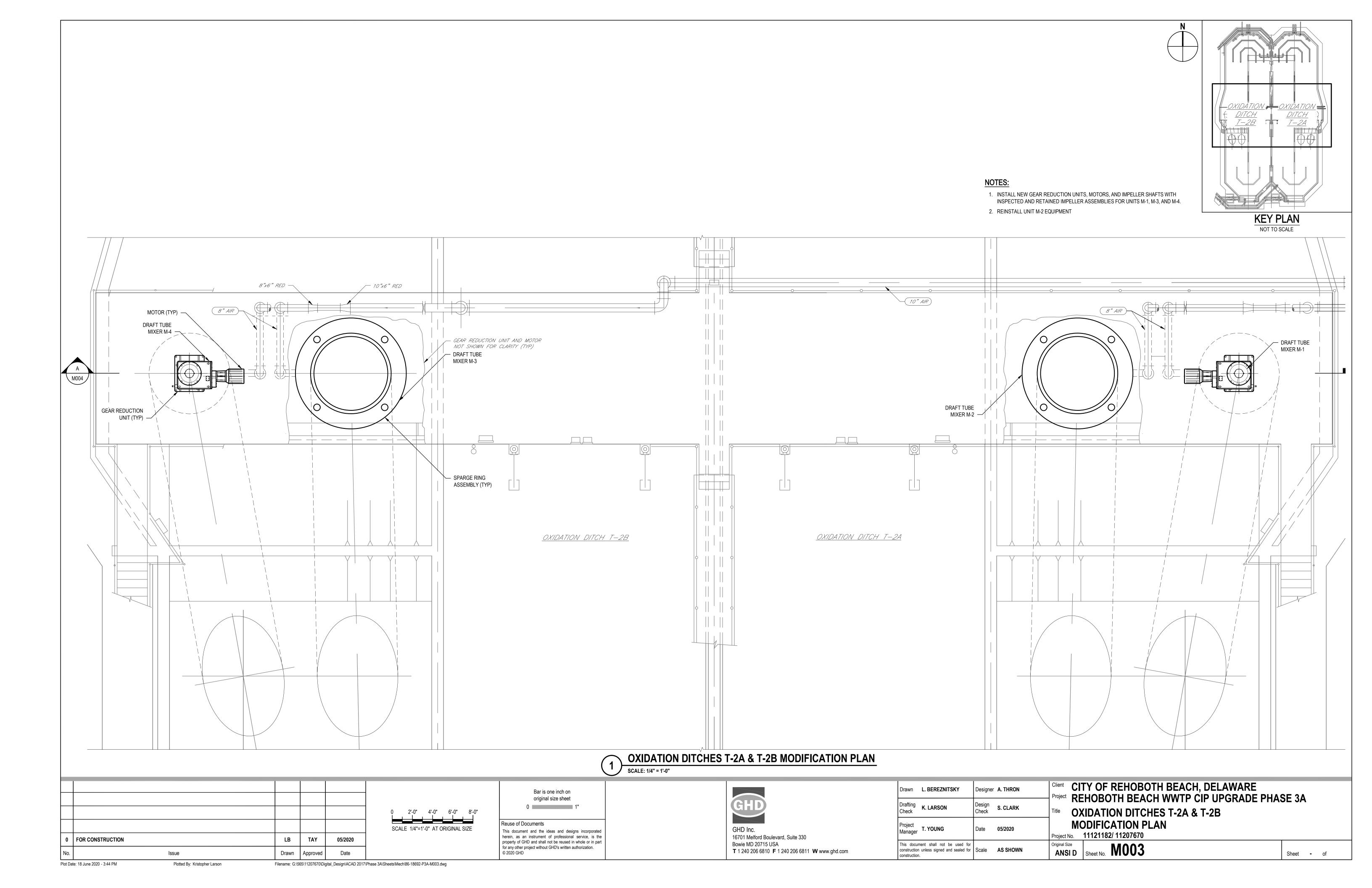
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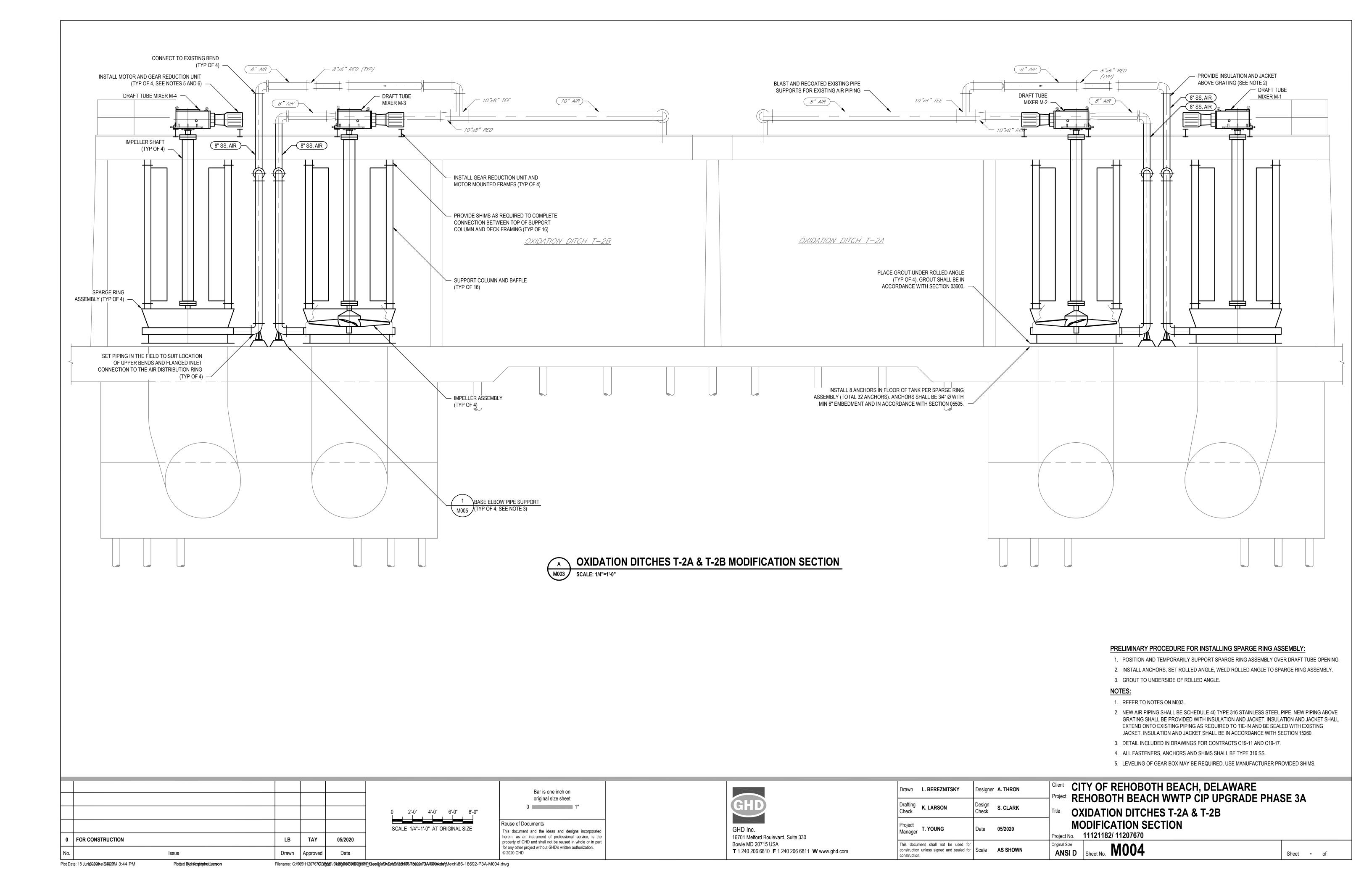
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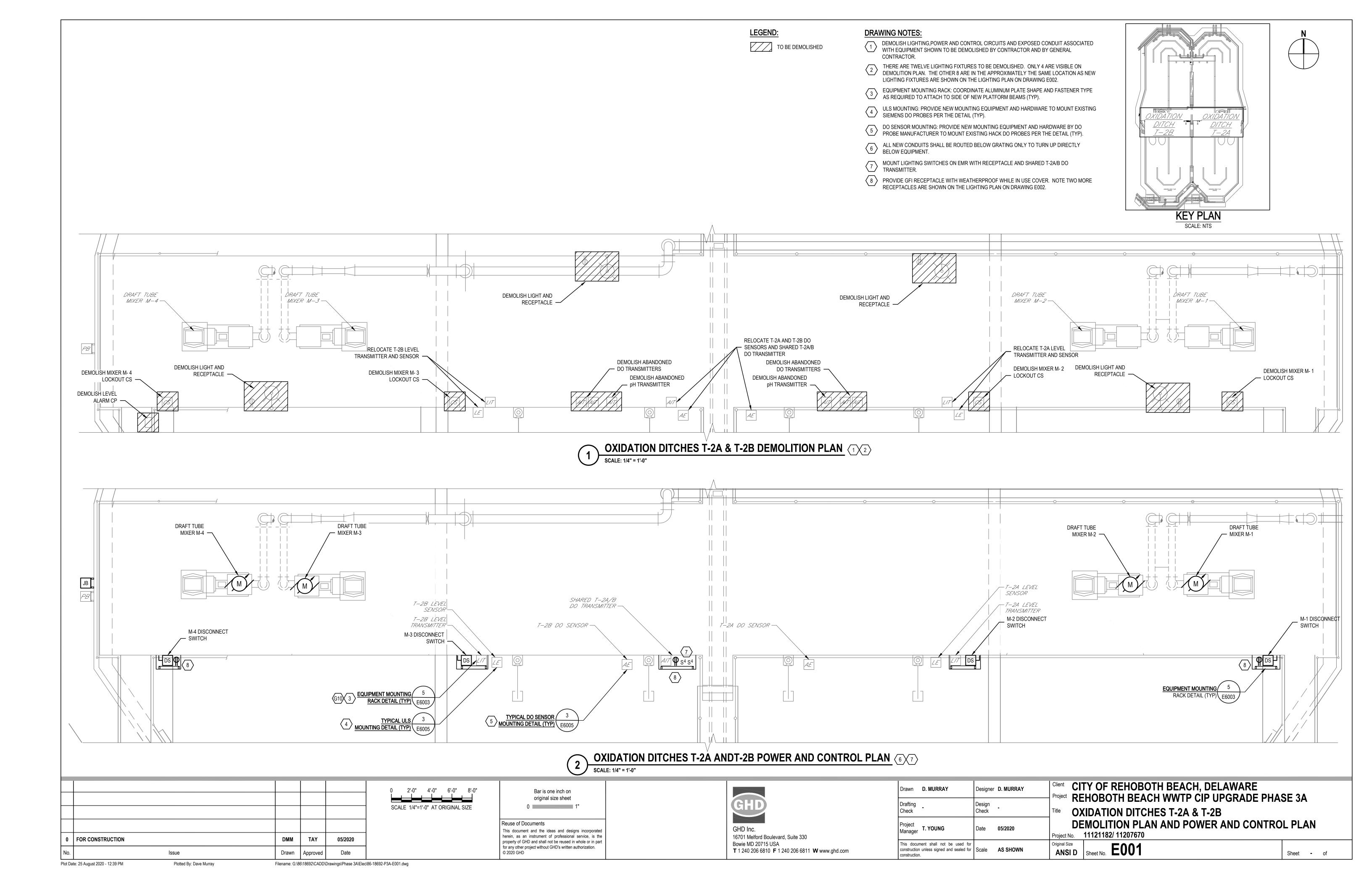


