

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

**MEETING:  
November 17, 2020**

**\*\*DISCLAIMER\*\***

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**Sussex County Council  
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(302) 855-7743**

## COUNTY COUNCIL

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



# Sussex County

DELAWARE  
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## SUSSEX COUNTY COUNCIL

### A G E N D A

NOVEMBER 17, 2020

10:00 A.M.

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

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes – November 10, 2020

#### Reading of Correspondence

#### Public Comments

#### Todd Lawson, County Administrator

1. Western Sussex Business Park Presentation and Discussion
2. 2021 Council Meeting Schedule and Holiday Schedule
3. Administrator's Report

#### Gina Jennings, Finance Director

1. Discussion and Possible Introduction of a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES REGARDING ELIGIBILITY AND CONTRIBUTIONS, AND TO BRING THE CODE INTO COMPLIANCE WITH THE UNITED STATES INTERNAL REVENUE CODE"



**Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer**

1. Sussex County CARES Act CDBG-CV1 Grant Agreement Execution

**Hans Medlarz, County Engineer**

1. Inland Bays Regional Wastewater Facility (IBRWF) – Biosolids & Septage Facilities, Project 18-19
  - A. Change Order No. 8
2. Mulberry Knoll Force Main and Pump Station, Project S20-14
  - A. Recommendation to Award
  - B. KCI Amendment No. 3 – Construction Phase Services

**Grant Request**

1. Greater Lewes Community Village for operating and equipment expenses
2. Good Samaritan Aid Organization for Christmas outreach for families in need
3. Autism Delaware for Blue Jean Ball fundraiser

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Executive Session – Pending Litigation and 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.**

**Change of Zone No. 1928 filed on behalf of Plantation Partners, LLC**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.570 ACRES, MORE OR LESS” (property lying on the southwest side of Plantations Road (S.C.R. 275) and the southeast side of Cedar Grove Road (S.C.R. 283) approximately 0.63 mile northwest of John J. Williams Highway (Route 24) (Tax I.D. No. 334-12.00-52.00 (portion of) (911 Address: None Available)

**1:30 p.m. Public Hearings (continued)**

**Conditional Use No. 2228 filed on behalf of M. L. Joseph Heirs Farm Account, LLC**  
**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR A CAMPGROUND FOR MOBILE CAMPERS, CAMP TRAILERS, TOURING VANS AND THE LIKE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 73.91 ACRES, MORE OR LESS” (property lying on the north side of Lewes-Georgetown Highway (Route 9) approximately 0.66 mile east of the intersection of Sand Hill Road (S.C.R. 319) and Lewes-Georgetown Highway (Route 9) (Tax I.D. No. 135-15.00-55.01) (911 Address: 22349 Lewes-Georgetown Highway, Georgetown)**

**Adjourn**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on November 10, 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 be streamed live at <https://sussexcountye.gov/council-chamber-broadcast>.

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

To join the meeting via telephone, please dial:

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

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

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

If any member of the public would like to submit comments electronically, please feel free to send them to [rgriffith@sussexcountye.gov](mailto:rgriffith@sussexcountye.gov). All comments shall be submitted by 4:40 P.M. on Monday, November 16, 2020.

# # # #

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 10, 2020**

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

<b>Michael H. Vincent</b>	<b>President</b>
<b>Irwin G. Burton III</b>	<b>Vice President</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 433 20  
Approve  
Agenda**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to approve the Agenda, as posted.

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Minutes**

The minutes of October 27, 2020 were approved by consent.

**Public  
Comments**

Public comments were heard and the following spoke: Robert Lawson.

**M 434 20  
Approve  
Consent  
Agenda**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to approve the following items listed under the Consent Agenda:

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA-CU2199  
Seaglass at Rehoboth Beach Project, OA Rehoboth, LLC**
- 2. Use of Existing Wastewater Infrastructure Agreement, IUA1098  
Ashton Oaks Project, OA Oaks, LLC**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Adminis-  
trator's  
Report**

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

**1. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, The Estuary – Phase 1D-2 (Construction Record) received Substantial Completion effective October 26<sup>th</sup>.**

**2. Veterans Day Holiday**

**County offices will be closed on Wednesday, November 11<sup>th</sup> in honor of Veterans Day. Offices will reopen on Thursday, November 12<sup>th</sup>, at 8:30 a.m.**

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

**CU 2237/  
Report  
Receipt of  
Public  
Comments  
and Close  
Record/  
CU 2237**

**Jamie Whitehouse, Planning and Zoning Director, reported on Conditional Use No. 2237 filed on behalf of Samuel C. Warrington II. The Council held a Public Hearing on this application on October 27, 2020 at which time action was deferred and the record was left open until close of business on November 9, 2020 so that the public, including the Applicant, could make additional comments, in writing only. Mr. Whitehouse reported that the additional comments (6 letters) were received and have been distributed to Council members. He noted also that a 312 signature petition was received and a 13 signature petition was received, both in opposition to the application**

**M 435 20  
Close  
Public  
Record/  
CU 2237**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to close the public record on Conditional Use No. 2237 filed on behalf of Samuel C. Warrington II.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Proposed  
Ordinance/  
Annual  
Assessment  
Rates/  
Herring  
Creek**

**Hans Medlarz, County Engineer, presented a Proposed Ordinance to establish the annual assessment rates for the Herring Creek Area of the Unified Sewer District. Mr. Medlarz noted that the Herring Creek rate was not set in the past budget because it was not expected that properties would come on line prior to the end of the current fiscal year. Mr. Medlarz reported that the proposed rate is the maximum rate approved under the referendum which will be adjusted with project completion next year.**

**Introduction  
of Proposed  
Ordinance**

**Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL ASSESSMENT RATES FOR THE HERRING CREEK AREA OF THE UNIFIED SEWER DISTRICT".**

(continued) **The Proposed Ordinance will be advertised for Public Hearing.**

**Artesian/  
Bulk  
Wastewater  
Services  
Agreement** Hans Medlarz, County Engineer, presented for Council's consideration Addendum No. 4 to the 2016 Bulk Wastewater Services Agreement between Artesian Wastewater Management, Inc. and Sussex County. He noted that this addendum was triggered by DNREC for a revision to the definition of wastewater. DNREC operations permits contain general statements about the source of the wastewater to be treated such as a specific County sewer district area or a specific subdivision. With all utilities moving towards regionalization of their respective systems, this identification is obsolete and DNREC suggested updating the wastewater definition in the Agreement.

**M 436 20  
Approve  
Addendum  
to Bulk  
Wastewater  
Services  
Agreement/  
Artesian** 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 Addendum 4 to the Bulk Wastewater Services Agreement between Sussex County and Artesian Wastewater Management, Inc., as presented.

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Artesian/  
Amendment  
to Ellendale  
Wastewater  
Services  
Agreement** Hans Medlarz, County Engineer, presented for Council's consideration of an Amendment to the Ellendale Water District Agreement with Artesian Water Company, Inc. This Agreement identifies Artesian Water Company as the supplier of potable water and provider of certain services. The original intent of the Agreement was to construct a water tower; however, the now complete and permitted design identified a pressure tank approach as more advantageous. The Engineering Department approached Artesian with a modification request to where the utility will assume all operational responsibilities under the established bulk rate while the County will assume the full construction and maintenance of the pressure tank system.

**M 437 20  
Approve  
Amendment  
to Ellendale  
Wastewater  
Services  
Agreement/  
Artesian** A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Amendment No. 1 to the Ellendale Water District Agreement between Sussex County and Artesian Water Company, as presented.

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**



**SCRWF & Rehoboth Beach WTP/ Town of Selbyville Agreement**      **Hans Medlarz, County Engineer, presented for Council's consideration an Agreement for Services between the Town of Selbyville and Sussex County with the Town to process wastewater through the County's Ocean Outfall. This Agreement is for the purpose of changing the billing arrangements; it does not change the allocation of up to 2 MGD in the Ocean Outfall for conveyance and discharge of the treated sewage effluent.**

**M 438 20 Approve Town of Selbyville Agreement/ SCRWF & Rehoboth Beach WTP**      **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Agreement for Services with the Town of Selbyville for the Ocean Outfall, as presented.**

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

**Vote by Roll Call:      Mr. Hudson, Yea; Mr. Rieley, Absent; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea**

**SCRWF & Rehoboth Beach WTP/ Electrical Construction/ Change Orders**      **Hans Medlarz, County Engineer, presented for Council's consideration a revised Change Order No. 7 and Change Order No. 8 to the SCRWF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 – Electrical Construction. Revised Change Order No. 7, in the amount of \$6,582.80, is for a design change – additional sensors for the City of Rehoboth oxidation ditch electrical equipment. Change Order No. 8, in the amount of \$2,249.00, is also for a design change – modifications to conveyor starter, circuit breaker adjustments, new conduits in the switchgear and a credit for interface terminals.**

**M 439 20 Approve Change Orders/ SCRWF & Rehoboth Beach WTP/ Electrical Construction**      **A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that revised Change Order No. 7 and Change Order No. 8 for Contract C19-17, SCRWF Treatment Process Upgrade No. 3 and Rehoboth Beach WTP Capital Improvement Program, Phase 2 – Electrical Construction, be approved, increasing the contract by \$6,582.80 and \$2,249.00, respectively, for a new contract total of \$21,794,361.00.**

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

**Vote by Roll Call:      Mr. Hudson, Yea; Mr. Rieley, Absent; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea**

**Western Sussex Transmission Facilities/ GMB Contract**      **Hans Medlarz, County Engineer, presented for Council's consideration Amendment No. 3 to the Owner-Engineer Agreement with George, Miles & Buhr, LLC (GMB). GMB's original fee estimate included 65 weeks of construction administration and inspection services as compared to an actual construction period of 80 weeks. An additional fee of \$22,000.00 is needed to cover the additional 15 weeks of construction and start-up coordination of the Bridgeville pump stations.**

**M 440 20  
Approve  
GMB  
Contract  
Amendment  
No. 3/  
Western  
Sussex  
Trans-  
mission  
Facilities**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 3 to the Base Engineering Contract for Western Sussex with George, Miles and Buhr, LLC be approved in the amount not to exceed \$22,000.00 for additional Construction Administration and Inspection Services.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Western  
Sussex  
Trans-  
mission  
Facilities**

**Hans Medlarz, County Engineer, presented for Council's consideration Change Order No. 3 to Contract 4, Western Sussex Transmission Facilities, Pump Stations, Project S19-28. The Change Order is for a waterline relocation.**

**M 441 20  
Approve  
Change  
Order 3/  
Western  
Sussex  
Trans-  
mission  
Facilities/  
Pump  
Stations**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 3 for Project S19-28, Western Sussex Transmission Facilities: Contract 4: Pump Stations, be approved, increasing the Contract by \$32,644.19 for a new contract total of \$3,332,270.97.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**FY 21  
Ocean  
Outfall  
Inspection  
Project**

**Mark Parker, Assistant County Engineer, presented a recommendation to award Project G21-06, FY 21 Ocean Outfall Inspection. Mr. Parker reported that three bids were received and that TNJ Marine, Inc. submitted the low Base Bid in the amount of \$69,250.00. The Engineering Department recommends awarding the bid to TNJ Marine, Inc.**

**M 442 20  
Award  
Ocean  
Outfall  
Inspection  
Project**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the FY 21 Ocean Outfall Inspection Project be awarded to TNJ Marine, Inc. for an amount of \$69,250.00 which represents the low Base Bid received by the County; additionally, any repairs authorized by the County as a result of the initial inspection shall be completed per the add/alternate unit prices submitted by TNJ Marine, Inc.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Existing Wastewater Infrastructure Use Amendment/H&D Townhouses**

**John Ashman, Director of Utility Planning, presented an amendment to an existing Wastewater Infrastructure Use Agreement for H&D Subdivision, LLC for the H&D Townhomes (Sea Edge) project in the Millville area. The original agreement was approved based on a catch-up contribution for the project connecting 58 EDUs to the County's existing infrastructure. The developers of the project elected to eliminate the clubhouse originally proposed for the project, therefore, eliminating one lateral connection for a new total of 57 and reducing the catch-up contribution required. This reduction in connections will reduce the financial contribution by \$989.57. H&D Subdivision, LLC has previously completed payment of the contribution in full and, therefore, the County will need to reimburse the Developer.**

**M 443 20 Approve Existing Wastewater Infrastructure Use Agreement Amendment**

**A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the amended Existing Wastewater Infrastructure Use Agreement between Sussex County and H&D Subdivision, LLC for the reduction and catch-up contribution, as presented.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea**

**Grant Requests**

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

**M 444 20 Councilmanic Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson to give \$3,000.00 from Mr. Burton's Councilmanic Grant Account to the Boy Scouts of America Troop #1 for equipment expenses.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea**

**M 445 20 Councilmanic Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$3,100.00 from Mr. Burton's Councilmanic Grant Account to Sussex Central High School for equipment expenses.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea**

**M 446 20  
Council-  
manic  
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$21,000.00 from Mr. Wilson's Councilmanic Grant Account to the Georgetown Historical Society for Barrel Barn renovations.