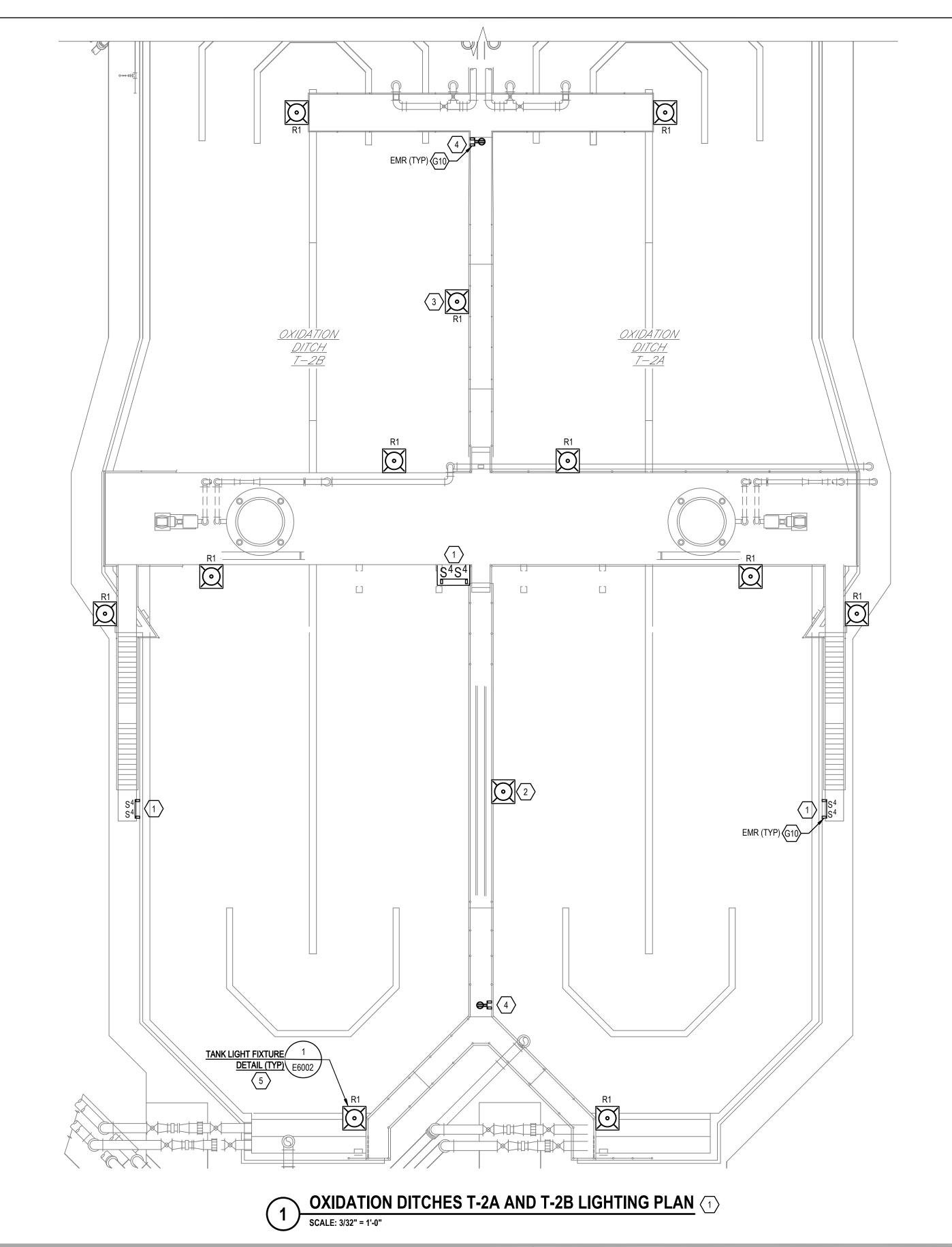














**DRAWING NOTES:** 

- TANK T-2A LIGHTING SHALL BE SWITCHED INDEPENDENTLY OF TANK T-2B LIGHTING. PROVIDE A SWITCH FOR EACH TANK'S LIGHTING IN EACH OF THE THREE LOCATIONS SHOWN ON THIS DRAWING AND ON THE LIGHTING PLAN ON DRAWING E002.
- 2 SWITCH WITH T-2A LIGHTING FIXTURES.
- 3 SWITCH WITH T-2B LIGHTING FIXTURES.
- PROVIDE GFI RECEPTACLE WITH WEATHERPROOF WHILE IN USE COVER.
- TANK LIGHT MOUNTING: COORDINATE ALUMINUM PLATE SHAPE AND FASTENER TYPE AS REQUIRED TO ATTACH TO SIDE OF NEW PLATFORM BEAMS (TYP).

Sheet - of

					0 8'-0" 16'-0" 24'- SCALE 3/32"=1'-0" AT ORIGINAL SIZE
0	FOR CONSTRUCTION	DMM	TAY	05/2020	
No.	Issue	Drawn	Approved	Date	

Bar is one inch on original size sheet 0 1" Reuse of Documents This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of GHD and shall not be reused in whole or in part for any other project without GHD's written authorization.

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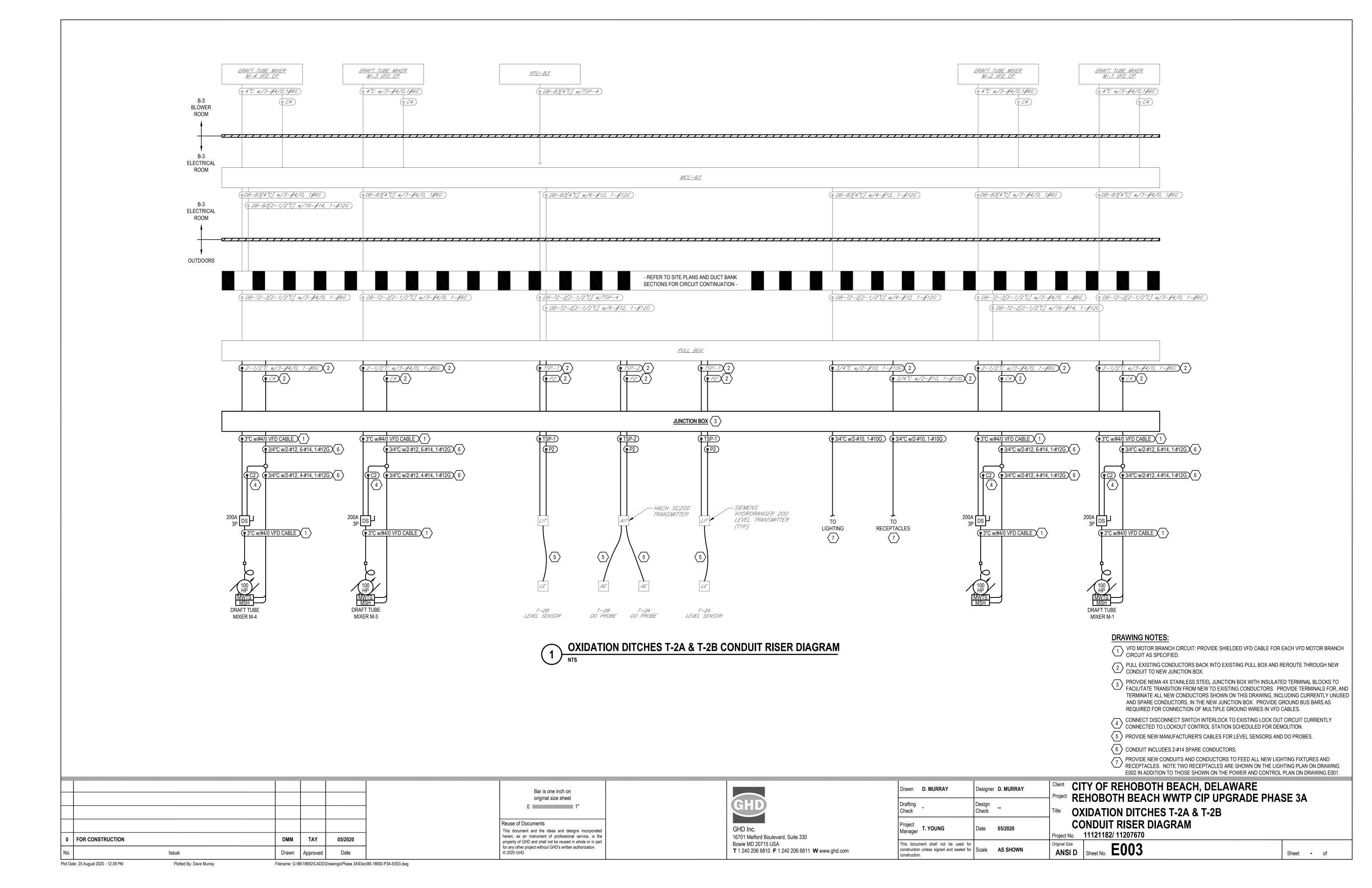


Drawn	D. MURRAY	Designer	D. MURRAY
Drafting Check	-	Design Check	-
Project Manager	T. YOUNG	Date	05/2020
	nent shall not be used for unless signed and sealed for .	Scale	AS SHOWN

Client	CITY OF REHOBOTH BEACH, DELAWARE
Project	REHOBOTH BEACH WWTP CIP UPGRADE PHASE 3A
]	REHODOTH DEACH WWIF CIP UPGRADE PHASE SA
Title	OVIDATION DITCHES TOA 9 TOD
1 ''''	OXIDATION DITCHES T-2A & T-2B
1	
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LIGHTING PLAN

Project No. 11121182/ 11207670 ANSI D Sheet No. E002





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

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

September 17, 2020

Subject: SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2 RFP No. 25

Dear Mr. Medlarz,

Our price to perform the electrical work associated with the above project is based on RFP No. 25. Our price does not include the use of Prevailing Wages. Our price is \$307,300.00 and includes the following:

#### **Description of proposed changes:**

The City of Rehoboth Beach is procuring Oxidation Ditch Equipment Goods and Special Services under City of Rehoboth Beach Contract No. RB-WWTP-2020-01. Sussex County and the City of Rehoboth Beach request a proposal to complete the Work shown on the attached Drawings as a Change to Sussex County Contract C19-17. These Drawings include the structural (S) and mechanical (M) sheets which show Work to be completed by the General Construction Contractor. These sheets are provided for information only. The Electrical scope is shown on the general (G) and electrical (E) drawings.

#### **Sequence of construction and temporary power requirements:**

A minimum of one oxidation ditch, with two draft Tube mixers, level sensor, and DO sensor must remain in service at all times. Suggested sequence of construction is as follows (contingent on General Contractor's sequence of construction):

- 1. Temporarily relocate shared T-2A/B DO transmitter to T-2A platform.
- 2. Demolish electrical equipment on T-2B platform.
- 3. Provide temporary power to equipment on T2A platform as required to clear conduits for demolition of T-2B platform.