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 447 20  
Council-  
manic  
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$1,500.00 from Mr. Burton's Councilmanic Grant Account to the Lewes Public Library for festival expenses.

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Introduction  
of Proposed  
Ordinances**

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-30.00-58.02 (PORTION OF)".

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 132-2.00-264.00 (PORTION OF)".

The Proposed Ordinances will be advertised for Public Hearing.

**Council  
Members'  
Comments**

**Council Members' Comments**

Mr. Hudson recognized the 245th birthday of the United States Marines.

**M 448 20  
Go Into  
Executive  
Session**

At 11:00 a.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to recess and go into Executive Session.

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Executive  
Session**

At 11:05 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 1:30 p.m.

**M 449 20**            **At 1:35 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to**  
**Reconvene**            **come out of Executive Session and reconvene the Regular Session.**  
**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.**

**Rules**                    **Mr. Moore read the rules of procedure for zoning hearings.**

**Mr. Wilson joined the meeting.**

**Public**                    **A Public Hearing was held on the Proposed Ordinance entitled “AN**  
**Hearing/**                **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**  
**CU 2234**                **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A**  
**FIBERGLASS SWIMMING POOL AND SPA DISPLAY AND**  
**LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN**  
**PARCEL OF LAND LYING AND BEING IN INDIAN RIVER**  
**HUNDRED, SUSSEX COUNTY, CONTAINING 2.70 ACRES, MORE OR**  
**LESS” (Conditional Use No. 2234) filed on behalf of James Jones (Tax I.D.**  
**No. 234-28.00-67.00) (911 Address: 28984 Cordrey Rd, Millsboro).**

**The Planning and Zoning Commission held a Public Hearing on this**  
**application on October 8, 2020 at which time action was deferred. On**  
**October 22, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated October 8**  
**and 22, 2020.)**

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

**The Council found that that James Jones was present on behalf of his**  
**application. He stated that he proposes to have a fiberglass pool and spa (one**  
**each) on display on the site and that he proposes to operate a landscaping**  
**business from the site; that he lives on the site; that there will be no**  
**stockpiling of pools or spas on the site; that the landscaping business will**  
**operate from the rear portion of the property and that he will not store**  
**landscaping materials on the site; that only vehicles related to the business will**  
**be parked there; and that there is a 4 by 8 sign on the property that he wishes**  
**to keep.**

**There were no public comments.**

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

**M 450 20  
Adopt  
Ordinance  
No. 2750/  
CU 2234**

**A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2750 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIBERGLASS SWIMMING POOL AND SPA DISPLAY AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.70 ACRES, MORE OR LESS” (Conditional Use No. 2234) filed on behalf of James Jones, with the following conditions:**

- a. The use shall be limited to a landscaping business and the display of model swimming pools and spas that are for sale. No other sales shall occur on the property.**
- b. No pools or spas shall be constructed, stockpiled or inventoried on the property. As stated by the Applicant, all swimming pools and spas on the property shall be display models, used by customers to inspect prior to ordering the structures for delivery from the off-site manufacturer directly to their properties.**
- c. No more than one pool and one spa shall be displayed on the site at any one time. The location of these displays shall be shown on the Final Site Plan.**
- d. As stated by the Applicant, the home on the property shall be the owner’s primary residence which may include a small office for the business.**
- e. The landscaping business shall be located at the rear of the property, with all vehicles and trailers parked at the rear of the premises. The parking area for the business vehicles and trailers shall be shown on the Final Site Plan and clearly shown on the site itself. All other equipment shall be stored within the existing pole building on the site.**
- f. All vehicle and equipment maintenance shall only occur within the existing pole building.**
- g. The hours of operation shall be limited to 7:00 a.m. until 7:00 p.m., unless the Applicant is providing services for snow removal, storm damage or from similar causes.**
- h. No grinding, shredding, mulching or dyeing of materials shall occur on the site.**
- i. No landscaping materials shall be brought onto the site for dumping.**
- j. As stated by the Applicant, signage shall be limited to one lighted sign along the roadway not to exceed 32 square feet in size.**
- k. Any lighting directed at the display models shall be screened so that it does not shine on neighboring properties or roadways. Any such lighting shall be turned off no later than 10:00 p.m. each day.**
- l. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.**
- m. All entrances shall be subject to all DeIDOT requirements.**
- n. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

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

**M 450 20  
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing/  
CU 2240**

**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 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” (Conditional Use No. 2240) filed on behalf of Tidewater Utilities, Inc. (Tax I.D. No. 334-12.00-107.00 (portion of) (911 Address: 19483 John J. Williams Highway, Lewes).**

**The Planning and Zoning Commission held a Public Hearing on this application on October 8, 2020 at which time action was deferred. On October 22, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated October 8 and 22, 2020.)**

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

**The Council found Jim Fuqua, Attorney, was present on behalf of the application with Greg Coury with Tidewater Utilities and Robert Palmer with Beacon Engineering. Mr. Fuqua stated that the Applicant is requesting approval of an elevated water storage tank to be located on lands of the Cape Henlopen School District (the rear portion of the Beacon Middle School site); that the school district previously provided Tidewater an option for Tidewater to purchase an easement on that property for a water storage facility at some future date when a need is identified; that the need has been established from the growth has occurred; that the existing water tower on Route One is not sufficient to meet the future needs for the area; that the tank will be located on a 14,125 square foot easement area located to the rear of the school building; that the site borders Mulberry Knoll Road and there will be a construction and maintenance access easement from that road and a vehicle access to the tower site through the school property; that the entire easement area will be enclosed with a security fence; that there will be security lights at the base of the tower; that the site and a large area surrounding the site is designated as being in an Investment Level 2 Area according to the Strategies for State Policies and Spending; that under the 2019 Sussex County Comprehensive Plan, the proposed site is totally surrounded by the Coastal Area and the Commercial Area, both of which are growth areas; that the proposed tank will be located in the south central portion of the large service area; that the Public Service Commission has granted this area as a service territory; that the area is where growth is occurring and will continue to grow into the future; and that the location is an appropriate and ideal location for the proposed use.**

**Public  
Hearing/  
CU 2240  
(continued)**

**Mr. Fuqua provided a history of Tidewater Utilities and the services the company provides, reviewed the applicable legal standards for the proposed conditional use, reviewed the specifics of the proposed water storage tank and the construction of the tank; and reviewed plans for maintenance and inspection of the tank.**

**There were no public comments.**

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

**M 451 20  
Adopt  
Ordinance  
No. 2751/  
CU 2240**

**A Motion was made by Mr. Hudson, seconded by Mr. Wilson, to Adopt Ordinance No. 2751 entitled “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” (Conditional Use No. 2240) filed on behalf of Tidewater Utilities, Inc., with the following conditions:**

- a. The maximum capacity of the tower shall not exceed 1,000,000 gallons.**
- b. The maximum height of the tower shall be 160 feet.**
- c. The lighting at the tower shall be limited to normal security lights which shall be shielded from nearby neighbors and roadways and safety lights required by the Federal Aviation Administration on the tower.**
- d. The tower shall be painted white or a sky neutral color and may include signage for both Tidewater and the Cape Henlopen School District or Beacon Middle School.**
- e. The water facilities shall be surrounded by a security fence at least eight (8) feet in height.**
- f. Structural design and operation of the water facility shall comply at a minimum with industry standards such as The American Water Works Association.**
- g. The Applicant will allow placement of antenna on the tower by the Cape Henlopen School District, and other government and public safety agencies.**
- h. One lighted ground-level sign shall be permitted identifying the owner and providing emergency contact information**
- i. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all applicable agency approvals.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**



**Public  
Hearing/  
CU 2241**

**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 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” (Conditional Use No. 2241) filed on behalf of Jonathan J. Bowman (Tax I.D. No. 333-7.00-32.00) (911 Address: 34647 Millsboro Highway, Millsboro).**

**The Planning and Zoning Commission held a Public Hearing on this application on October 8, 2020 at which time action was deferred. On October 22, 2020, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated October 8 and 22, 2020.)**

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

**The Council found that Mackenzie Peet, Attorney, was present on behalf of the Applicant. She stated that the Applicant operates a truck and trailer repair business; that he and his wife live on the property; that the County received two complaints resulting in two violations on the property/property owner; that for Mr. Bowman, this business is a hobby; that he has no employees and works 1 to 2 days a week; that the Applicant’s friend works on the site at varied hours; that the Applicant does not generate a profit from this business/hobby but his friend does make some profit; that there is a dumpster located on the site; that all waste/oil is disposed of per regulations; that the area is largely undeveloped; that the repairs can create noise on the property and the Applicant is considering adding cypress trees around the property to reduce the noise; that there will be an extension to the existing pole barn for the storage of trucks and trailers; that he proposes to move the operation to the back of the property; that a Traffic Impact Study was not required; and that the area is rural with few neighbors.**

**There were no public comments.**

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

**M 452 20  
Adopt  
Ordinance  
No. 2752/  
CU 2241**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2752 entitled “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” (Conditional Use No. 2241) filed on behalf of Jonathan J. Bowman, with the following conditions:**

**M 452 20  
Adopt  
Ordinance  
No. 2752/  
CU 2241  
(continued)**

- a. **Before Final Site Plan approval occurs, the Applicant shall clean up the property and remove any inoperable trucks, trailers, or vehicles. This clean-up shall be verified by a Sussex County Constable.**
- b. **No sign shall be permitted.**
- c. **Security lighting shall be shielded and downward screened and shall be directed away from neighboring properties and roadways.**
- d. **Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- e. **No junked, unregistered or permanently inoperable vehicles, trucks or trailers shall be stored on the site.**
- f. **There shall be no more than five (5) trucks or trailers on the site at any time.**
- g. **There shall not be any parking in the front yard setback.**
- h. **The parking and repair areas shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles, trucks and trailers shall only be parked and worked on within these designated areas.**
- i. **All oils and other fluids shall be property stored indoors in appropriate containers. The application shall also comply with all State and Federal requirements for the disposal of these fluids.**
- j. **The site shall be subject to all DelDOT entrance and roadway requirements.**
- k. **As stated by the Applicant, there shall be a perimeter buffer of cypress trees or similar vegetation that shall be planted and maintained to screen the use from neighboring properties and roadways and to suppress noise coming from the truck repairs. The location and details of this perimeter buffer shall be shown on the Final Site Plan.**
- l. **Any violation of these conditions may be grounds for termination of this Conditional Use.**
- m. **The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing/  
CZ 1925**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A 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” (Change of Zone No. 1925) filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut (Tax I.D. No. 134-19.00-22.00 (portion of) (911 Address: None Available).**

**Public  
Hearing/  
CZ 1925  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on October 8, 2020 at which time action was deferred. On October 22, 2020, the Commission recommended approval.**

**(See the minutes of the Planning and Zoning Commission dated October 8 and 22, 2020.)**

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

**The Council found that Brenton Archut and Russell Archut were present on behalf of their application. They stated that they wish to rezone only 2.99 acres of the 25.63 acre parcel; that the proposal is that the front portion of the property on the northern-most part will be zoned B-2; that they wish to provide a convenient location for services to households in a growing area; that the proposed use will provide business opportunities to local and area business owners; that the proposed use is for light retail and offices; that there is a need for services in the area; that having these small types of local businesses will reduce congestion on area roads by providing a variety of services to local residents; that the closest house is approximately 180 feet away through a wooded area; that Tidewater is willing and able to serve the site; that no Traffic Impact Study was required at this time, however, that need will be evaluated if the rezoning is approved and once a site plan is submitted; that they will comply with all DelDOT requirements; that the rezoning meets the goals of the Sussex County Land Use Plan as the site is located in the Coastal Area which is considered a growth area; and that B-2 zoning is consistent with the surrounding area.**

**There were no public comments.**

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

**M 453 20  
Amend  
Title of  
Ordinance/  
CZ 1925**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to amend the short title of the Ordinance by inserting the following words after “CONTAINING” in the last line: “2.99 ACRES OF 25.63 ACRES, MORE OR LESS”.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 454 20  
Adopt  
Ordinance  
No. 2753/  
CZ 1925**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2753 entitled “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,**

**M 454 20  
(continued)**

**CONTAINING 2.99 ACRES OF 25.63 ACRES, MORE OR LESS” (Change of Zone No. 1925) filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut.**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Absent;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 455 20  
Adjourn**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to adjourn at 2:53 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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**Sussex County**  
DELAWARE  
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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: 2021 MEETING AND HOLIDAY SCHEDULE

DATE: November 13, 2020

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During Tuesday's meeting, the Council is scheduled to discuss and approve the 2020 Meeting and Holiday Schedule. As in past years, the County will follow the typical holiday schedule and will be closed on the traditional holidays, including:

- New Year's Day
- Martin Luther King Jr. Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving
- Christmas

Regarding the County Council's meeting schedule, the Council is scheduled to meet every Tuesday except on days affected by a holiday and days we select to not meet. If an additional meeting is needed, Council can always schedule one at its discretion.

I will review the full schedule during Tuesday's meeting. Please let me know if you have any questions or concerns.



GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR  
(302) 855-7741 T  
(302) 855-7749 F  
gjennings@sussexcountyde.gov



**Sussex County**  
DELAWARE  
sussexcountyde.gov

**MEMORANDUM:**

**TO:** Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson Jr

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

**RE:** **Possible Pension Ordinance Introduction**

**DATE:** November 12, 2020

On Tuesday, I will be requesting the introduction of the attached ordinance that amends the County's pension section of the Code.

The ordinance achieves two goals:

1. Ensures the County's pension plan continues to be considered as a qualified pension plan under the Internal Revenue Service Code
2. Requires employees hired after December 30, 2020 to pay a 5% contribution to their pension

**None of these revisions change the benefits that current employees are receiving today.**

The first goal started with Code changes Council implemented in February of 2019. Since then, the County has applied to the IRS to obtain the qualified nontaxed ruling. After additional correspondence with the IRS, they are asking we make the following changes. If the changes are implemented by January 5, 2021, they will uphold a favorable determination. The IRS letter stating this fact is attached. The changes the IRS requested are:

- A. State that qualified military service is deemed an allowable interruption from continuous service at the County

- B. State that wages earned at the County during active deployment (known as differential payments) are included in the pension calculation
- C. State that employees will begin to receive their pensions by their Required Beginning Dates, which generally is the later of the April 1<sup>st</sup> following the year in which they turn age 70 ½ or retire
- D. State any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover
- E. State what happens if the Pension Plan is terminated

The second goal is to officially implement the 5% contribution for new employees that we discussed during the FY 2021 budget. It is important to continue to look at how we can sustain the County's pension plan. The County's contribution in the FY 2021 budget is approximately \$7 million, with employee contributions of \$225,000. Over time, the 5% employee contribution will help with the sustainability of the plan. Our latest actuarial report suggests we contribute 20% of salaries to sustain our pension and OPEB funds. As noted below, the 5% is also consistent with other governments in our area.

Entity	Contribution
Kent County	5% over \$6,000 as of 1/1/20
New Castle County	3% of base salary
Sussex County	3% over \$6,000 as of 1/1/14
State of Delaware	5% over \$6,000 as of 1/1/12

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

Attachment

pc: Todd F. Lawson



**Department of the Treasury  
Internal Revenue Service  
Tax Exempt and Government Entities**

Employee Plans  
550 Main Street, Room 6-403  
Cincinnati, OH 45201

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

Date:  
October 06, 2020  
Employer ID number:  
51-6000161  
Plan name:  
Sussex County Employees Pension  
Plan  
Plan number:  
001  
Document Locator Number (DLN):  
29007-284-05300-9  
Person to contact:  
Name: Rudolph A Boldreghini  
ID number: 1000202958  
Telephone: (513) 975-6102

Dear Applicant:

We're issuing this favorable determination letter for your plan listed above, based on the information you provided. Our favorable determination applies only to the status of your plan under the Internal Revenue Code (IRC) Section 401(a). In order to rely on this letter as proof of the plan's status, you must keep this letter, the application forms, the information submitted with the application, and all other correspondence.

Your determination letter doesn't apply to any qualification changes that become effective, any guidance issued, or any statutes enacted after the dates specified in the applicable Required Amendments List you submitted with your application.

This letter considered up to the 2017 Required Amendments List changes in plan qualification requirements.

This determination letter also applies to the amendments dated on 2/26/19.

This determination also applies to the proposed amendments you submitted in your letter dated 6/23/20 & 4/1/20. You must adopt the proposed amendments on or before the date provided in Treasury Regulations Section 1.401(b)-1.

We based this determination letter solely on your claim the plan meets the requirements of a governmental plan under IRC Section 414(d).

Your plan's continued qualification in its present form will depend on its effect in operation (Treasury Regulations Section 1.401-1(b)(3)) and on satisfying reporting requirements. We may review and determine the status of the plan in operation periodically.

You can find more information on favorable determination letters in Publication 794, Favorable Determination Letter, including:

- The significance and scope of reliance on this letter.
- The effect of any elective determination request in your application materials.
- The reporting requirements for qualified plans.
- Examples of the effect of a plan's operation on its qualified status.

You can get a copy of Publication 794 by visiting our website at [www.irs.gov/forms-pubs](http://www.irs.gov/forms-pubs) or by calling 800-TAX-FORM (800-829-3676).



If you submitted a Form 2848, Power of Attorney and Declaration of Representative, or Form 8821, Tax Information Authorization, with your application and asked us to send your authorized representative or appointee copies of written communications, we will send a copy of this letter to him or her.

If you have questions, you can contact the person at the top of this letter.

Sincerely,

*Khin M. Chow*

Khin M. Chow  
Director, Employee Plans  
Rulings and Agreements

Enclosures:

None

cc: Mr. Timothy J Snyder

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

AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES REGARDING EMPLOYEE ELIGIBILITY AND CONTRIBUTIONS, AND TO BRING THE CODE INTO COMPLIANCE WITH THE UNITED STATES INTERNAL REVENUE CODE.

WHEREAS, Sussex County Code, Chapter 26 governs Sussex County employee pension benefits; and

WHEREAS, Sussex County desires to amend Chapter 26 as it relates to "Eligibility" as set forth in § 26-6 and "Funding" as set forth in § 26-9; and

WHEREAS, Sussex County further desires to amend Chapter 26 to ensure that it is in compliance with the United States Internal Revenue Code.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 26, § 26-3, "Allowable interruptions", by adding the following to the end of the Section:

- G.** Participation in qualified military service is deemed an "Allowable Interruption" from continuous service under the terms of the Plan. A participant who dies during this period of "Allowable Interruption" will be treated as having died while an active participant in the Plan and his or her beneficiary, if otherwise eligible under the terms of the Plan, will be entitled to the death benefit.

Section 2. Amend Sussex County Code, Chapter 26, § 26-6, "Eligibility", by inserting the additional underlined language to paragraph A. as follows:

- A. A covered employee who shall have service with Sussex County in continuous employment for at least eight years shall be considered eligible for retirement benefits within the meaning of this chapter, except as otherwise provided. Elected County officials (including the Recorder of Deeds, Register of Wills, Sheriff, Clerk of Peace and members of County Council) would be eligible to retire and receive a pension with five years of elected official service at the age of 60 or with 10 years of elected official service at the age of 55. In no event shall a covered employee hired after December 31, 2013 receive credit for covered employment for benefit purposes for any period of employment during which the covered employee does not make the full 3% employee contribution or a covered employee hired after December 31, 2020 receive credit for covered employment for benefit purposes for any period of employment during which the covered employee does not make the full 5% employee contribution, except for the period of the year during which the covered employee is working and earning the first \$6,000 of base compensation. For purposes of this chapter, a "covered employee" is an employee of the County

who normally works at least 35 hours per week or is otherwise covered by this chapter; or an elected official of the County.

Section 3. Amend Sussex County Code, Chapter 26, § 26-7G., “Computation of benefits”, by adding the following language to the end of the Section:

When determining a Participant’s Compensation under this Paragraph, differential wage payments as defined by Code §3401(h)(2), shall be treated as Compensation.

Section 4. Amend Sussex County Code, Chapter 26, § 26-7I., “Computation of benefits”, by adding the following language to the end of the Section:

A covered employee’s retirement benefits shall begin to be distributed, no later than the covered employee’s Required Beginning Date. The Required Beginning Date of a covered employee is April 1 of the calendar year following the later of the calendar year in which the participant attains age 70½ or the calendar year in which the participant retires. For covered employees turning 70 ½ after December 31, 2019, The Required Beginning Date is April 1 of the calendar year following the later of the calendar year in which the participant attains age 72 or the calendar year in which the participant retires.

Section 5. Amend Sussex County Code, Chapter 26, § 26-7, “Computation of benefits”, by adding the following language to the end of the Section:

**J.** For distributions made on or after January 1, 1993, notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee’s election, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

**(1)** Eligible rollover distribution: An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee’s designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code; and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

**(2)** Eligible retirement plan: An eligible retirement plan is an individual retirement account described in section 408(a) of the Code, an

individual retirement annuity described in section 408(b) of the Code, an annuity plan described in section 403(a) of the Code, or a qualified trust described in section 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

**(3)** Distributee: A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse.

**(4)** Direct rollover: A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

Section 6. Amend Sussex County Code, Chapter 26, § 26-9, "Funding", by inserting the additional underlined language to paragraph F. as follows:

F. Employee Contributions.

(1) Covered employees hired by Sussex County after December 31, 2013, shall make employee contributions to the Fund equal to 3% of the covered employees' total annual base compensation in excess of \$6,000. Covered employees hired by Sussex County after December 31, 2020, shall make employee contributions to the Fund equal to 5% of the covered employees' total annual base compensation in excess of \$6,000. In no event shall the total base compensation of a covered employee during any calendar year in excess of \$6,000 be exempt from employee contributions. A covered employee shall at all times be 100% vested in his or her employee contributions.

Section 7. Amend Sussex County Code, Chapter 26-9, "Funding", by adding the following language to the end of the Section:

**H.** Termination of Pension Plan. Upon any termination of the Pension Plan, (full or partial), all amounts shall be allocated in accordance with the provisions hereof and the accrued benefit of each affected Participant shall become fully vested to the extent funded and shall not thereafter be subject to forfeiture. Upon termination of the Plan, the Sussex County, may direct either:

(1) continuation of the Plan and the distribution of benefits at such time and in such manner as though the Plan had not been terminated; or

- (2) the distribution of the assets in the Fund to the Participants. In such case, the assets shall be distributed to the remaining Participants in the Plan and to Retired Participants in cash, in property, or through the purchase of irrevocable deferred commitments from an insurer, subject to provision for expenses of administration or liquidation. Such distributions shall be allocated in the following order to the extent of the sufficiency of such assets, basing such allocation on the Accrued Benefit for each such Participant at the date of termination of the Plan:
- (a) to provide pensions to Retired Participants who have retired under the Plan prior to its termination without reference to the order of retirement;
  - (b) to provide retirement benefits to Participants who have reached their age of retirement under Section 26-6(B) but have not retired on the date of termination, without reference in the order in which they shall have reached their age of retirement;
  - (c) to provide retirement benefits to Participants who have not yet reached their age of retirement under Section 26-6(B) on the date of termination, in the order in which they will reach their age of retirement. Such benefits will be based upon accrued benefits as of the date of termination. The balance, if any, of the assets due to erroneous actuarial computation after such allocation shall be returned to the County, but only after the satisfaction of all liabilities with respect to Participants and pensions under the Plan. The portion of the excess attributable to mandatory contributions will be paid to the Participants who made these contributions.

Section 8. Effective Date. This Ordinance shall become effective immediately upon approval.