- 4. After T-2B platform has been refurbished and reinstalled by General Contractor, install new electrical equipment on T-2B platform and provide power to new Mixers M-3 and M-4.
  - 5. Demolish electrical equipment on T-2A platform.
- 6. After T-2A platform has been refurbished and reinstalled by General Contractor, install new electrical equipment on T-2A platform and provide power to new Mixers M-1 and M-2.

Unless otherwise noted, the requirements of the Contract Documents for Sussex County Contract C19-17 shall apply. This includes, but is not limited to, General Requirements (Division 1), Electrical (Division 16), Instrumentation (Division 17), and the standard electrical details included with the Drawings. In addition, Contractor shall comply the requirements included in the General Notes on Drawing G002.

Note that one Oxidation Ditch shall remain in service at all times, and that the work cannot commence prior to the City draining the first Oxidation Ditch (November 1, 2020), and must be completed prior to April 1, 2021. Work in the second ditch cannot commence until the 2-week Startup period has been completed for the first ditch (refer to Section 01660). The procurement contract requires the delivery of equipment by November 24, 2020.

The RFP issued to the General Construction Contractor is provided separately for information.

Please note we have allotted \$10,000.00 for new control sensors, we have been advised that the sensors should be replaced and not just the cables as shown on the drawings.

The temporary cable supplied meets plans and specifications.

If this RFP is accepted, we are requesting 60 days be added to the contract.

#### **Exclusions**

- 1. No permit fees.
- 2. No cutting.
- 3. No patching or painting.
- 4. No liquidated damages.
- 5. No demo of motors(4 100hp motors)(General Construction Contractor to provide).
- 6. No demo work outside of the electrical drawings(General Construction Contractor to provide).

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

Sincerely,

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

# South Coastal RWF & Rehoboth Beach WTF Upgrade 7/14/2020

Vendor/Contract	Description	Contract Value
Michael F. Ronca & Sons, Inc.	SCRWF/RBWWTP General Construction	40,604,559.63
BW Electric Inc.	SCRWF/RBWWTP Electrical Construction	21,785,529.20
	DP&L Service Entrance Modification	235,637.33
GHD	Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept	241,938.68
	Amd 12 - SCRWF Expansion Construction Docs	2,240,280.73
	Amd 13 - Value Engineering	95,080.15
	Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion	398,410.63
	Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for	
	Rehoboth WTP Capital Improvement Program	181,089.72
	Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design	172,153.01
	Amd 19 - SCRWF Upgrade 3 Add'l Design	108,073.71
	Amd 20 - SCRWF Upgrade 3/RBWTP Upgrade Phase 2	
	Construction Engineering	6,589,558.49
Core & Main	Influent FM Consolidation Materials	339,944.59
Core & Main	Effluent FM Pipeline Materials	227,603.39
Delmarva Power	Improve service entrances for both projects	175,000.00
G&L	FM Consolidation & Influent Consolidation Phase II	973,229.04
G&L Work- Effluent Relocation		316,635.20
Kershner Environmental Technologies	Belt Press	295,000.00
Melvin Joseph	Material Screening	14,000.00
DSWA	Loading, Hauling & Disposal of Debris	7,000.00
Totals		75,000,723.50

#### **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 (302) 855-7799 **FAX** 





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

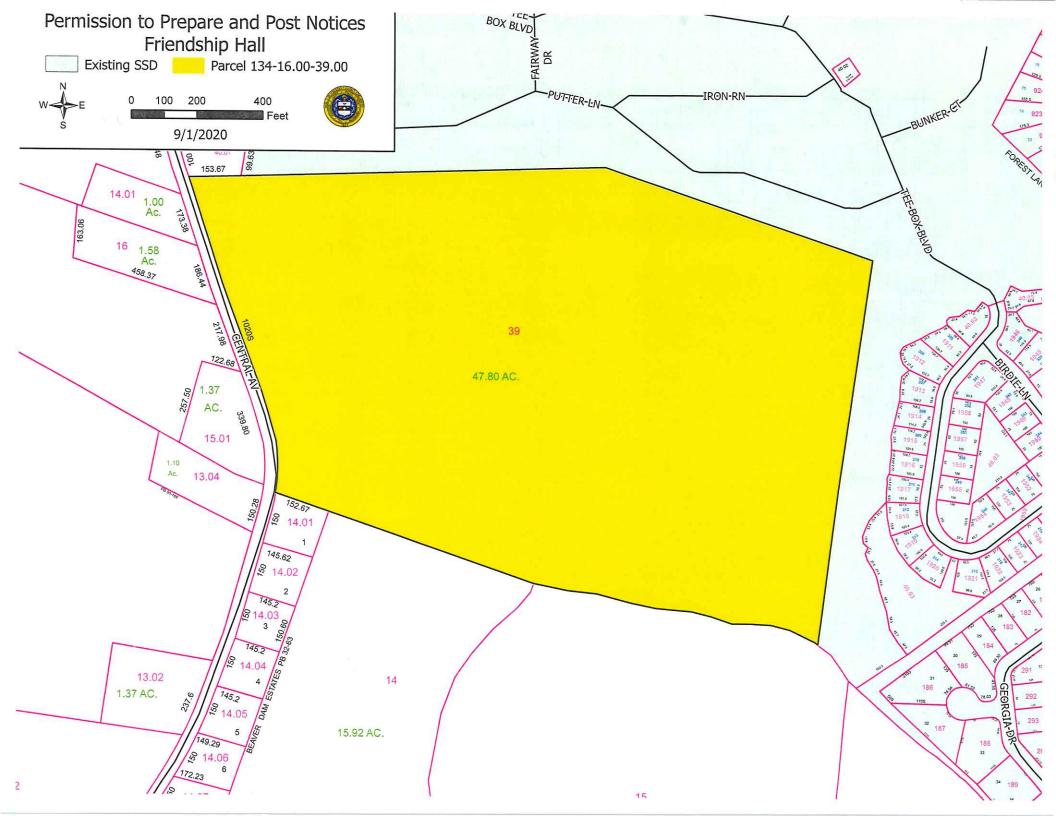
JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

# <u>Proposed Friendship Hall Expansion of the</u> Sussex County Unified Sanitary Sewer District

#### PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area)
- Includes parcel 134-16.00-39.00
- The Engineering Department has received a request from Solutions IPEM on behalf of their client RH Orr, LLC the owners/developers of the proposed Friendship Hall project.
- Friendship Hall is proposed 133 Condos with a clubhouse, located south of the Forest Landing community along Central Avenue.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area at this time.





#### **ENGINEERING DEPARTMENT**

**ADMINISTRATION** (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

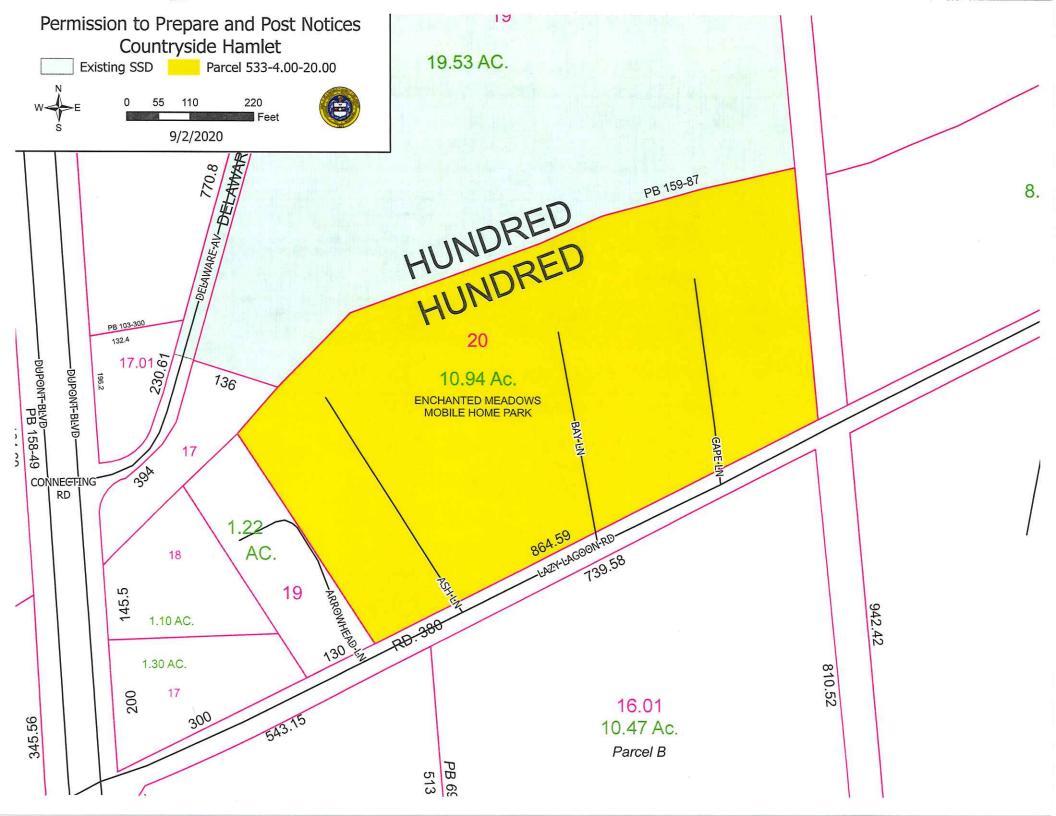
JOHN J. ASHMAN DIRECTOR OF UTILITY PLANNING

#### <u>Proposed Countryside Hamlet Expansion of the</u> Sussex County Unified Sanitary Sewer District

#### PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area)
- Includes parcel 533-4.00-20.00
- The Engineering Department has received a request from Matthew Davis, Manager of the Countryside Hamlet.
- Countryside Hamlet Mobile Home Park is an existing (47) lot subdivision located south of Frankford on Lazy Lagoon Road consisting of 10.98± acres.
- 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.







#### SUSSEX COUNTY GOVERNMENT

#### **GRANT APPLICATION**

SECTION 1 APPLICANT INFORMATION			
ORGANIZATION NAME: Delaware Botanic Gardens			
PROJECT NAME: 2	2020 DBG Annual Fu	ındraising "Virtual Party" 🤅	Sponsorship
	32-0371538	NON-PROFIT: [	YES NO
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?			
☐ YES ■ NO *IF YES, FILL OUT SECTION 3B.			
ORGANIZATION'S MISSION: Delaware Botanic Gardens (DBG) mission is to create a world-class, inspirational, educational, and sustainable public botanic garden in southern Delaware for the benefit and enjoyment of all. Garden Visitors will represent a diverse cross-section of our population, and to that end, the Gardens and facilities will be planned to offer opportunities for enjoyment that bridge cultural, ethnic, economic, and generational circumstances.			
ADDRESS: Delaware Botanic Gardens			
P.O. Box 1390			
	Ocean View	DE	19970
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Sheryl Swed		
CONTACT PERSON:	Sheryl Swed Executive Direct	tor	
	Executive Direct	tor <sub>AIL:</sub> sherylswed@delaware	gardens.org
TITLE:	Executive Direct		gardens.org
TITLE:	Executive Direct (202)262-9856 EM	AIL: sherylswed@delaware	gardens.org
TITLE: PHONE:	Executive Direct (202)262-9856 EM	AIL: sherylswed@delaware	gardens.org  ■YES □NO
TITLE: PHONE:  Has your organization receive the last year?	Executive Direct (202)262-9856 EM	AIL: sherylswed@delaware  EST: \$ 5,000  m Sussex County Government in	
TITLE: PHONE:  Has your organization receive the last year? If YES, how much was received.	Executive Direct (202)262-9856 EM  TOTAL FUNDING REQUIRE  eived other grant funds from the last 12 months.	AIL: sherylswed@delaware  EST: \$ 5,000  m Sussex County Government in  ?  mprovements, do you own the	■YES □NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 3%

#### **SECTION 2: PROGRAM DESCRIPTION** PROGRAM CATEGORY (choose all that apply) Health and Human Services Cultural Fair Housing Other Conservation / Recreation **■** Educational Infrastructure1 BENEFICIARY CATEGORY Homeless Disability & Special Needs Victims of Domestic Violence Youth Low to Moderate Income<sup>2</sup> **Elderly Persons** Other All Sussex County Residents & Visitors Minority BENEFICIARY NUMBER Approximately the total number of Sussex County Beneficiaries served annually by this program: > 30,000 (at build-out)

#### **SECTION 3: PROGRAM SCOPE**

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

The Board of the Delaware Botanic Gardens (DBG) respectfully requests the Council's sponsorship of its annual DBG fundraising benefit. The benefit is being held on September 25, 2020 in partnership with SoDel Concepts. This year's event, a "Virtual Dinner Party", broadcast live over the internet, will feature a 5-course SoDel Tuscany-inspired dinner featuring the wines of Conti Di San Bonifacio in Italy\*.