#### Synopsis

This Ordinance amends Chapter 26, § 26-6A. and § 26-9F.(1) of the Code of Sussex County to revise the eligibility and funding relating to pension benefits for covered employment of Sussex County employees hired after December 31, 2020. The purpose of the amendments to §§ 26-6A. and 26-9F.(1) is to revise the funding of the Plan for covered employees hired after December 31, 2020 to make contributions to the Fund equal to 5% of the total annual base compensation in excess of \$6,000. In addition to the foregoing, this Ordinance amends Chapter 26 to ensure that it is in compliance with the United States Internal Revenue Code.

All new language is underlined. No language has been deleted.

BRANDY BENNETT NAUMAN  
HOUSING COORDINATOR &  
FAIR HOUSING COMPLIANCE OFFICER  
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(302) 854-5397 F  
bnauman@sussexcountyde.gov



**Sussex County**  
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.  
Todd F. Lawson, County Administrator

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

**RE:** **CARES Act CDBG-CV1 Grant Agreement Execution**

**DATE:** November 13, 2020

Brad Whaley and I have provided progress updates (6/30/20 & 9/22/20) on the supplemental CARES Act funding made available to Sussex County through the Community Development Block Grant (CDBG) program to prevent, prepare for, and respond to the spread of COVID-19.

On Tuesday, we will be back before you to seek approval of the attached Resolution to sign the CARES Act CDBG-CV1 Grant Agreement with the Delaware State Housing Authority, as well as Agreements with our Sub-Recipients.

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

**CC:** Brad Whaley, Director, CD&H



**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS FOR  
CARES ACT CDBG-CV FUNDING**

**WHEREAS**, on March 27, 2020, the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”); and

**WHEREAS**, the CARES Act makes available funding through the U.S. Department of Housing & Urban Development’s (“HUD”) Community Development Block Grant Program (“CDBG-CV”) to HUD-funded jurisdictions to prevent, prepare for, and respond to the spread of COVID-19; and

**WHEREAS**, Sussex County received CDBG-CV funding from the Delaware State Housing Authority (“DSHA”); and

**WHEREAS**, Sussex County advertised CDBG-CV funding to eligible units of local government and non-profit agencies for application, awarding funding to eight (8) qualifying organizations.

**NOW BE IT RESOLVED by the Sussex County Council:**

1. That the form and substance of a certain Intergovernmental Agreement (“Agreement”) between Sussex County Government (“County”) and the DSHA, for administration of CARES Act CDBG-CV Funding, as set forth in the form of the Agreement is hereby approved.
2. That the form and substance of a certain Sub-Recipient Agreement (“Sub-Recipient Agreement”) between the County and the following organizations for distribution of CARES Act CDBG-CV Funding, as set forth in the form of the Sub-Recipient Agreement is hereby approved:

- a. La Red Health Center
  - b. Community Legal Aid Society, Inc.
  - c. Community Resource Center
  - d. Jesus Love Evangelist Association
  - e. La Esperanza, Inc.
  - f. Boys & Girls Club of DE
  - g. Love INC of Mid-Delmarva/Code Purple Sussex County
  - h. Harry K Foundation
3. That the Sussex County Council President and Clerk of Council are hereby respectively authorized and directed for and on behalf of the County to execute, attest, and seal the Agreement and Sub-Recipient Agreements.
  4. That the proper officials, agents, and employees of the County are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the County in accordance with the provisions of the Agreement and Sub-Recipient Agreements.
  5. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.



**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY  
OF RESOLUTION NO. \_\_\_\_\_ PASSED BY THE SUSSEX COUNTY COUNCIL ON THE  
17th DAY OF NOVEMBER 2020.**

---

Michael H. Vincent, President

---

Robin A. Griffith, Clerk of the County Council

PROPOSED

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable 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. 8***

DATE: November 17, 2020

On June 2, 2015, County Council initiated a comprehensive biosolids approach at the Inland Bays Regional Wastewater Facility (IBRWF) by approving Whitman, Requardt & Associates' (WRA) base contract Amendment No. 5 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.

The County's treatment capacity expansion plans for the IBRWF Phase 3 were submitted to DNREC mid-2019. The associated review comments were not received until August 3, 2020. The Team has addressed the comments and resubmitted to DNREC on October 30, 2020. DNREC's Division of Water continues to support alternative disposal methodologies in lieu of requiring the additional storage lagoon no. 3.

The biosolids and septage project, under a design assumption with a possible third storage lagoon, was publicly advertised and awarded by County Council on June 26, 2018 to Bearing Construction, Inc. in the amount of \$13,668,346.00.

DNREC's support of the elimination of the storage lagoon allowed a modification in the as bid plant's gravity discharge piping, netting a credit of \$73,697.95. However, during the submittal process it became evident that larger sludge handling pumps and an associated wet well increase were required 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.

IBRWF is one of the sites where the County is pursuing regional stormwater quality improvements. However, the banking program was at that time of submittal and still is under DNREC review. Therefore, the associated enhancements are not yet built and available for use.



Tying the project into County owned stormwater quality credits would have been preferable since the 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 resulting in 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 an initial 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 equipment rental and 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 Change Order Nos. 2, 3 & 4 were approved by Council on January 14, 2020.

The County's IT Department requested a scope modification from multi-mode fiber to single mode fiber for improved communication capability in addition, the Environmental Services Division requested a communication ductbank extension to the future filtration resulting in a combined RFI No. 11 value of \$16,954.95.

The elimination of the storage lagoon no. 3 had allowed a modification in the plant's gravity discharge piping resulting in the 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 deleted lagoon effectively shortening the distance significantly for a credit under RFI No. 4 valued at (\$92,258.68). 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 under PCO-007. The material cost credit in addition to the reduced 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 requiring an infiltration basin at a time & material cost of \$92,361.50 covered under PCO-016. The value engineering opportunity was tied to a reduction in impervious surface area, the addition of level spreaders with infiltration wells and addressed the utility adjustments of all existing electrical manholes for a credit in the amount of (\$13,902.92) summarized in PCO-015.

The other item which surfaced at that time was the sludge cake piping. Change Order No. 1 had addressed the increase in pump size however, the associated discharge piping issue within the station 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.

Unfortunately, since then it was determined the underground sludge piping appears to be the main contributor to the excessive pump discharge pressure encountered during the November 2, 2020 second start-up attempt. The Department, in cooperation with the contractor, developed an alternate aerial sludge piping system which is currently being implemented under PCO-022 as a time and material remediation. The third start up attempt is scheduled for November 30, 2020.

During the final construction stages electric scope gaps were identified in PCO-018 in the amount of \$14,499.29 for conveyor sensors and auger emergency shut offs. Furthermore, additional utility air and water piping, fittings, valves, and insulation to satisfy overall system performance were addressed under PCO-019 in the amount of \$41,933.55. On September 22, 2020 Council approved Change Order No. 7 covering PCOs 018 & 019 in the combined amount of \$56,432.84.

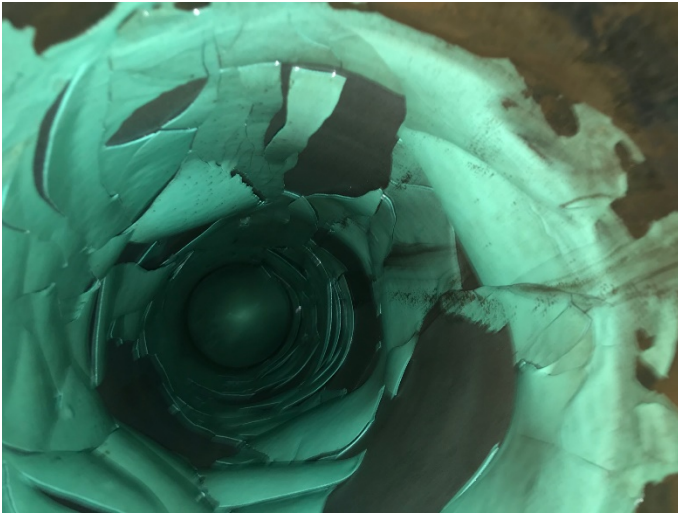
In September all parties anticipated a full start up in early October. However, two days into start up on October 6, 2020 the thermal fluid pump started cavitating. Upon investigation it was determined that the coating of the thermal fluid piping system had delaminated leaving no choice but a complete replacement. The replacement was accomplished under a time & material approach and completed within three weeks under PCO-021 in the amount of \$82,838.58. The thermal fluid pump performed as designed during the November 3, 2020 restart despite a significant number of residual coating pieces still found in the strainer.

Sludge drying at IBWRF was conceived as a 9-months, non-freezing weather operation in an open two-sided structure. This approach allowed the building to be permitted without a sprinkler system. In the light of the start-up delays and the mounting sludge inventories, the Department requested PCO-020 valued at \$22,700.36 for a polyethylene curtain wall at the east side of the structure allowing extended operational capabilities.

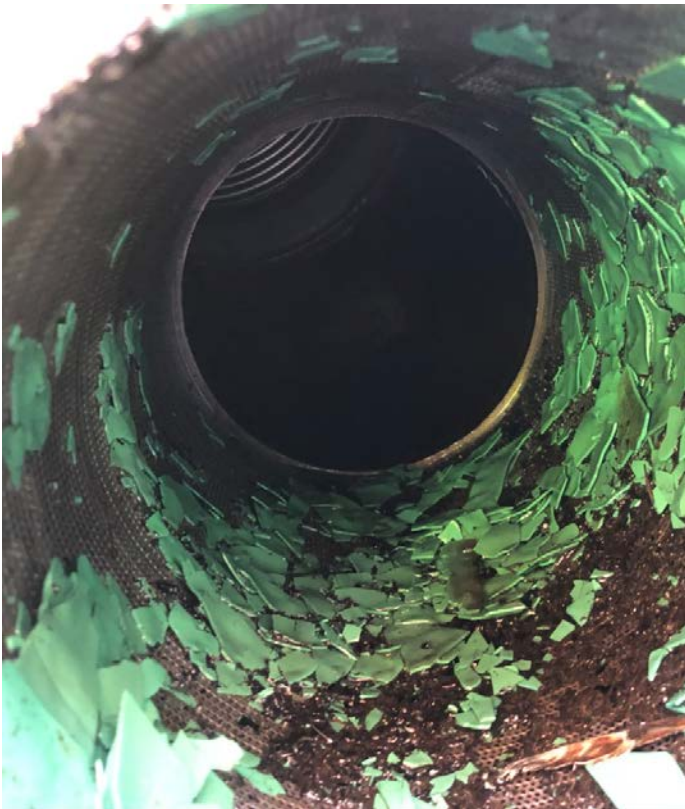
The Department requests issuance of Change Order No. 8 encompassing PCOs 020 & 021 in the combined amount of \$105,538.94.

Since the project is now even further behind schedule any time extension change order and its associated contractor costs will have to be weighed against the County's incurred expenses. The same holds true for the final evaluation of responsibility with regards to the two time & material change orders associated with the thermal fluid piping and the sludge discharge piping.

On a positive note, the septage receiving system has achieved beneficial use status with the Environmental Services Division operating the unit incident free to date. Full operation of the system is expected by the end of the year at which point we would discontinue receiving septage at the South Coastal RWF.



Delamination of coating in thermal fluid piping as of October 5 & 6, 2020



Residual pieces of thermal fluid pipe coating found in strainer at restart on November 3, 2020

Date of Issuance: November 17, 2020	Effective Date: November 17, 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: Install curtain system on Dryer Building to reduce weather effects and new steel piping for the Thermal Fluid heater associated with the Biosolids Dryer.