DBG opened its gates to the public on September 16, 2019 and in that year supported over 300 memberships, 2,000 guest visits, 30 prearranged and public tours, 10,000 hours of volunteer labor (200+ gardens stewards and docents), special events, and educational activities. While DBG was not open to the public during the pandemic crisis, our staff of 3 and a band of dedicated volunteers continued to tend and grow the Gardens January through August 2020. They built new trails in the Woodland Gardens, planted native perennials in the Rhyne Garden stormwater conveyance, began the Living Shoreline\*\* restoration along Pepper Creek, and weeded multitudes of beds keeping our gardens viable. We are honored to tell you that DBG opened once again to members in late July and August, and to the public as of August 20.

As shown by its progress, DBG continues in its commitment to Sussex County to build a botanic garden that not only preserves and protects our native coastal plain, but also provides a legacy to its character through community outreach and education. Sussex County benefits both aesthetically and economically from the DBG. The Gardens provide a venue that supports eco-tourism, and subsequently local town and county economics. Recreation and open space in our county are enriched, meeting SC Comprehensive Plan goals.

DBG remains in need of funding not only for the beautiful habitat-specific plantings, but also funding for infrastructure to support public visitors, particularly restrooms and an educational pavilion. Your sponsorship of our Virtual Dinner event will provide DBG the opportunity to continue progress toward those goals.

We thank you for your leadership to our communities and appreciate your continuing support of this important endeavor.

\*\*\*\*\*\*\*\*\*\*\*

ABOUT DBG: As the lessee and steward of the Sussex County Land Trust property (Cannon Tract), DBG was chartered to build a world class public garden for residents and visitors to southern Delaware. We made great progress toward that goal over the last three years. DBG's restoration of the 37+ acre parcel bordering Pepper Creek already includes the development of eight diverse plant-community-based gardens composed of native grasses, perennials, shrubs and trees. DBG was very fortunate to have Piet Oudolf, renowned Dutch plantsman and author, as designer of the unique Meadow Garden that meanders across two acres of the property. DBG's volunteers have planted 70,000 native and naturally-compatible plants in this meadow habitat. Between the Meadow Garden and water's edge, the 12-acre Woodland Garden now includes a transitional Edge Garden, 1.2 miles of ADA-compliant trails, learning "nests", freshwater wetlands, and the "Folly" that depicts a whimsical farmhouse garden housing over 30,000 spring flowering bulbs and shrubs. The wetland outdoor classroom (Learning Garden) is bounded by a rare Delaware habitat, the Inland Dunes Garden that supports plants for reestablishing endangered native butterflies. A Welcome Center with a 256-vehicle semi-pervious parking area now welcomes members and guests. The "Rhyne Garden" drainage conveyance with over 12,000 beautiful native perennials and shrubs, serves as a working demonstration garden to educate the public about the benefits of using green technology best practices in stormwater management at residential, commercial, and agricultural sites.

\*\*Living Shoreline Project in partnership with the Center for the Inland Bays

<sup>\*</sup>Tickets for the benefit, the "Virtual Dinner" program, and instructions for food and wine pickup at participating SoDel restaurants can be found on the DBG website www.delawaregardens.org/new-events/2020-dinner-tickets

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

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

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

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

#### **SECTION 4: BUDGET**

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire	
organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING	
COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost,	
physical inspections, architectural engineering, permits and fees, insurance,	1
appraisal. (Put amounts in as a negative)	
OPERATING COSTS	-\$ 5,000.00
I I	
TOTAL EXPENDITURES	-\$ 5,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 5,000.00

#### **SECTION 5: STATEMENT OF ASSURANCES**

If this grant application is awarded funding, the Delaware Botanic Gardens agrees that:

(Name of Organization)

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

#### **SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

Sheet Sived

arol Milloud

Applicant/Authorized Official Signature

Witness Signature

August 19, 2020

Date

August 19, 2020

Date

Completed application can be submitted by:

Email:

gjennings@sussexcountyde.gov

Mail:

Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

# S

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

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

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

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

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

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

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

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

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

Applicant/Authorized Official Signature

Witness Signature

**Executive Director** 

Title

August 19 2020

Date

Rieley 2020 B- Rev. 02/2019



#### SUSSEX COUNTY GOVERNMENT

#### **GRANT APPLICATION**

Steen non er al	SECTION 1 APPLICANT	INFORMATION	TOP OUT OFF
ORGANIZATION NAME: Clothing Our Kids			
PROJECT NAME:	Clothe A Child		and the second s
FEDERAL TAX ID:	45-4382079	NON-PROFIT:	■ YES NO
DOES YOUR ORGANIZA	TION OR ITS PARENT ORGAN	IIZATION HAVE A RELIGIOUS AFI	FILIATION?
ORGANIZATION'S MISSION:  Clothing Our Kids mission is to improve the lives of at-risk elementary school children by providing them with appropriate school clothing. In Sussex County many children do not have essential school clothing which has a negatie impact on their self-esteem, their ability to learn, and can lead to bullying. While we are unable to solve all the probelms of this community it is our goalt to help these children have an equal start in their early education and help them become successful students. With the COVID-19 pandemic hitting Sussex County so hard, funding this year is imperative, as many families are without a steady income. The pandemic has also cancelled all of our COK fund raising activities for 2020.  26582 John J Williams Highway			
	Suite 2	and the second	
	Millsboro	DE ANALYSIS OF THE PROPERTY OF	19966
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Deborah Putt		and the reserve of the state of
TITLE:	<b>Grant Writer</b>		
HONE: 610-659-9955 EMAIL: debputt1@gmail.com			om

TOTAL FUNDING REQUEST: \$5,000.00	(scale)
Has your organization received other grant funds from Sussex County Government in the last year?	■ YES NO
If YES, how much was received in the last 12 months?	4500.00
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	YES NO
Are you seeking other sources of funding other than Sussex County Council?	¥ES NO
If YES, approximately what percentage of the project's funding does the Council grant	represent?

#### **SECTION 2: PROGRAM DESCRIPTION**

PROGRAM CATEGORY (choose all that apply)			
Fair Housing	Health and Human Services	Cultural	
Infrastructure <sup>1</sup>	Other	Educational	
Disability & Special Needs Elderly Persons Minority	BENEFICIARY CATEGORY  Victims of Domestic Violence  Low to Moderate Income <sup>2</sup> Other	Homeless Youth	
BENEFICIARY NUMBER			
Approximately the total number of Sussex County Beneficiaries served annually by this program: 4,500			

#### **SECTION 3: PROGRAM SCOPE**

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

The purpose of the "Clothe a Child Program" is to provide appropriate school clothing to needy children in Sussex County. We never want to have to say "no" to an underprivileged child because of lack of resources.

The program description: COK strives to improve the lives of underprivileged children (Pre-K - 5th grade) and we want to continue to provide appropriate school clothing for less fortunate children attending public schools in Sussex County. This year our goal is to proed clothing to over 4,500 needy children in our community. COK packages contain three new boys or girls school outfits including under garments, shoes, socks, and a seasonal coat as needed. We also provide clothing to children on an 'as needed' basis in the event of emergency situation when contacted by fireman or police.

We have expanded our program during the last two years to include some headstart schools within Sussex County. COK provides clothing to children in need and at-risk, since the headstart federal dollars do not allow for the purchase of clothing.

During 2020 pandemic, COK has had to cancel all fund raising activities. While COK has some funds in reserve, a grant from the county will be most appreciated this year. COK anticipates the need to be a larger number of children as many families that COK serves have been greatly impacted with job losses.

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

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

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

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

#### **SECTION 4: BUDGET**

יוו עין אידוע שניין היי	
REVENUE	
Please enter the current support your organization receives for this project	5-2-MOXXXX
(not entire organization revenue if not applicable to request)	
TOTAL REVENUES	46,000.00
EXPENDITURES	parties have our market
Please enter the total projected budget for the project (not entire	Day 71 Francis Line 1 and Land
organization expense if not applicable to request). Example of expenditure	TO THE PROPERTY OF THE PARTY OF
items: PERSONNEL-one lump sum that would include benefits, OPERATING	net enter man verse
COSTS-supplies, equipment, rent/lease, insurance, printing telephone,	s a Spongrad new recomment P
	edal m com de al 1 e el
physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	the out took been building
Clothing Purchases	-\$ 117,500.00
I/T and Operating Costs(rent, utilities, mail, phone)	-\$ 29,230.00
•	
TOTAL EXPENDITURES	-\$ 146,730.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 100,730.00

#### **SECTION 5: STATEMENT OF ASSURANCES**

If this grant application is awarded funding, the Clothing Our Kids agrees that:

(Name of Organization)

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

#### **SECTION 5: STATEMENT OF ASSURANCES (continued)**

All information and statements in this application are accurate and complete to the best of my 4) information and belief.

All funding will benefit only Sussex County residents. 5)

All documents submitted by the applicant are defined as public documents and available for 6) review under the Freedom of Information Act of the State of Delaware.

All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not 7) be used to advance or inhibit religious purposes.

In the event that the awarded funding is used in violation of the requirements of this grant, 8) the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

Applican /Authorized Official Signature

Witness Signature

Sept 3, 2020

Date

09/03/2020

Date

Completed application can be submitted by:

gjennings@sussexcountyde.gov Email:

Sussex County Government Mail:

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

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

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

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

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

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

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

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

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

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

Applicant/Authorized Official Signature

Witness Signature



#### SUSSEX COUNTY GOVERNMENT

#### **GRANT APPLICATION**

	SECTION 1 APPLICANT	INFORMATION	
ORGANIZATION NAME:	GANIZATION NAME: Town of Georgetown		
St. West St. American St.	South Race Street Dining Area Beautification		
FEDERAL TAX ID:	NON-PROFIT: ■ YES NO		
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?			
YES NO *IF YES, FILL OUT SECTION 3B.  Local municipality providing municipal services and utilities.  ORGANIZATION'S MISSION:			
ADDRESS: 37 The Circle			
	Georgetown	DE	19947
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Gene Dvornick		
TITLE:	Town Manager		
PHONE:	(302) 856-73 EMAIL: gdvornick@georgetowndel.c		
TOTAL FUNDING REQUEST: \$5,000.00			
Has your organization received other grant funds from Sussex County Government in the last year?			
ICARDO I	asimal in the leat 12 months?		

Has your organization received other grant funds from Sussex County Government in the last year?

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

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?

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

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

SECTION 2: PROGRAM DESCRIPTION			
PROGRAM CATEGORY (choose all that apply)  Fair Housing Health and Human Services Cultural Other Beautification Educational			
BENEFICIARY CATEGORY  Disability & Special Needs Victims of Domestic Violence Homeless  Low to Moderate Income <sup>2</sup> Viouth  Minority Other Visitors to Georgetown			
BENEFICIARY NUMBER  Approximately the total number of Sussex County Beneficiaries served annually by this program:  Any visitor to Geo			
SECTION 3: PROGRAM SCOPE			
<ul> <li>A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.</li> <li>These funds will be used specifically for the purchase of six (6) additional large Urban Vase, self-watering planters, the soil to fill the planters, plants to be planted, and labor for the installation.</li> <li>These will then be placed in and around the outside dining area created on South Race Street in support for our downtown restaurants and their patrons.</li> <li>A photograph of the outside dining area and planter vase are attached to this application.</li> </ul>			

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

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

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

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

#### **SECTION 4: BUDGET**

REVENUE  Please enter the current support your organization receives for this project  (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0
EXPENDITURES  Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Planters (31" Urban Vase) - 6	-2700.00
Plants	-969.07
Soil	-230.93
Labor	-800.00
Delivery	-300.00
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

#### **SECTION 5: STATEMENT OF ASSURANCES**

If this grant application is awarded funding, the Town of Georgetown (Name of Organization)

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

### **SECTION 5: STATEMENT OF ASSURANCES (continued)**

All information and statements in this application are accurate and complete to the best of my 4) information and belief.

All funding will benefit only Sussex County residents. 5)

All documents submitted by the applicant are defined as public documents and available for 6) review under the Freedom of Information Act of the State of Delaware.

All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not 7) be used to advance or inhibit religious purposes.

In the event that the awarded funding is used in violation of the requirements of this grant, 8) the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

Applicant/Authorized Official Signature

Eugene S Durnul Gr Witness Signature

09/02/70 Date 09/02/70

Completed application can be submitted by:

Email:

gjennings@sussexcountyde.gov

Mail:

Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

# South Race Street Dining Area Beautification



Photo 1 - Current Outside Dining Area

# South Race Street Dining Area Beautification



Photo 2 - Proposed Planter with Plantings



Photo 3 - Proposed Planter with Plantings



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

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

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

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

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

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

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

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

pplicant organization that I have read and
phicane organization that I have four and
MAYOR
Title
$\frac{09/02/20}{\text{Date}}$

**Council District 3 - Burton** 

Tax I.D. No. 234-10.00-102.03 & 103.00

911 Address: 20478 Beaver Dam Road, Harbeson

### ORDINANCE NO. \_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GO-KART TRACK AND CONCESSION, GO-KART REPAIR AND SALES SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 78.36 ACRES, MORE OR LESS

WHEREAS, on the 21st day of July 2020, a conditional use application, denominated Conditional Use No. 2238 was filed on behalf of Michael Parsons; and

WHEREAS, on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2238 be \_\_\_\_\_\_\_; and \_\_\_\_\_\_ 3020, 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. 2238 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 northwest side of Beaver Dam Road (SCR 285) approximately 1,741.67 feet north of Hollymount Road (SCR 48) and being more particularly described in the attached legal description prepared by Merestone Consultants, Inc., said parcels containing 78.36 acres, more or less.

**To Be Introduced 09/22/2020** 

**Council District 4 - Hudson** 

Tax I.D. No. 334-12.00-107.00 (Portion Of)

911 Address: 19483 John J. Williams Highway, Lewes

ORDINANCE NO. \_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC UTILITY ELEVATED STORAGE TANK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.32 ACRE, MORE OR LESS

WHEREAS, on the 18th day of August 2020, a conditional use application, denominated Conditional Use No. 2240 was filed on behalf of Tidewaters Utilities, Inc; and WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2240 be \_\_\_\_\_\_; and \_\_\_\_\_ 3020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2240 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of John J. Williams Highway (Route 24) approximately 1.52 miles southwest of Coastal Highway (Route 1) and being more particularly described in the attached legal description prepared by Beacon Engineering, LLC, said parcel containing 0.32 acre, more or less.

To Be Introduced 09/22/20

Council District 5 - Rieley Tax I.D. No. 134-19.00-22.00 (portion of)

911 Address: None Available

#### ORDINANCE NO. \_\_\_

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.63 ACRES, MORE OR LESS

WHEREAS, on the 10th day of July 2020, a zoning application, denominated Change of

Zone No. 1925 was filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1925 be \_\_\_\_\_; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation B-2 Business Community 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 Baltimore Hundred, Sussex County, Delaware, and lying on the northeast corner of the intersection of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363) and being more particularly described in the attached legal description, said parcel containing 25.63 acres, more or less.

### **To Be Introduced 09/22/2020**

Council District 5 - Riley
Tax I.D. No. 334-13.00-334.00, 1448.00 through 1750.00

911 Address: None Available

### ORDINANCE NO. \_\_\_

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT, RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CZ 1538 (ORDINANCE 1700) IN RELATION TO PIERS, DOCKS, BOAT RAMPS AND OTHER WATER RELATED RECREATIONAL FACILITIES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 180.60 ACRES, MORE OR LESS

WHEREAS, on the 20th day of July 2020, a zoning application, denominated Change of Zone No. 1926 was filed on behalf of CP Townhomes, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1926 be \_\_\_\_\_\_; and WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

prosperity and welfare of the present and future inhabitants of Sussex County,

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 MR-RPC Medium-Density Residential District, Residential Planned Community and adding in lieu thereof the designation MR-RPC District Medium-Density Residential District, Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the east side of Hebron Road approximately 0.19 miles south of the intersection of Hebron Road and Holland Glade Road (S.C. R. 271), and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc, said parcel containing 180.60 acres, more or less.

Council District 5 - Riley Tax I.D. No. 333-7.00-32.00

911 Address: 34647 Millsboro Highway, Millsboro

### ORDINANCE NO. \_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCK AND TRAILER REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.69 ACRES, MORE OR LESS

WHEREAS, on the 25th day of August 2020, a conditional use application, denominated Conditional Use No. 2241 was filed on behalf of Jonathan J. Bowman; and WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2241 be \_\_\_\_\_\_; and \_\_\_\_\_ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2241 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 Gumboro Hundred, Sussex County, Delaware, and lying on the east side of Millsboro Highway (S.C.R. 26/30) approximately 120 feet north of Bradford Road (S.C.R 426) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A, said parcel containing 2.69 acres, more or less.

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





DELAWARE sussexcountyde.gov

# <u>Memorandum</u>

To: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Douglas B. Hudson The Honorable John L. Rieley The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: September 15, 2020

RE: County Council Report for CU 2227 Mark J. Davis & Leona E. Davis

The Planning and Zoning Department received an application (CU 2227 filed on behalf of Mark J. Davis & Leona E. Davis) for a Conditional Use for parcel 231-15.00-8.00 to allow for a 19.342 acre borrow pit at 24294 Asbury Rd. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 150.0 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on August 13, 2020. At the meeting of August 27, 2020, the Commission recommended approval of the application for the 10 reasons and 18 conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of August 13, 2020 and the approved minutes of the August 27, 2020 Planning & Zoning Commission meeting.

Approved Minutes of the August 13, 2020 Planning & Zoning Commission Meeting

#### C/U 2227 Mark J. Davis & Leona E. Davis

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a 19.342 acre borrow pit to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 150 acres, more or less. The property is lying on the north side of Asbury Rd. (S.C.R 446), approximately 0.19 mile southwest of Davis Rd. (S.C.R. 523). 911 Address: 24294 Asbury Road Tax Parcel: 231-15.00-8.00

Mr. Whitehouse advised the Commission that they have received an exhibit booklet, a site plan, a staff analysis, comments from the Sussex County Engineering Department Utility Planning Division, and



a copy of the DelDOT service level evaluation response.

The Commission found that Mr. David Hutt, Esquire was present on behalf of the Applicants, Mark J. Davis & Leona E. Davis; that also present are the Applicants, Mr. Mark Davis and Mrs. Leona Davis; that the request is for a borrow pit to be situated on Asbury Road near the intersection of Davis Road; that the State used a borrow pit which was located on this property during the 1960's; that this property and the surrounding areas are zoned AR-1; that the 2018 Comprehensive Plan designates this area as a rural area; that the State Strategies Plan identifies this area as an investment level four; that this property has been submitted to an Agricultural Preservation District; that the approximately 20-acre portion of the property for the proposed borrow pit location is not subject to agricultural preservation; that ultimately this borrow pit will become a wildlife pond in this portion of the property; that the proposed borrow pit will be approximately 15 acres; that there will be a 50 ft. buffer; that the entire parcel comprises of 150 acres; that DelDot does not require a Traffic Impact Study as the proposed use will generate less than 50 trips per hour and less than 500 trips per day; that the Applicants have submitted proposed conditions; that no material will be brought to the site for processing or mixing; that all materials would leave the site; that excavation be controlled to offer protection to surrounding properties from odors and dust; that the entrance to the proposed borrow pit will be constructed in compliance with DelDOT's requirements; that the hours of operation will be Monday through Friday 7:00 am – 5:00 pm and Saturday 7:00 am – 2:00 pm with no Sunday hours; that a water truck will be available to wet down gravel roads to control dust; that the proposed borrow pit will meet and exceed the requirements of being 50 ft. from all property lines; that no wetlands will be disturbed; that the proposed borrow pit will be more than 150 ft. from Asbury Road; that dwellings on other properties are in excess of the required 200 ft. separation distance; that the properties near the proposed borrow pit are large parcels and are mainly for agricultural uses; that the materials extracted from the proposed borrow pit will be used locally; and that the use demonstrates the semipublic or public character of the nature of this proposal and will promote the health, prosperity, safety and orderly growth of the County.

Mr. Mark Davis stated that he expects that the borrow pit would be in use for approximately 10 - 15 years; that he will use excavators for the mining process; and that a sign is requested.

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

At the conclusion of the Public Hearings, the Commission discussed C/U 2227 – Mark J. Davis & Leona E. Davis. Motion by Ms. Stevenson, second by Ms. Wingate, to defer action for further consideration. Motion carried 4-0.