Attachments: PCO 020 & 021

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price:  \$ <u>13,668,346.00</u>	Original Contract Times: 474 Calendar Days Substantial Completion: <u>474 Calendar Days</u> Ready for Final Payment: _____ days or dates
Increase from previously approved Change Orders No. <u>1</u> to No. <u>7</u> :  \$ <u>296,736.43</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>6</u> : 81 days Substantial Completion: <u>555 Calendar Days</u> Ready for Final Payment: _____ days
Contract Price prior to this Change Order:  \$ <u>13,965,082.43</u>	Contract Times prior to this Change Order: Substantial Completion: <u>555 Calendar Days</u> Ready for Final Payment: _____ days or dates
Increase of this Change Order:  \$ <u>105,538.94</u>	[Increase] [Decrease] of this Change Order: 0 days Substantial Completion: <u>555 Calendar Days</u> Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order:  \$ <u>14,070,621.37</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>555 Calendar Days</u> Ready for Final Payment: _____ days or dates

RECOMMENDED: By: <u>[Signature]</u> By: _____ Engineer (if required) Owner (Authorized Signature)	ACCEPTED: By: _____ Contractor (Authorized Signature)
Title: <u>COUNTY ENGINEER</u> Title _____	Title _____
Date: <u>11/12/2020</u> Date _____	Date _____

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: Robert L. Saia, Jr

Digitally signed by Robert L. Saia, Jr  
DN: C=US,  
E=rsaia@bearingconstruction.net,  
O="Bearing Construction, Inc.",  
OU=Project Management,  
CN="Robert L. Saia, Jr"  
Date: 2020.11.12 09:28:49-05'00'



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 #18117-02OR1 Provide and Install Track and Strip Curtains  
10/22/2020

**Background:** There was a request by Sussex County to provide curtain system on the Dryer Building to alleviate/reduce weather effects.

**Scope Narrative:** Bearing Construction and its subcontractor will provide and install stationary track and clear poly curtains on the East end of the Dryer Building and stationary track on the West side of building (for later use, no curtains provided under this PCO). Both ends will receive C-channel and matching panels from header down to elevation of 16'

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: **\$22,700.36.**

Respectfully submitted,

*Robert L. Saia, Jr.*

Robert Saia  
Project Manager  
Bearing Construction, Inc.



805 Shine Smith Road  
 Suddlersville, MD 21668  
 P: 410.556.6100 F: 410.556.6574

## PROPOSED CHANGE ORDER

Date: 7-Oct-20

Proposed Change Order Number: 18117-019

Inland Bays Regional Wastewater Facility Upgrades

**Scope of Work**

Provide and Install Weather Curtains on Dryer Building.

**Materials & Labor**

	Material	Labor
Project Management	\$ -	\$ 900.00
Supervision	\$ -	\$ 1,600.00
	\$ -	\$ -
Materials Subtotal: \$ -		
Labor Total: \$ 2,500.00		
Equipment Subtotal		
10% Overhead: \$ - \$ 250.00		
Labor, Materials, Equipment Costs with Taxes & Overhead:		<b>\$ 2,750.00</b>

**Subcontract**

Regional Builders	Provide and Install Strip Curtains on East side of Building and Stationary Track On West side	\$ 19,000.34	
		\$ -	
		\$ -	
		\$ -	
		\$ -	
Subcontract Subtotal:		\$ 19,000.34	
5% Overhead on Subcontract Work:		\$ 950.02	
Subcontract Costs with Overhead:		<b>\$ 19,950.36</b>	
Total of Labor & Materials: \$ 2,750.00			
Total of Subcontract: \$ 19,950.36			
Subtotal of Materials & Subcontract: \$ 22,700.36			
Cost of Bond: \$ -			
<b>Total Proposed Change Order:</b>		<b>\$ 22,700.36</b>	





## REGIONAL BUILDERS, INC.

PO Box 769 ~ 100 Park Avenue ~ Seaford, DE 19973  
(302) 628-8660 ~ Fax (302) 629-7296 ~ [www.regionalbuilders.com](http://www.regionalbuilders.com)

October 21, 2020

Mr. Rob Saia  
Bearing Construction Co.  
805 Shine Smith Rd  
Sudlersville, MD 21668

### **RE: Proposal # RB65620- Inland Bays Dryer building REVISED**

Dear Mr. Saia:

Thank you for allowing Regional Builders, Inc. to provide you with this proposal to do the following improvements at the existing Millsboro, Delaware facility.

---

#### **SCOPE OF WORK**

1. Furnish and install (1) 390"x 192" strip curtain on stationary track with 12" wide clear smooth strips on an overlap of 67%. Orange safety strips are included for the jamb sides. This curtain will be installed on the east end of the building
2. Furnish and install on the west end of the building (1) stationary track only. No strips are provided at this time for this opening.
3. From the top of the existing opening header on both the east and west ends, we will install C channel and metal wall panel to match existing to a AFF height of 16'.

Note: All work to be completed during normal business hours Mon-Fri.

#### Exclusions

- a) Additional work that may be required after governmental agency reviews
- b) Governmental review fees and permit fees
- c) Any other work not specifically listed

**Proposal Total: \$19,034.00**  
**(Nineteen Thousand Thirty-Four and 00/100 Dollars)**

If this proposal is accepted, please sign where applicable and return to my office. Please call with any questions.

Respectfully,

*Barry K. Neal*

Barry K. Neal

Vice President of Field Operations

**Payment Terms:** Invoice net 10

**Accepted Proposal:**

\_\_\_\_\_ Date \_\_\_\_\_  
Authorized Signature, Bearing Construction

\_\_\_\_\_ Title \_\_\_\_\_  
Printed Name

**Approved:**

\_\_\_\_\_ Date \_\_\_\_\_  
Joan Neal, President, Regional Builders, Inc.

cc: RB65620 File



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 #18117-021 Replace Thermal Fluid Piping for Biosolids Dryer  
11/5/2020

**Background:** The piping specified for the Thermal Fluid Heater associated with the Biosolids Dryer had an internal lining that delaminated.

**Scope Narrative:** Bearing Construction will demo the existing piping. Bearing and its subcontractor will provide, weld, and install new steel piping to replace the existing delaminated piping to/from the Thermal Fluid Heating unit associated with the Biosolids Dryer.

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: **\$82,838.58**.

Respectfully submitted,

*Robert L. Saia, Jr.*

Robert Saia  
Project Manager  
Bearing Construction, Inc.

**Bearing Construction**  
**Inland Bays Biosolids Facilities Contract 18-19**  
**Time & Material Cost**

<b>Team Member</b>	<b>Rate</b>	<b>Cost</b>	<b>Hours Worked</b>	<b>Subtotal</b>	<b>Mark Up 10%</b>	<b>Total</b>
Admin	Daily	\$ 95.00	32	\$ 3,040.00	\$ 304.00	\$ 3,344.00
Superintendent	Daily	\$ 135.00	0	\$ -	\$ -	\$ -
Foreman	Daily	\$ 115.00	113	\$ 12,995.00	\$ 1,299.50	\$ 14,294.50
Field Technician	Daily	\$ 105.00	142	\$ 14,910.00	\$ 1,491.00	\$ 16,401.00
Carpenter	Daily	\$ 95.00	0	\$ -	\$ -	\$ -
Operator	Daily	\$ 95.00	0	\$ -	\$ -	\$ -
Truck Driver	Daily	\$ 65.00	12	\$ 747.50	\$ 74.75	\$ 822.25
Pipe Layer	Daily	\$ 65.00	0	\$ -	\$ -	\$ -
Labor	Daily	\$ 50.00	216	\$ 10,800.00	\$ 1,080.00	\$ 11,880.00
<b>TOTAL LABOR</b>						\$ 46,741.75
<b>EQUIPMENT</b>	<b>Rate</b>	<b>Cost</b>	<b>Days</b>	<b>Subtotal</b>	<b>Mark Up 10%</b>	<b>Total</b>
<b>Trucks</b>						
Low Boy Tractor Trailer	Daily	\$ 1,000.00	2	\$ 1,500.00	\$ 150.00	\$ 1,650.00
Flat Bed Truck	Daily	\$ 750.00	0	\$ -	\$ -	\$ -
Off Road Truck	Daily	\$ 800.00	0	\$ -	\$ -	\$ -
Track Truck	Daily	\$ 1,200.00	0	\$ -	\$ -	\$ -
6-Wheeler Dump Truck	Daily	\$ 500.00	0	\$ -	\$ -	\$ -
Tri-axle Dump Truck	Daily	\$ 640.00	0	\$ -	\$ -	\$ -
<b>Bulldozers</b>						
450 John Deere	Daily	\$ 650.00	0	\$ -	\$ -	\$ -
650 John Deere	Daily	\$ 750.00	0	\$ -	\$ -	\$ -
D-3 Cat	Daily	\$ 640.00	0	\$ -	\$ -	\$ -

D-3 Cat With GPS	Daily	\$ 940.00	0	\$ -	\$ -	\$ -
700J John Deere	Daily	\$ 840.00	0	\$ -	\$ -	\$ -
700J John Deere Auto Grader	Daily	\$ 1,100.00	0	\$ -	\$ -	\$ -
850 John Deere	Daily	\$ 100.00	0	\$ -	\$ -	\$ -
850 John Deere GPS	Daily	\$ 1,300.00	0	\$ -	\$ -	\$ -
<b>Excavators</b>						
Hitachi 85 Zero Turn	Daily	\$ 800.00	0	\$ -	\$ -	\$ -
Hitachi 230	Daily	\$ 840.00	0	\$ -	\$ -	\$ -
JCB Load-All	Daily	\$ 650.00	10	\$ 6,500.00	\$ 650.00	\$ 7,150.00
Hitachi 330	Daily	\$ 1,100.00	0	\$ -	\$ -	\$ -
Hitachi 330 GPS	Daily	\$ 1,500.00	0	\$ -	\$ -	\$ -
Hitachi 330 Long Reach	Daily	\$ 2,000.00	0	\$ -	\$ -	\$ -
Hitachi 350	Daily	\$ 1,200.00	0	\$ -	\$ -	\$ -
Hitachi 350 GPS	Daily	\$ 1,600.00	0	\$ -	\$ -	\$ -
Hitachi 450-470	Daily	\$ 2,000.00	0	\$ -	\$ -	\$ -
Hitachi 450-470 GPS	Daily	\$ 2,400.00	0	\$ -	\$ -	\$ -
CAT 235 w/attachment	Daily	\$ 2,000.00	0	\$ -	\$ -	\$ -
<b>Loaders</b>						
Rubber Tire 3.5 CY	Daily	\$ 800.00	1	\$ 800.00	\$ 80.00	\$ 880.00
Rubber Tire 4.5 CY	Daily	\$ 1,000.00	0	\$ -	\$ -	\$ -
Skid Steer	Daily	\$ 600.00	0	\$ -	\$ -	\$ -
Backhoe	Daily	\$ 650.00	0	\$ -	\$ -	\$ -
<b>Attachments</b>						
Hammer	Daily	\$ 750.00	0	\$ -	\$ -	\$ -
Grapple	Daily	\$ 250.00	0	\$ -	\$ -	\$ -
Brushcutter	Daily	\$ 830.00	0	\$ -	\$ -	\$ -
GPS Base Station	Daily	\$ 100.00	0	\$ -	\$ -	\$ -
Concrete Pulverizer	Daily	\$ 880.00	0	\$ -	\$ -	\$ -

<b>Miscellaneous</b>						
Roller 84"	Daily	\$ 760.00	0	\$ -	\$ -	\$ -
Case Quad Track+Pan	Daily	\$ 1,500.00	0	\$ -	\$ -	\$ -
Kubota Tracter 4WD	Dally	\$ 550.00	0	\$ -	\$ -	\$ -
John Deere 650 4-wheeler	Daily	\$ 450.00	0	\$ -	\$ -	\$ -
Generator	Daily	\$ 300.00	0	\$ -	\$ -	\$ -
4" Pump	Daily	\$ 300.00	0	\$ -	\$ -	\$ -
<b>TOTAL EQUIPMENT</b>						\$ 9,680.00
				<b>Amount</b>	<b>Mark Up 10%</b>	<b>Total</b>
<b>Materials</b>						
Piping & Fittings				\$ 6,944.27	\$ 694.43	\$ 7,638.70
Y-Strainer Basket & (2) Gaskets (includes shpping cost \$102.28)				\$ 795.28	\$ 79.53	\$ 874.81
Paratherm Fluid				\$ 3,275.00	\$ 327.50	\$ 3,602.50
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
<b>Subcontractor</b>						
KL Vincent Welding				\$ 13,000.75	\$ 1,300.08	\$ 14,300.83
<b>Total Materials</b>						\$ 26,416.83

**Total Invoice Amount**

\$ 82,838.58



# Komline-Sanderson

## INVOICE

Box 257                      www.komline.com  
 12 Holland Ave   info@komline.com  
 Peapack, NJ 07977