#### Approved Minutes of August 27, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since August 13, 2020.

Ms. Stevenson moved that the Commission recommend approval for Conditional Use 2227 Mark J. Davis & Leona E. Davis based upon the record made during the Public Hearing and for the following reasons:

- 1. This application is for a 19.342 acre borrow pit operation within a 150-acre site.
- 2. This is the location of a prior borrow pit used by the State of Delaware during the 1960's.
- 3. A need exists in the area for dirt, sand and gravel, and existing borrow pit sources are becoming depleted. The material removed from this site will be used throughout the County for a variety of residential and commercial uses and road construction.
- 4. The borrow pit is within a much larger parcel owned by the Applicant that is in Agricultural Preservation. The borrow pit area is not subject to the preservation easement. The preservation area will provide an extensive buffer from the borrow pit operations.
- 5. The Applicant will provide dust control to keep the area roadways free of dirt and dust from trucks leaving the site.
- 6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on traffic or the neighboring properties.
- 7. As a source of fill dirt and aggregate available to the entire County, the project is essential and desirable for the general convenience, safety and welfare of the current and future residents of the County.
- 8. The properties near the proposed borrow pit are large parcels that are mainly used for agricultural purposes and the nearest dwellings are significantly more than 200 feet from the pit area.
- 9. The use is subject to approvals from State Agencies including DelDOT and DNREC.
- 10. No parties appeared in opposition to this application.
- 11. This recommendation for approval is subject to the following conditions and stipulations:
  - a. The conditional use shall comply with all of the requirements of Section 115-172B of the Sussex County Zoning Code regarding borrow pits.
  - b. No materials shall be brought from off the site for processing, mixing or similar purposes.
  - c. The borrow pit area shall not exceed 20 acres, which includes the 50-foot buffer around the pit area.
  - d. Water or a water truck shall be available to control dust from road traffic when conditions require.
  - e. There shall be a single entrance to the pit. That entrance shall be via Asbury Road and it shall be fenced or gated to prevent unauthorized access.
  - f. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant.
  - g. Borrow pit operations shall only be between 7:00 a.m. to 5:00 p.m. Monday through Friday and 7:00 am to 2:00 pm on Saturdays. No Sunday hours shall be permitted.
  - h. No materials shall be stored on any access roads or within any buffer area.
  - i. No fuel shall be stored on-site.
  - j. No stumps, branches, debris or similar items shall be buried or placed in the site of the borrow pit.
  - k. Any safety lights shall be downward screened so that they do not shine on neighboring properties or roadways.
  - l. The proposed pit will have a 4:1 side slope down to a 10 foot level bench that will be approximately near or 1 foot below the static water surface. Below the water level the borrow pit shall have 3:1 slopes. The depth of the proposed borrow pit will not exceed 50 feet.
  - m. Permanent concrete markers or signs shall be placed at appropriate locations to designate the boundaries of the subject property and the pit areas. The markers shall be raised and marked so that they are clearly visible to anyone nearing the site.
  - n. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall

- be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance and protect existing and future developments.
- o. The Applicant shall comply with all State and County erosion and sediment control regulations.
- p. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation.
- q. This approval shall expire 50 years from the date of approval for the conditional use ordinance
- r. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Mears, and carried unanimously to recommend approval for the reasons and conditions stated in the Motion. Motion carried 5-0.

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



# Sussex County

DELAWARE sussexcountyde.gov

# <u>Memorandum</u>

To: Sussex County Planning Commission Members

From: Nick Torrance, Planner I

CC: Vince Robertson, Assistant County Attorney and applicant

Date: August 6, 2020

RE: Staff Analysis for CU 2227 Mark & Leona Davis

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2227 Mark & Leona Davis to be reviewed during the August 13, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 231-15.00-8.00 to allow for a borrow pit. The size of the property is 150 acres +/-. The property is zoned AR-1 (Agricultural Residential Zoning District) and located at 17741 Davis Rd on the north side of Asbury Rd. (S.C.R 446) approximately 0.19 mile southwest of Davis Rd. (S.C.R. 523).

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

The surrounding parcels to the north, east, west, and south are all designated on the Future Land Use Map as "Low Density Area". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should generally be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties to the north, south, east and west are all also zoned AR-1.

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

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for the abovementioned use, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



#### **PLANNING & ZONING COMMISSION**

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





sussexcountyde.gov 302-855-7878 T 302-854-5079 F JAMIE WHITEHOUSE, MRTPI, AICP DIRECTOR

# PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date: August 13th, 2020

Application: CU 2227 Mark J. & Leona E. Davis

Applicant/Owner: Mark J. Davis

17741 Davis Rd

Georgetown, DE 19947

Site Location: 17741 Davis Rd. On the north side of Asbury Rd. (S.C.R 446)

approximately 0.19 mile southwest of Davis Rd. (S.C.R. 523)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Borrow Pit (19.342 Acres)

Comprehensive Land

Use Plan Reference: Low Density

Councilmatic

District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: N/A

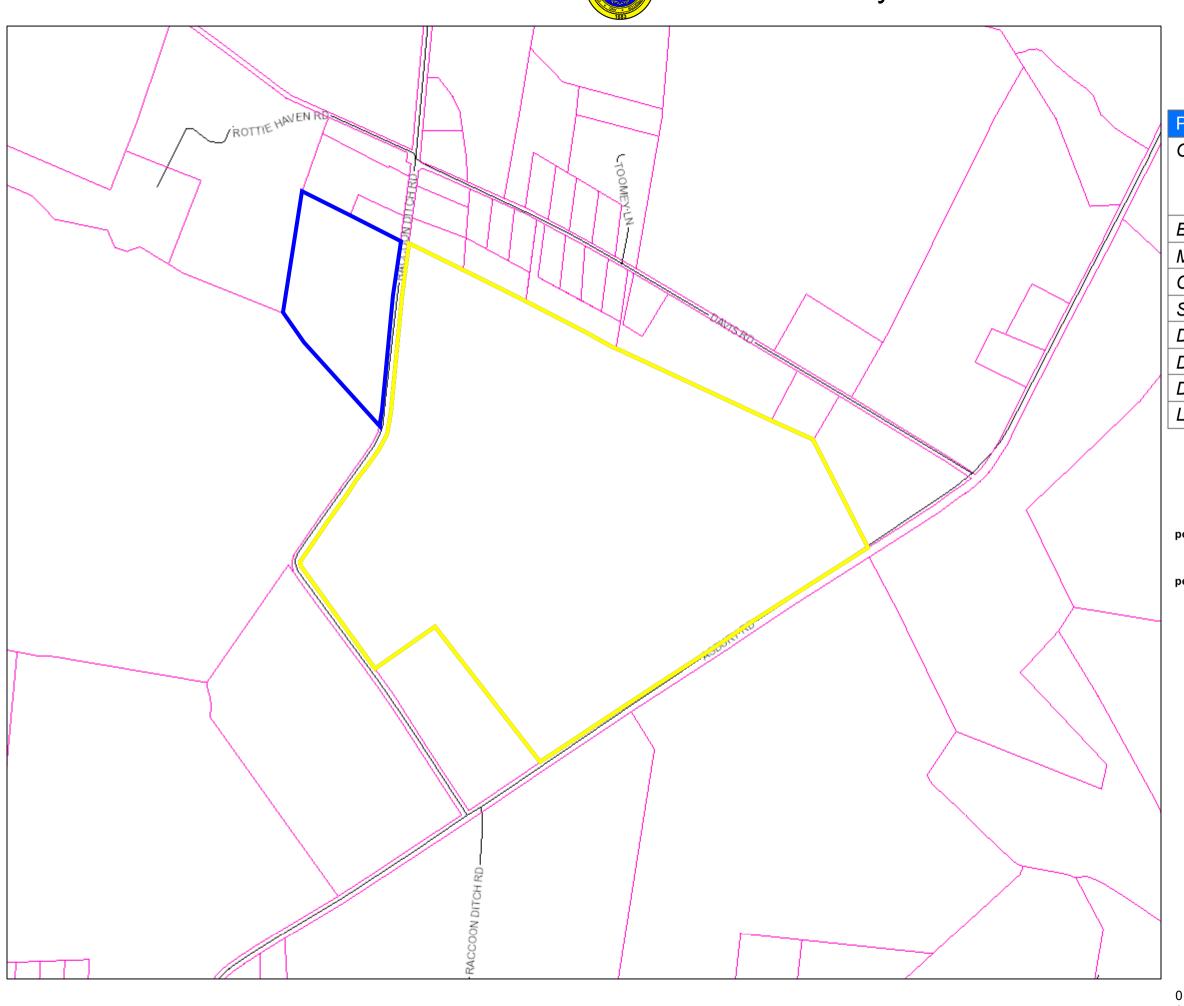
Water: N/A

Site Area: 150 Acres +/-

Tax Map ID.: 231-15.00-8.00



# Sussex County



	PIN:	231-15.00-8.00
	Owner Name	DAVIS MARK J
	Book	4920
		17741 DAVIS RD
	City	GEORGETOWN
	State	DE
	Description	NW/RT 446 800'S/RT
	Description 2	523E W/RT 522A
1	Description 3	FX 43AC FOREST EX
	Land Code	

polygonLayer

Override 1

polygonLayer

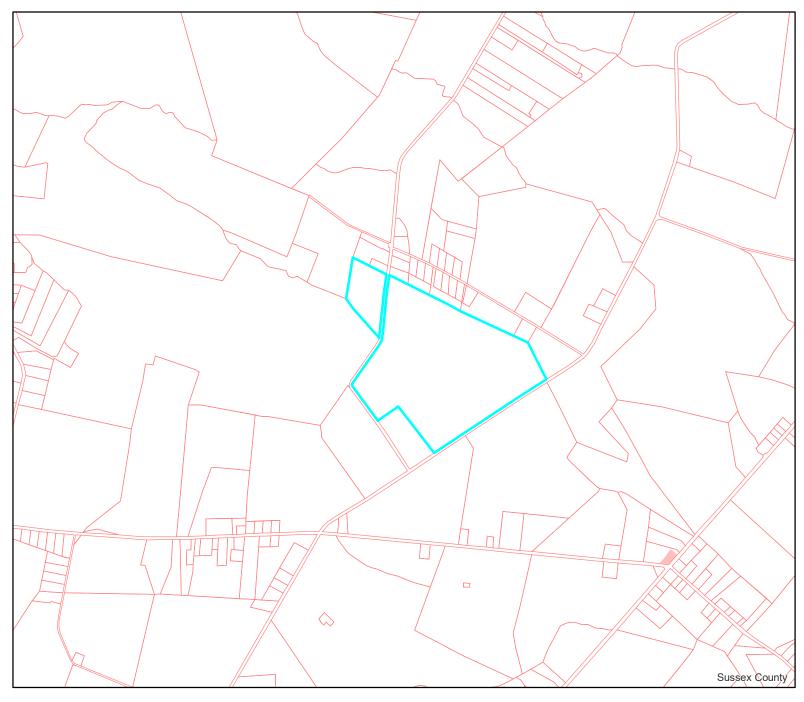
Override 1

Tax Parcels

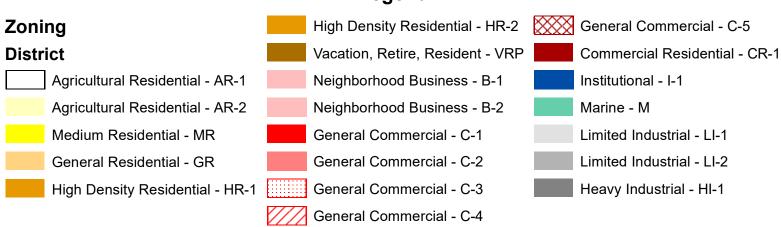
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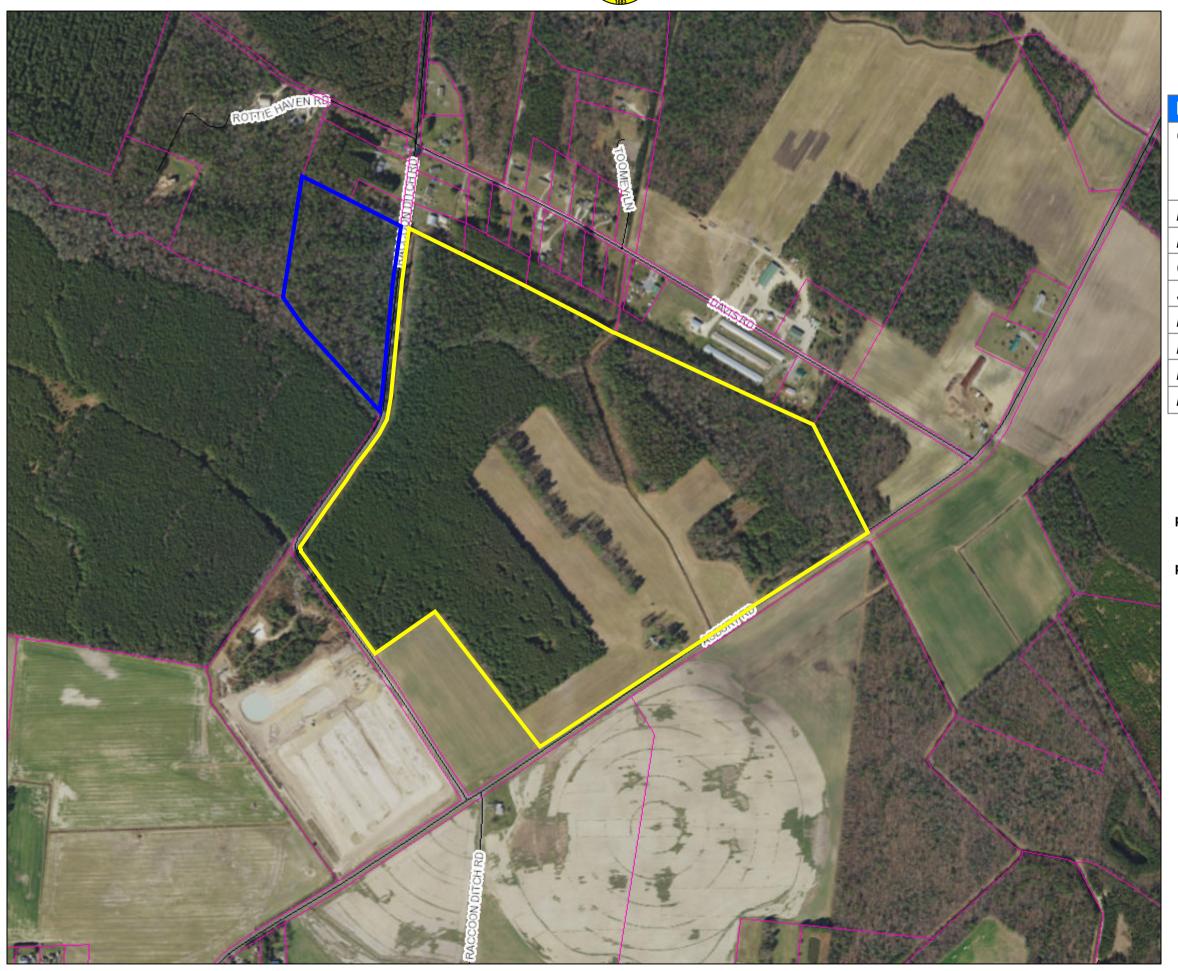
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# CU 2227 Mark J. & Leona E. Lewis



# Legend





PIN:	231-15.00-8.00
Owner Name	DAVIS MARK J
Book	4920
Mailing Address	17741 DAVIS RD
City	GEORGETOWN
State	DE
Description	NW/RT 446 800'S/RT
Description 2	523E W/RT 522A
Description 3	FX 43AC FOREST EX
Land Code	

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

1:9,028 0.1 0.2 0.4 mi 0.175 0.35 0.7 km

### To Be Introduced 07/28/20

Council District 2 - Wilson Tax I.D. No. 231-15.00-8.00 911 Address 24294 Asbury Road, Georgetown

### ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 19.342 ACRE BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 150 ACRES, MORE OR LESS

WHEREAS, on the 24th day of February 2020, a conditional use application, denominated Conditional Use No. 2227 was filed on behalf of Mark J. Davis and Leona E. Davis; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2227 be \_\_\_\_\_\_; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2227 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Nanticoke Hundred, Sussex County, Delaware, and lying on the north side of Asbury Road (S.C.R 446) approximately 0.19 mile southwest of Davis Road (S.C.R. 523) and being more particularly described in the attached legal description prepared by Moore & Rutt, P.A., said parcel containing 150 acres, more or less.

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





DELAWARE sussexcountyde.gov

# **Memorandum**

To: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President

The Honorable Douglas B. Hudson The Honorable John L. Rieley The Honorable Samuel R. Wilson, Jr.

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

CC: Everett Moore, County Attorney

Date: September 15, 2020

RE: County Council Report for CU 2232 Covered Bridge Inn, LLC (Hopkins Henlopen

Homestead, LLC)

The Planning and Zoning Department received an application (CU 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC) for a Conditional Use for parcel 334-10.00-69.01 to allow for an events venue on the south side of Fisher Rd, approximately 0.38 mile west of Hopkins Rd. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 98.60 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on August 13, 2020. At the meeting of August 13, 2020 the Commission held the record open for the receipt of the decision of the Delaware Agricultural Lands Preservation Foundation and to deferred the application for further consideration. As of September 15, 2020, staff are awaiting receipt of this information. Once received, the application will be put back to the Planning & Zoning Commission to obtain their recommendation.

Below are the approved minutes from the Planning & Zoning Commission meeting of August 13, 2020.

Approved Minutes of the August 13, 2020 Planning & Zoning Commission Meeting

### C/U 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an events venue to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 98.60 acres, more or less. The property is lying on the south side of Fisher Rd., approximately 0.38 mile west of Hopkins Rd. 911 Address: N/A. Tax Parcel: 334-10.00-69.01



Mr. Whitehouse advised the Commission that they have received a letter from the Applicant, a site plan, a staff analysis, and a copy of the DelDOT service level evaluation response, a document from the Delaware Agricultural Lands Preservation Foundation and a copy of the permit application to the State's Fire Marshal's office.

The Commission found that Ms. Amy Hopkins and Ms. Ingrid Hopkins were present on behalf of the Application.

Ms. Ingrid Hopkins stated that she has a conditional use for an events venue on a working dairy farm; that the business has grown and that they wish to expand to include an additional venue which would be a 12-hour one day rental.

Ms. Amy Hopkins stated that the family business has been in the family for six generations; that the hours of operation will be Friday, Saturday and Sunday from 10:00 am -10:00 pm; and that additional parking has been created on site.

Mr. Robertson stated that the applicants also have a meeting with the Agricultural Lands Preservation Foundation and will let the Commission know the outcome prior to the next Planning and Zoning Commission meeting.

The Commission found that no one spoke in opposition to the Application. Upon there being no further questions, Chairman Wheatley closed the public hearing for this application.

At the conclusion of the Public Hearings, the Commission discussed C/U 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC). Motion by Ms. Stevenson, second by Ms. Wingate, to hold the record open for the receipt of the decision of the Delaware Agricultural Lands Preservation Foundation and to defer for further consideration. Motion carried 4-0.

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



# Sussex County

DELAWARE sussexcountyde.gov

# <u>Memorandum</u>

To: Sussex County Planning Commission Members

From: Christin Headley, Planner I

CC: Vince Robertson, Assistant County Attorney and applicant

Date: August 6, 2020

RE: Staff Analysis for CU 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC) to be reviewed during the August 13, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 334-10.00-69.01 to allow for an events venue. The size of the property is 98.60 acres +/-. The property is zoned AR-1 (Agricultural Residential Zoning District) and located at on the south side of Fisher Rd. (S.C.R. 262) approximately 0.93 miles east of Cool Spring Rd. (S.C.R. 290).

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

The surrounding parcels to the north, east, west, and south are all designated on the Future Land Use Map as "Low Density Area". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be for providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should generally be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties to the north, south, east and west are all also zoned AR-1.

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

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for the abovementioned use, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



#### **PLANNING & ZONING COMMISSION**

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





sussexcountyde.gov 302-855-7878 T 302-854-5079 F JAMIE WHITEHOUSE, MRTPI, AICP DIRECTOR

# PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date: August 13th, 2020

Application: CU 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead,

LLC)

Applicant/Owner: Covered Bridge Inn, LLC (c/o Ingrid Hopkins)

30249 Fisher Road Lewes, DE 19958

Site Location: On the south side of Fisher Rd. (S.C.R. 262) approximately 0.93 miles

east of Cool Spring Rd. (S.C.R. 290)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Events Venue