**REMIT TO:**  
 Komline-Sanderson  
 P.O. Box 257  
 Peapack, NJ 07977-0257

**INVOICE NO :** 42048191  
**INVOICE DATE :** 11/3/2020  
**SALESPERSON :** Heyward - VA

TIN: 22-1442955

<b>BILL TO:</b> BEARING009 Bearing Construction 805 Shine Smith Road Sudlersville MD 21668 USA	<b>SHIP TO:</b> Bearing Construction 805 Shine Smith Road Sudlersville MD 21668 USA
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<b>CUSTOMER PO</b> D0597	<b>TERMS</b> Per Contract	<b>SHIP VIA</b> Truck	<b>FREIGHT TERMS</b> Prepaid
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LN	ORDERED U/M	INVOICED	BACKORD	ITEM	UNIT PRICE	AMOUNT
1	0.00	1.00	0.00	Invoice for Paratherm HE  ORDER: W2021-PD1498	3,275.00	3,275.00
2	0.00	1.00	0.00	Invoice for Screen for Strainer & Gasket Repacement  ORDER: W2021-PD1498	693.00	693.00
3	0.00	1.00	0.00	Invoice for UPS Shipment  ORDER: W2021-PD1498	102.28	102.28

SUBTOTAL	4,070.28
PREPAID	0.00
FREIGHT	0.00
MISC. CHARGES	0.00
SALES TAX	0.00
<b>BALANCE DUE</b>	<b>4,070.28 USD</b>



FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Deliver To:** APRIL/JIM/MARTHA  
**From:** Bob Johns  
**Comments:**

*Please Contact With Questions:*  
 407-816-6550

Invoice Number	Customer	Page
0525968	22753	1

*Please refer to Invoice Number when making payment and remit to:*

**TOTAL DUE ---> 2109.53**

FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Sold To:**

BEARING CONSTRUCTION INC  
 IBRWF REGIONAL BIOSOLIDS  
 805 SHINE SMITH ROAD  
 SUDLERSVILLE, MD 21668

**Ship To:**

BEARING CONSTRUCTION  
 C/O VINCENTS WELDING  
 19456 S DUPONT HIGHWAY  
 HARRINGTON, DE 19952

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
1883	1883	DEONLY	JIM	RWJ	THERMAL PIPE	10/14/2020	56216

Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount
2	2	DWTXXP	8X8X4 CS STD WLD TEE	232.330	EA	464.66
10	10	DW9X	8 CS STD WLD LR 90 ELL	116.320	EA	1163.20
1	1	DW4X	8 CS STD WLD 45 ELL	82.030	EA	82.03
2	2	DWCRXU	8X6 CS STD WLD CONC RED	64.190	EA	128.38
4	4	DW9P	4 CS STD WLD LR 90 ELL	27.940	EA	111.76
4	4	D300RFWNFP	4 CS 300# STD RF WN FLG	35.360	EA	141.44
3	3	TOL36JF	36 - 1-1/2 X 3/4 FS 3000# TOL	6.020	EA	18.06
			(302) 398-9357 VINCENTS			

<b>Invoice Sub-Total</b>	<b>2109.53</b>
<b>Tax</b>	<b>0.00</b>
<b>Total Amt</b>	<b>2109.53</b>

**TOTAL DUE ---> 2109.53**

ALL ACCOUNTS ARE DUE AND PAYABLE PER THE CONDITIONS AND TERMS OF THE ORIGINAL INVOICE. ALL PAST DUE AMOUNTS ARE SUBJECT TO A SERVICE CHARGE AT THE MAXIMUM RATE ALLOWED BY STATE LAW PLUS COSTS OF COLLECTION INCLUDING ATTORNEY FEES IF INCURRED. FREIGHT TERMS ARE FOR OUR DOCK UNLESS OTHERWISE SPECIFIED ABOVE. COMPLETE TERMS AND CONDITIONS ARE AVAILABLE UPON REQUEST OR CAN BE VIEWED ON THE WEB AT <https://www.ferguson.com/content/website-info/terms-of-sale>  
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FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Deliver To:** APRIL/JIM/MARTHA  
**From:** Bob Johns  
**Comments:**

*Please Contact With Questions:*  
 407-816-6550

Invoice Number	Customer	Page
0526010	22753	1

*Please refer to Invoice Number when making payment and remit to:* **TOTAL DUE --->** 29.76

FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Sold To:**

BEARING CONSTRUCTION INC  
 IBRWF REGIONAL BIOSOLIDS  
 805 SHINE SMITH ROAD  
 SUDLERSVILLE, MD 21668

**Ship To:**

IBRWF (BEARING)  
 29445 INLAND BAYS ROAD  
 MILLSBORO, DE 19966

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
1883	1883	DEONLY	JON T	RWJ	GASKET	10/13/2020	56188
Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount	
2	2	FNWSWG34FM	3 3-600# 304 FG SPRL WND GSKT	6.390	EA	12.78	
2	2	FNWSWG34FP	4 300# 304 FG SPRL WND GSKT	8.490	EA	16.98	
<b>Invoice Sub-Total</b>						<b>29.76</b>	
<b>Tax</b>						<b>0.00</b>	
<b>Total Amt</b>						<b>29.76</b>	

**TOTAL DUE --->** 29.76

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FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Deliver To:** APRIL/JIM/MARTHA  
**From:** Bob Johns  
**Comments:**

*Please Contact With Questions:*  
 407-816-6550

Invoice Number	Customer	Page
0525970	22753	1

*Please refer to Invoice Number when making payment and remit to:* **TOTAL DUE --->** 421.26

FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Sold To:**  
 BEARING CONSTRUCTION INC  
 IBRWF REGIONAL BIOSOLIDS  
 805 SHINE SMITH ROAD  
 SUDLERSVILLE, MD 21668

**Ship To:**  
 BEARING CONSTRUCTION  
 C/O VINCENTS WELDING  
 19456 S DUPONT HIGHWAY  
 HARRINGTON, DE 19952

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
1883	1883	DEONLY	JIM	RWJ	THERMAL	10/12/2020	56191

Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount
2	2	DWCRUP	6X4 CS STD WLD CONC RED	48.940	EA	97.88
4	4	D300RFWNFU	6 CS 300# STD RF WN FLG	55.010	EA	220.04

<b>Invoice Sub-Total</b>	<b>317.92</b>
<b>Freight</b>	<b>103.34</b>
<b>Tax</b>	<b>0.00</b>
<b>Total Amt</b>	<b>421.26</b>

**TOTAL DUE --->** 421.26

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 BOSTON, MA 02241-7592

**Deliver To:** APRIL/JIM/MARTHA  
**From:** Bob Johns  
**Comments:**

*Please Contact With Questions:*  
 407-816-6550

Invoice Number	Customer	Page
0526101	22753	1

*Please refer to Invoice Number when making payment and remit to:* **TOTAL DUE --->** 36.54

FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Sold To:**  
 BEARING CONSTRUCTION INC  
 IBRWF REGIONAL BIOSOLIDS  
 805 SHINE SMITH ROAD  
 SUDLERSVILLE, MD 21668

**Ship To:**  
 IBRWF (BEARING)  
 29445 INLAND BAYS ROAD  
 MILLSBORO, DE 19966

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
1883	1883	DEONLY	JON T	RWJ	GASKETS	10/13/2020	56205
Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount	
1	1	FNWSWG34FX	8 300# 304 FG SPRL WND GSKT	17.140	EA	17.14	
<b>Invoice Sub-Total</b>						17.14	
<b>Freight</b>						19.40	
<b>Tax</b>						0.00	
<b>Total Amt</b>						36.54	

**TOTAL DUE --->** 36.54

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FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Deliver To:** APRIL/JIM/MARTHA  
**From:** Bob Johns  
**Comments:**

*Please Contact With Questions:*  
 407-816-6550

Invoice Number	Customer	Page
0526081	22753	1

*Please refer to Invoice Number when making payment and remit to:* **TOTAL DUE --->** 54.96

FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Sold To:**  
 BEARING CONSTRUCTION INC  
 IBRWF REGIONAL BIOSOLIDS  
 805 SHINE SMITH ROAD  
 SUDLERSVILLE, MD 21668

**Ship To:**  
 IBRWF (BEARING)  
 29445 INLAND BAYS ROAD  
 MILLSBORO, DE 19966

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
1883	1883	DEONLY	JON T	RWJ	GASKETS	10/13/2020	56205

Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount
4	4	FNWSWG34FK	2 3-600# 304 FG SPRL WND GSMT	4.930	EA	19.72
2	2	FNWSWG34FP	4 300# 304 FG SPRL WND GSMT	8.490	EA	16.98

<b>Invoice Sub-Total</b>	<b>36.70</b>
<b>Freight</b>	<b>18.26</b>
<b>Tax</b>	<b>0.00</b>
<b>Total Amt</b>	<b>54.96</b>

**TOTAL DUE --->** 54.96

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FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Deliver To:** APRIL/JIM/MARTHA  
**From:** Bob Johns  
**Comments:**

*Please Contact With Questions:*  
 407-816-6550

Invoice Number	Customer	Page
0525972	22753	1

*Please refer to Invoice Number when making payment and remit to:*

**TOTAL DUE ---> 770.18**

FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Sold To:**

BEARING CONSTRUCTION INC  
 IBRWF REGIONAL BIOSOLIDS  
 805 SHINE SMITH ROAD  
 SUDLERSVILLE, MD 21668

**Ship To:**

BEARING CONSTRUCTION  
 C/O VINCENTS WELDING  
 19456 S DUPONT HIGHWAY  
 HARRINGTON, DE 19952

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
1883	1883	DEONLY	JIM	RWJ	THERMAL	10/12/2020	56191
Ordered	Shipped	Item Number	Description		Unit Price	UM	Amount
6	6	D300RFWNFX	8 CS 300# STD RF WN FLG		94.580	EA	567.48

<b>Invoice Sub-Total</b>	<b>567.48</b>
<b>Freight</b>	<b>202.70</b>
<b>Tax</b>	<b>0.00</b>
<b>Total Amt</b>	<b>770.18</b>

**TOTAL DUE ---> 770.18**

ALL ACCOUNTS ARE DUE AND PAYABLE PER THE CONDITIONS AND TERMS OF THE ORIGINAL INVOICE. ALL PAST DUE AMOUNTS ARE SUBJECT TO A SERVICE CHARGE AT THE MAXIMUM RATE ALLOWED BY STATE LAW PLUS COSTS OF COLLECTION INCLUDING ATTORNEY FEES IF INCURRED. FREIGHT TERMS ARE FOR OUR DOCK UNLESS OTHERWISE SPECIFIED ABOVE. COMPLETE TERMS AND CONDITIONS ARE AVAILABLE UPON REQUEST OR CAN BE VIEWED ON THE WEB AT <https://www.ferguson.com/content/website-info/terms-of-sale>  
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FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Deliver To:** APRIL/JIM/MARTHA  
**From:** Bob Johns  
**Comments:**

*Please Contact With Questions:*  
 407-816-6550

Invoice Number	Customer	Page
0525961	22753	1

*Please refer to Invoice Number when making payment and remit to:*

**TOTAL DUE ---> 3299.49**

FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Sold To:**

BEARING CONSTRUCTION INC  
 IBRWF REGIONAL BIOSOLIDS  
 805 SHINE SMITH ROAD  
 SUDLERSVILLE, MD 21668

**Ship To:**

BEARING CONSTRUCTION  
 C/O VINCENT WELDING  
 19456 S DUPONT HIGHWAY  
 HARRINGTON, DE 19952

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
1883	1883	DEONLY	JIM	RWJ	THERMAL PIPE	10/13/2020	56205
Ordered	Shipped	Item Number	Description		Unit Price	UM	Amount
105	100	GBSPA106BX	8 BLK BE A106B S40 SMLS SRL PIPE		2679.240	C	2679.24
42	42	GBSPA106BP	4 BLK BE A106B S40 SMLS SRL PIPE		1012.500	C	425.25
			(302) 398-9357				

<b>Invoice Sub-Total</b>	<b>3104.49</b>
<b>Freight</b>	<b>195.00</b>
<b>Tax</b>	<b>0.00</b>
<b>Total Amt</b>	<b>3299.49</b>

**TOTAL DUE ---> 3299.49**

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 PO BOX 417592  
 BOSTON, MA 02241-7592

**Deliver To:** APRIL/JIM/MARTHA  
**From:** Bob Johns  
**Comments:**

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 407-816-6550

Invoice Number	Customer	Page
0526098	22753	1

*Please refer to Invoice Number when making payment and remit to:*

**TOTAL DUE --->** 28.12

FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Sold To:**

BEARING CONSTRUCTION INC  
 IBRWF REGIONAL BIOSOLIDS  
 805 SHINE SMITH ROAD  
 SUDLERSVILLE, MD 21668

**Ship To:**

IBRWF (BEARING)  
 29445 INLAND BAYS ROAD  
 MILLSBORO, DE 19966

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
1883	1883	DEONLY	JON T	RWJ	ADD GASKET	10/13/2020	56205
Ordered	Shipped	Item Number	Description		Unit Price	UM	Amount
2	2	FNWSWG34FK	2 3-600# 304 FG SPRL WND GSKT		4.930	EA	9.86
<b>Invoice Sub-Total</b>							<b>9.86</b>
<b>Freight</b>							<b>18.26</b>
<b>Tax</b>							<b>0.00</b>
<b>Total Amt</b>							<b>28.12</b>

**TOTAL DUE --->** 28.12

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 PO BOX 417592  
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**From:** Bob Johns  
**Comments:**

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 407-816-6550

Invoice Number	Customer	Page
0525975	22753	1

*Please refer to Invoice Number when making payment and remit to:*

**TOTAL DUE --->** 169.78

FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Sold To:**

BEARING CONSTRUCTION INC  
 IBRWF REGIONAL BIOSOLIDS  
 805 SHINE SMITH ROAD  
 SUDLERSVILLE, MD 21668

**Ship To:**

IBRWF (BEARING)  
 29445 INLAND BAYS ROAD  
 MILLSBORO, DE 19966

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
1883	1883	DEONLY	JIM	RWJ	THERMAL	10/13/2020	56188

Ordered	Shipped	Item Number	Description	Unit Price	UM	Amount
4	4	FNWSWG34FP	4 300# 304 FG SPRL WND GSMT	8.490	EA	33.96
4	4	FNWSWG34FU	6 300# 304 FG SPRL WND GSMT	12.530	EA	50.12
5	5	FNWSWG34FX	8 300# 304 FG SPRL WND GSMT	17.140	EA	85.70

<b>Invoice Sub-Total</b>	<b>169.78</b>
<b>Tax</b>	<b>0.00</b>
<b>Total Amt</b>	<b>169.78</b>

**TOTAL DUE --->** 169.78

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**From:** Bob Johns  
**Comments:**

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 407-816-6550

Invoice Number	Customer	Page
0526083	22753	1

*Please refer to Invoice Number when making payment and remit to:* **TOTAL DUE --->** 24.65

FERGUSON WATERWORKS #920  
 PO BOX 417592  
 BOSTON, MA 02241-7592

**Sold To:**  
 BEARING CONSTRUCTION INC  
 IBRWF REGIONAL BIOSOLIDS  
 805 SHINE SMITH ROAD  
 SUDLERSVILLE, MD 21668

**Ship To:**  
 IBRWF (BEARING)  
 29445 INLAND BAYS ROAD  
 MILLSBORO, DE 19966

Ship Whse	Sell Whse	Tax Code	Customer Order Number	Sales Person	Job Name	Invoice Date	Batch
1883	1883	DEONLY	JON T	RWJ	GASKETS	10/13/2020	56205
Ordered	Shipped	Item Number	Description		Unit Price	UM	Amount
1	1	FNWSWG34FM	3 3-600# 304 FG SPRL WND GSKT		6.390	EA	6.39
<b>Invoice Sub-Total</b>							<b>6.39</b>
<b>Freight</b>							<b>18.26</b>
<b>Tax</b>							<b>0.00</b>
<b>Total Amt</b>							<b>24.65</b>

**TOTAL DUE --->** 24.65

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# Komline-Sanderson

## 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

NOTE: Please Advise Quotation Number When Ordering Parts

## SALES QUOTATION

QUOTE NO: AMQ26377

QUOTE DATE: 11/2/2020

REVISION NO: 0

QUOTE TYPE:

PORTAL NO:

THIS QUOTATION HAS BEEN PREPARED IN RESPONSE TO YOUR REQUEST

### BILL TO:

Bearing Construction  
ATTN: Jamie Yoder  
805 Shine Smith Road  
Sudlersville MD 21668  
USAPh: 410-490-7547

### SHIP TO:

Inland Bays Regional Wastewater Facility  
29445 Inland Bay Road  
Millsboro DE 19966  
USA

<b>REFERENCE</b> D0597	<b>SHIP VIA</b> UPS Red	<b>FOB</b> *Shipping Point	<b>SALESPERSON</b> DIECKMANN,JOHN W
<b>EXPIRATION</b> 12/2/2020	<b>TERMS</b> Net 30 Days	<b>FREIGHT TERMS</b> Prepaid & Add	<b>REPRESENTATIVE</b> Home Office

LINE	ITEM DESCRIPTION	Est. Shipping	U/M	QTY/break	UNIT PRICE	EXT PRICE
	K-S Job #D-0597					
1	Screen / Spec Screen for Strainer, Replacement	1 wk	ea	1.00	475.00	475.00
2	Gasket, Replacement Gasket, for a 6IN SA-7	Stock	ea	2.00	109.00	218.00

**Grand Total:** 693.00 USD



# Komline-Sanderson

## 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

NOTE: Please Advise Quotation Number When Ordering Parts

## SALES QUOTATION

QUOTE NO: AMQ26377

QUOTE DATE: 11/2/2020

REVISION NO: 0

QUOTE TYPE:

PORTAL NO:

THIS QUOTATION HAS BEEN PREPARED IN RESPONSE TO YOUR REQUEST

### BILL TO:

Bearing Construction  
ATTN: Jamie Yoder  
805 Shine Smith Road  
Sudlersville MD 21668  
USAPh: 410-490-7547

### SHIP TO:

Inland Bays Regional Wastewater Facility  
29445 Inland Bay Road  
Millsboro DE 19966  
USA

<b>REFERENCE</b> D0597	<b>SHIP VIA</b> UPS Red	<b>FOB</b> *Shipping Point	<b>SALESPERSON</b> DIECKMANN,JOHN W			
<b>EXPIRATION</b> 12/2/2020	<b>TERMS</b> Net 30 Days	<b>FREIGHT TERMS</b> Prepaid & Add	<b>REPRESENTATIVE</b> Home Office			
<b>LINE</b>	<b>ITEM DESCRIPTION</b>	<b>Est. Shipping</b>	<b>U/M</b>	<b>QTY/break</b>	<b>UNIT PRICE</b>	<b>EXT PRICE</b>

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.



19456 S. DuPont Hwy. Harrington, De. 19952

# Invoice

Date	Invoice #
10/28/2020	10951

Bill To
Bearing Construction, Inc. 805 Shine Smith Rd. Sudlersville, MD 21668

Terms	Due Date
Net 30	11/27/2020

Description	Amount
Weld pipes per samples Bearing supplied materials Job name: Inland Bay R.W.F. Job location: 29445 Inland Bay Rd. Millsboro, De. 19966 Work ordered per Jon Theil \$12,935.75	13,000.75
<b>Total</b>	<b>\$13,000.75</b>

Phone #	Fax #	E-mail
302-398-9357	302-398-7563	sherry@KLVINCENTWELDING.COM

## 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  
sussexcountyyde.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: ***Mulberry Knoll Force Main and Pump Station, Project S20-14***  
***A. Recommendation to Award***  
***B. KCI Amendment No. 3 – Construction Phase Services***

DATE: November 17, 2020

Following a successful referendum Council adopted on June 6, 2017, Resolution R 011 17 expanded the Unified Sanitary Sewer District to include the Mulberry Knoll Area. The Engineering & Finance Departments applied for project funding through the Clean Water State Revolving Fund. On August 13, 2019, Council conducted a public hearing on the offer and subsequently adopted Ordinance No. 2672 providing issuance of a General Obligation Bond up to \$3,135,379 to finance design, construction and equipping of the Project, with an expectation of principal forgiveness up to \$1,941,000 to reduce the principle amount to \$1,194,379 upon Project completion.

The Department's 5-year professional service contracts were procured via RFP 19-22, Miscellaneous Engineering Services. On May 14, 2019, Council approved the selection of three (3) consulting engineering firms: Davis, Bowen & Friedel (DBF); George Miles and Buhr (GMB); and KCI Technologies, Inc. (KCI). The Engineering Department was authorized to negotiate Base Professional Service Agreements for services between July 1, 2019 and June 30, 2024, with award of project-based contract amendments approved by Council.

On October 22, 2019, Council authorized Amendment No. 2 of the KCI Technologies Base Agreement for design and bidding phase services associated with the Mulberry Knoll Sewer Expansion Project with an estimated total cost of \$314,700.00.

Design efforts progressed since authorization with iterations of both preliminary and final design options provided by KCI. Based on Department direction, KCI separated the expansion project into two (2) distinct contracts in an effort to focus construction disciplines and improve timing and bidding results: Project S20-14 would construct a pump station and force main for sewer conveyance, and Project S20-22 the gravity and low pressure systems for sewer collection.



A. Recommendation to Award

B. KCI Amendment No. 3 – Construction Phase Services

Contract Documents for Project S20-14, Mulberry Knoll Pump Station & Force Main were assembled and advertised on September 25, 2020. Seven (7) bids were received on October 28, 2020, and are summarized as follows:

Teal Construction Inc.	Dover, DE	\$ 1,368,000.00
Kuhn Construction.	Hockessin, DE	\$ 1,385,617.70
J.J.I.D. Inc.	Bear, DE	\$ 1,432,000.00
George & Lynch	Dover, DE	\$ 1,479,761.94
A-Del	Newark, DE	\$ 1,518,849.00
Pact One.	Ringoes, NJ	\$ 1,742,590.00
Chesapeake Turf	Salisbury, MD	\$ 2,290,604.00

The Department has reviewed all bids received along with KCI’s evaluation of the apparent lowest three bids. Project financing has been evaluated against these bids in combination with gravity sewer contract estimates. The Department believes that although bid results indicate strong competition for the S20-14 contract, the current construction market and pricing will require additional funds to maintain the overall project financing once the S20-22 contract solicitation occurs.

The Engineering Department recommends Council award Project S20-14 to the lowest responsible bidder, Teal Construction Inc, of Dover, DE, in the amount of \$ 1,368,000.00, contingent upon concurrence of DNREC to ensure the State’s commitment to the overall project financing.

As the engineer of record for the design, KCI was requested to provide a scope and fee for limited construction phase services to supplement and support the Department’s administration, management and inspection of Project S20-14. The Department has reviewed the scope of services and estimated fee provide by KCI, and recommends Council authorize award of Amendment No. 3 of the KCI Technologies Base Owner-Engineer Professional Services Agreement dated September 10, 2019, at a not-to-exceed value of \$42,300, for as-needed construction phases services related to Mulberry Knoll Pump Station & Force Main, Sussex County Project S20-14. The County’s inspection forces are already actively engaged in the area and will provide the onsite project representation.



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

1352 Marrows Road, Suite 100 • Newark, DE 19711 • Phone 302-731-9176 • Fax 302-731-7807

November 2, 2020

Mr. Patrick Brown, Project Engineer  
Sussex County  
2 The Circle  
Georgetown, DE 19947

**RE: Bid Evaluation and Recommendation  
Mulberry Knoll Pump Station and Force Main**

Dear Mr. Brown:

KCI has reviewed the bid packages provided by the County for the subject project and we are providing the following evaluation and recommendation.

**Summary of Bids:**

A total of seven bids were submitted and are listed below, from the lowest to the highest bids. Teal Construction (Teal) is the low bidder with a bid amount of \$1,368,000.00.

<u>Contractor</u>	<u>Bid Amount</u>
Teal Construction, Inc.	\$1,368,000.00
Kuhn Construction	\$1,385,617.70
JJID, Inc.	\$1,432,000.00
George and Lynch	\$1,479,761.94
A-Del	\$1,518,849.00
Pact One	\$1,742,590.00
Chesapeake Turf	\$2,290,604.00

**Analysis of Bids:**

Given the number of bids received, the County and KCI agreed that the bid analysis should focus on the three lowest bidders. The Engineer's estimate on the Total Bid Price for this project is \$1,185,372.00 (within 13% of the bid average).