Comprehensive Land

Use Plan Reference: Low Density

Councilmatic

District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

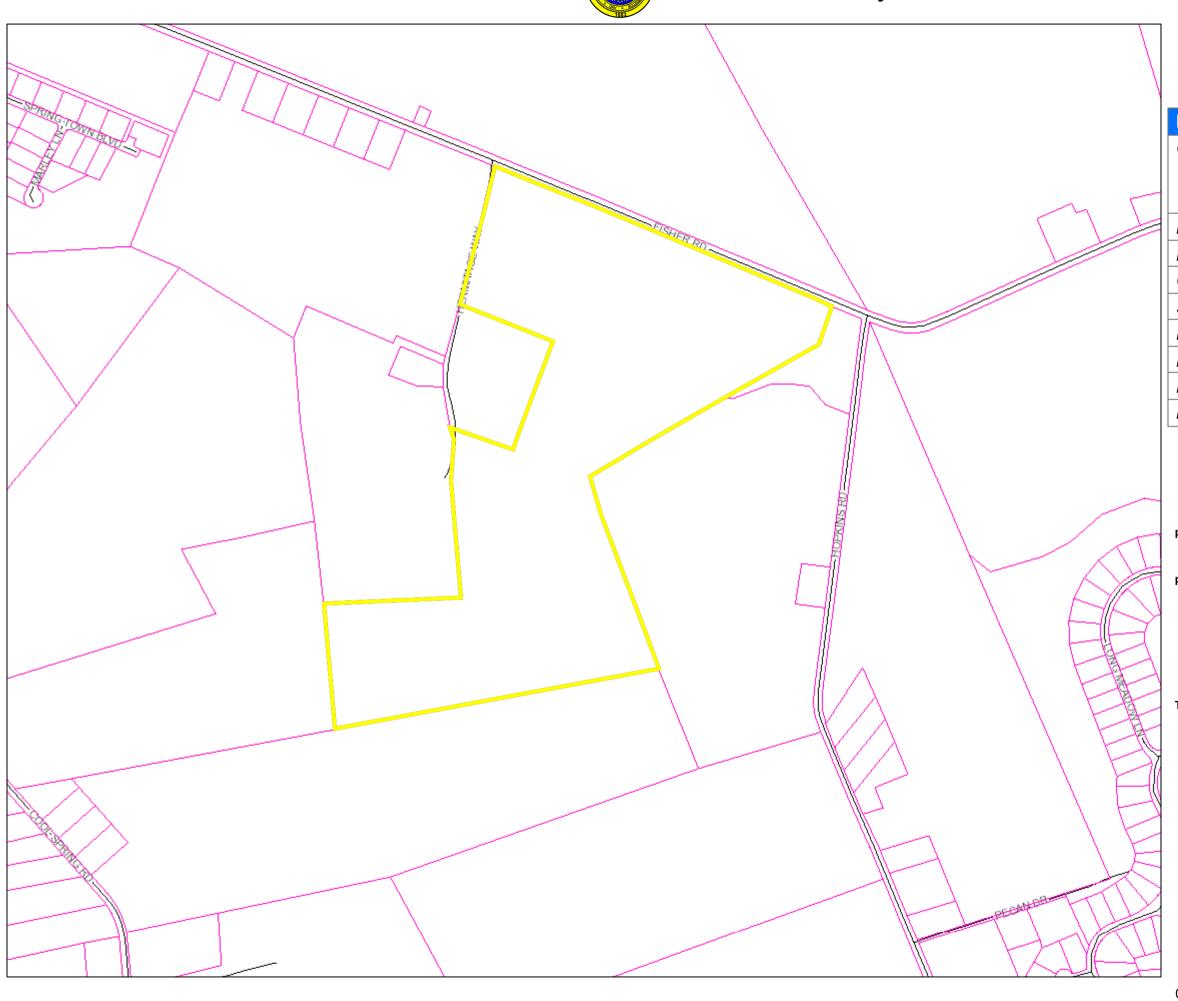
Sewer: Private Septic

Water: Private Well

Site Area: 98.60 Acres +/-

Tax Map ID.: 334-10.00-69.01





PIN:	334-10.00-69.01
Owner Name	HOPKINS HENLOPEN HOMESTEAD LLC
Book	4229
Mailing Address	18186 DAIRY FARM ROAD
City	LEWES
State	DE
Description	S/RT 262
Description 2	136' W/RT 286
Description 3	FP
Land Code	

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

County Boundaries

Tax Ditch Segments

Tax Ditch Channel

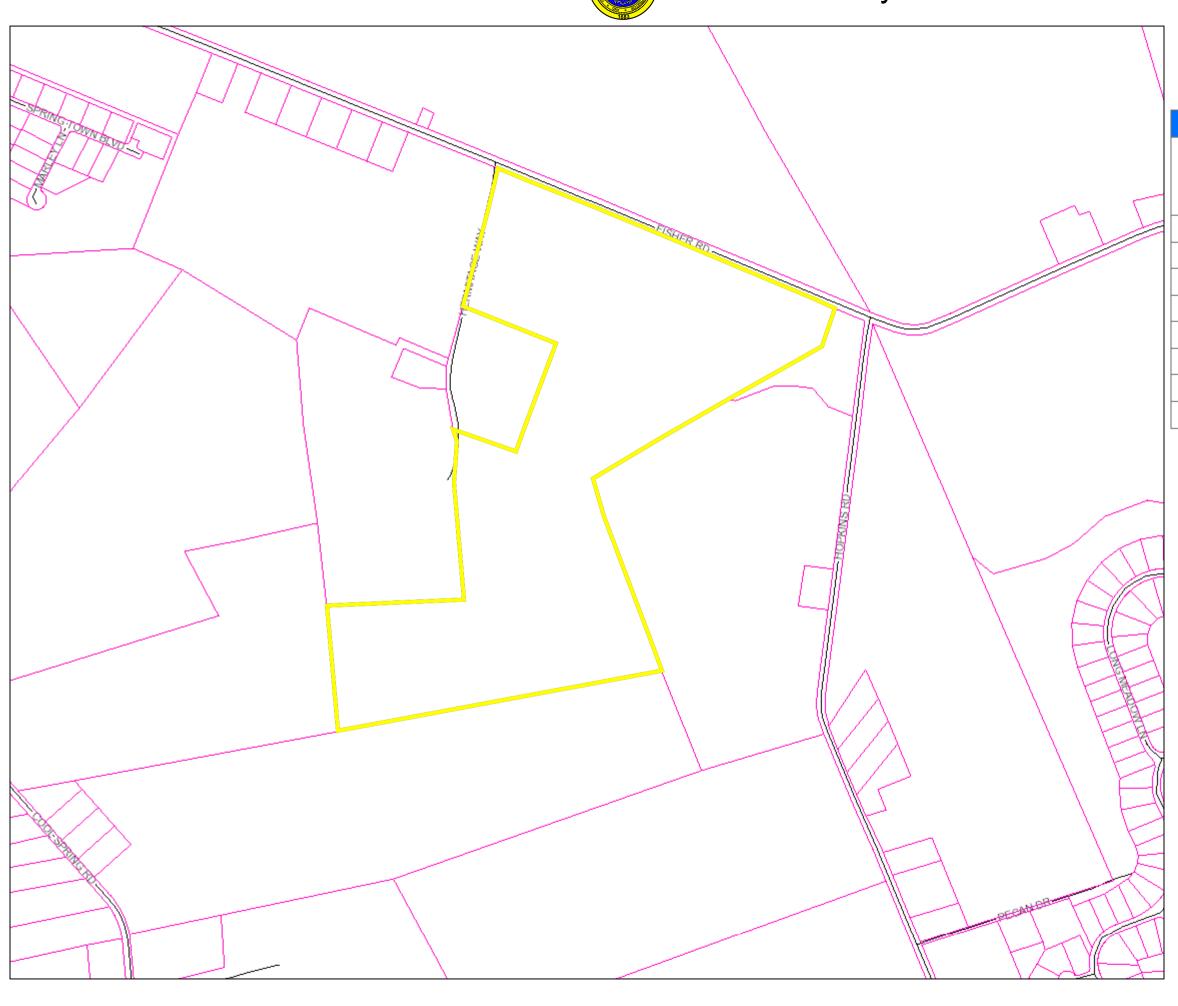
Pond Feature

\* Special Access ROW

Extent of Right-of-Way

Municipal Boundaries

1:9,028 0 0.1 0.2 0.4 mi 0 0.175 0.35 0.7 km



PIN:	334-10.00-69.01
Owner Name	HOPKINS HENLOPEN HOMESTEAD LLC
Book	4229
Mailing Address	18186 DAIRY FARM ROAD
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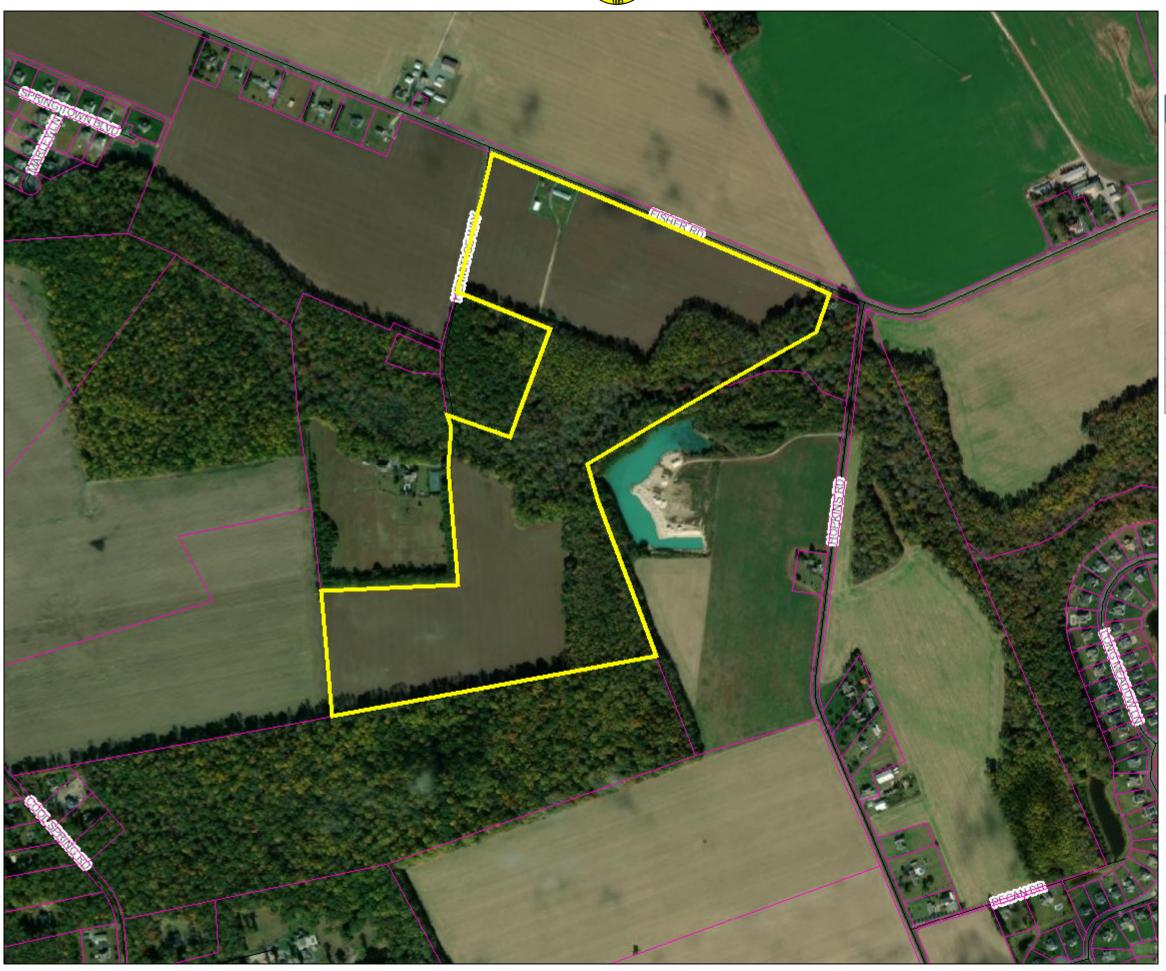
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Tax Parcels

Streets

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### Tax Ditch Segments

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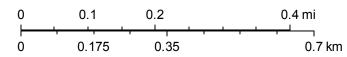
-- Pond Feature

Special Access ROW

Extent of Right-of-Way

Municipal Boundaries

1:9,028



To Be Introduced

**Council District 3 - Burton** Tax I.D. No. 334-10.00-69.01

911 Address: N/A

ORDINANCE NO. \_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR

LESS

WHEREAS, on the 22nd day of May 2020, a conditional use application, denominated

Conditional Use No. 2232 was filed on behalf of Covered Bridge Inn, LLC; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held,

after notice, before the Planning and Zoning Commission of Sussex County and said

Planning and Zoning Commission recommended that Conditional Use No. 2232 be

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was

held, after notice, before the County Council of Sussex County and the County Council of

Sussex County determined, based on the findings of facts, that said conditional use is in

accordance with the Comprehensive Development Plan and promotes the health, safety,

morals, convenience, order, prosperity and welfare of the present and future inhabitants of

Sussex County, and that the conditional use is for the general convenience and welfare of the

inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County,

be amended by adding the designation of Conditional Use No. 2232 as it applies to the

property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and

Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Fisher Rd,

approximately 0.38 mile west of Hopkins Rd and being more particularly described in the

attached legal description prepared by Thompson Mapping Systems, said parcel containing

98.60 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.