The low bidder, Teal's, Total Bid Price is \$1,368,000.00 (13% higher than the Engineer's Estimate). The second low bidder, Kuhn's, Total Bid Price is \$1,385,617.70 (14% higher than the Engineer's Estimate). The third low bidder, JJID's, Total Bid Price is \$1,432,000.00 (17% higher than the Engineer's Estimate). The difference between the three lowest bids was only \$64,000.00 (4%), which suggests that the bid was a competitive process. KCI has noticed a trend

industrywide of bids coming in around 20-25% higher than engineer's estimates, and the three lowest bids were lower than this trend.

The overall bid tabulation is attached, which shows the full bid pricing for the seven bids received. While the full analysis was limited to the three lowest bidders, KCI noticed a discrepancy on A-Del's bid for Bid Item #2. The Bid Unit Price and the Bid Price for the item do not match, which has been highlighted in red on the attached bid. The error did not affect the total bid amount as the Bid Price was utilized to calculate the Subtotal amount.

KCI reviewed the individual bid item pricing for the three lowest bids. The lump sum bid items are difficult to compare as they are open for interpretation and result in larger pricing differences when compared to unit quantity items. In general, all three of the bids are consistent with one another, especially when comparing the base bid subtotal and the total bid amounts.

### **Bid Attachments:**

The required bid attachments were re-issued in Addendum #1 to provide more clarity to the bidders. KCI reviewed the bid attachments in detail for the three lowest bidders. The only attachment that was not submitted by Teal was the Notice to Prospective Subcontractors of the Requirements for Certifications of Non-Segregated Facilities. Two versions of the form were included in the Addendum, containing the same verbiage and requirements, but formatted differently. Teal signed and submitted one of the versions along with the required Compliance Statement. Therefore, the second form that Teal omitted would not affect the pricing or other documents that were included in the bid submission. For completeness of the bid process, KCI requested a signed copy of the form from Teal on October 30, 2020 and received the signed version on November 2, 2020.

It should also be noted that the certified wage rates were not included in the bid documents. KCI verified that Teal and its subcontractors utilized both the Davis Bacon and State of Delaware Heavy Construction wage rates (higher of the two) when completing their bid. Teal acknowledged this through email correspondence on October 29, 2020.

### **Recommendation:**

Both the County and KCI have worked with Teal in the past on pump station, force main, and gravity sewer projects, including projects funded by the Clean Water State Revolving Fund. Per discussions with the County, we understand that there have not been any performance or qualification issues in the past associated with Teal's work. KCI has also not noted any deficiencies with Teal's past work and agrees with the County's assessment that additional reference and experience checks are not required.

KCI recommends Teal Construction, Inc. be awarded the Mulberry Knoll Pump Station and Force Main Project Contract for the amount of \$1,368,000.00. This recommendation is contingent upon review and concurrence of Sussex County.



If you have any questions with regards to our recommendation, please do not hesitate to contact us at 302-318-1070.

Sincerely Yours,  
KCI Technologies, Inc.



---

Ryan Flickinger, P.E.  
Project Manager

Encl: Teal Bid Package  
Bid Tabulation

Mulberry Knoll Pump Station and Force Main  
Bid Tabulation

Bid Item #	Base Bid Item	Quantity	Unit	Engineer's Estimate		Teal's Bid		Teal's vs Engineer's Estimate		Kuhn Construction's Bid		JJID's Bid	
				Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Price Difference (Teal - Engineer)	Bid Price % Difference	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1	Mobilization & Demobilization	1	LS	\$ 90,000.00	\$ 90,000.00	\$ 43,598.00	\$ 43,598.00	\$ (46,402.00)	52	\$ 68,000.00	\$ 68,000.00	\$ 70,000.00	\$ 70,000.00
2	DelDOT Entrance	1	LS	\$ 17,552.00	\$ 17,552.00	\$ 38,000.00	\$ 38,000.00	\$ 20,448.00	54	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
3	Maintenance of Traffic and Pedestrians	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 28,320.00	\$ 28,320.00	\$ (1,680.00)	6	\$ 32,000.00	\$ 32,000.00	\$ 30,000.00	\$ 30,000.00
4	Site Restoration	1	LS	\$ 11,250.00	\$ 11,250.00	\$ 111,000.00	\$ 111,000.00	\$ 99,750.00	90	\$ 70,000.00	\$ 70,000.00	\$ 150,000.00	\$ 150,000.00
5	Furnish and Install Pump Station	1	LS	\$ 444,845.00	\$ 444,845.00	\$ 715,000.00	\$ 715,000.00	\$ 270,155.00	38	\$ 730,000.00	\$ 730,000.00	\$ 665,000.00	\$ 665,000.00
6	Furnish and Install Gravity Sewer Pipe (8" and 10")	240	LF	\$ 239.67	\$ 57,520.00	\$ 520.00	\$ 124,800.00	\$ 67,280.00	54	\$ 572.00	\$ 137,280.00	\$ 500.00	\$ 120,000.00
7	Furnish and Install Gravity Sewer Manholes	3	EA	\$ 10,000.00	\$ 30,000.00	\$ 16,000.00	\$ 48,000.00	\$ 18,000.00	38	\$ 17,600.00	\$ 52,800.00	\$ 20,000.00	\$ 60,000.00
8	Furnish and Install Force Main	6,213	LF	\$ 73.99	\$ 459,680.00	\$ 39.00	\$ 242,307.00	\$ (217,373.00)	47	\$ 42.90	\$ 266,537.70	\$ 50.00	\$ 310,650.00
	<b>Subtotal</b>				<b>\$ 1,140,847.00</b>		<b>\$ 1,351,025.00</b>	<b>\$ 210,178.00</b>	<b>16</b>		<b>\$ 1,371,617.70</b>		<b>\$ 1,420,650.00</b>
	Contingent Items												
9	Unclassified Excavation	50	CY	\$ 125.00	\$ 6,250.00	\$ 30.00	\$ 1,500.00	\$ (4,750.00)	76	\$ 35.00	\$ 1,750.00	\$ 20.00	\$ 1,000.00
10	Borrow Material, Borrow Type "C" (Backfill)	50	Ton	\$ 312.00	\$ 15,600.00	\$ 50.00	\$ 2,500.00	\$ (13,100.00)	84	\$ 35.00	\$ 1,750.00	\$ 20.00	\$ 1,000.00
11	Aggregate Material, Graded Aggregate Type "B" (Crusher Run)	50	Ton	\$ 312.00	\$ 15,600.00	\$ 50.00	\$ 2,500.00	\$ (13,100.00)	84	\$ 50.00	\$ 2,500.00	\$ 37.00	\$ 1,850.00
12	Porous Fill Material, Coarse Aggregate No. 57 Stone	50	Ton	\$ 75.00	\$ 3,750.00	\$ 50.00	\$ 2,500.00	\$ (1,250.00)	33	\$ 52.00	\$ 2,600.00	\$ 40.00	\$ 2,000.00
13	Furnish and Place 5,000 PSI Concrete	25	CY	\$ 125.00	\$ 3,125.00	\$ 295.00	\$ 7,375.00	\$ 4,250.00	58	\$ 200.00	\$ 5,000.00	\$ 200.00	\$ 5,000.00
14	Silt Fence	100	LF	\$ 2.00	\$ 200.00	\$ 6.00	\$ 600.00	\$ 400.00	67	\$ 4.00	\$ 400.00	\$ 5.00	\$ 500.00
	<b>BASE BID: Including Contingency Items</b>				<b>\$ 1,185,372.00</b>		<b>\$ 1,368,000.00</b>	<b>\$ 182,628.00</b>	<b>13</b>		<b>\$ 1,385,617.70</b>		<b>\$ 1,432,000.00</b>

Bid Item #	Base Bid Item	Quantity	Unit	Engineer's Estimate		George and Lynch's Bid		A-Del's Bid		Pact One's Bid		Chesapeake Turf's Bid	
				Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1	Mobilization & Demobilization	1	LS	\$ 90,000.00	\$ 90,000.00	\$ 70,000.00	\$ 70,000.00	\$ 77,000.00	\$ 77,000.00	\$ 24,000.00	\$ 24,000.00	\$ 160,000.00	\$ 160,000.00
2	DelDOT Entrance	1	LS	\$ 17,552.00	\$ 17,552.00	\$ 12,975.00	\$ 12,975.00	\$ 29,000.00	\$ 29,900.00	\$ 5,000.00	\$ 5,000.00	\$ 108,800.00	\$ 108,800.00
3	Maintenance of Traffic and Pedestrians	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 35,018.00	\$ 35,018.00	\$ 12,000.00	\$ 12,000.00	\$ 25,000.00	\$ 25,000.00	\$ 97,250.00	\$ 97,250.00
4	Site Restoration	1	LS	\$ 11,250.00	\$ 11,250.00	\$ 78,766.00	\$ 78,766.00	\$ 60,000.00	\$ 60,000.00	\$ 30,000.00	\$ 30,000.00	\$ 154,900.00	\$ 154,900.00
5	Furnish and Install Pump Station	1	LS	\$ 444,845.00	\$ 444,845.00	\$ 854,536.00	\$ 854,536.00	\$ 625,900.00	\$ 625,900.00	\$ 1,089,000.00	\$ 1,089,000.00	\$ 1,025,800.00	\$ 1,025,800.00
6	Furnish and Install Gravity Sewer Pipe (8" and 10")	240	LF	\$ 239.67	\$ 57,520.00	\$ 357.00	\$ 85,680.00	\$ 690.00	\$ 165,600.00	\$ 150.00	\$ 36,000.00	\$ 1,267.00	\$ 304,080.00
7	Furnish and Install Gravity Sewer Manholes	3	EA	\$ 10,000.00	\$ 30,000.00	\$ 19,305.00	\$ 57,915.00	\$ 25,000.00	\$ 75,000.00	\$ 5,000.00	\$ 15,000.00	\$ 42,500.00	\$ 127,500.00
8	Furnish and Install Force Main	6,213	LF	\$ 73.99	\$ 459,680.00	\$ 42.38	\$ 263,306.94	\$ 73.00	\$ 453,549.00	\$ 80.00	\$ 497,040.00	\$ 48.00	\$ 298,224.00
	<b>Subtotal</b>				<b>\$ 1,140,847.00</b>		<b>\$ 1,458,196.94</b>		<b>\$ 1,498,949.00</b>		<b>\$ 1,721,040.00</b>		<b>\$ 2,276,554.00</b>
	Contingent Items												
9	Unclassified Excavation	50	CY	\$ 125.00	\$ 6,250.00	\$ 36.00	\$ 1,800.00	\$ 35.00	\$ 1,750.00	\$ 40.00	\$ 2,000.00	\$ 40.00	\$ 2,000.00
10	Borrow Material, Borrow Type "C" (Backfill)	50	Ton	\$ 312.00	\$ 15,600.00	\$ 24.42	\$ 1,221.00	\$ 49.00	\$ 2,450.00	\$ 30.00	\$ 1,500.00	\$ 35.00	\$ 1,750.00
11	Aggregate Material, Graded Aggregate Type "B" (Crusher Run)	50	Ton	\$ 312.00	\$ 15,600.00	\$ 53.00	\$ 2,650.00	\$ 69.00	\$ 3,450.00	\$ 20.00	\$ 1,000.00	\$ 40.00	\$ 2,000.00
12	Porous Fill Material, Coarse Aggregate No. 57 Stone	50	Ton	\$ 75.00	\$ 3,750.00	\$ 58.32	\$ 2,916.00	\$ 77.00	\$ 3,850.00	\$ 25.00	\$ 1,250.00	\$ 50.00	\$ 2,500.00
13	Furnish and Place 5,000 PSI Concrete	25	CY	\$ 125.00	\$ 3,125.00	\$ 501.24	\$ 12,531.00	\$ 188.00	\$ 4,700.00	\$ 600.00	\$ 15,000.00	\$ 200.00	\$ 5,000.00
14	Silt Fence	100	LF	\$ 2.00	\$ 200.00	\$ 4.47	\$ 447.00	\$ 37.00	\$ 3,700.00	\$ 8.00	\$ 800.00	\$ 8.00	\$ 800.00
	<b>BASE BID: Including Contingency Items</b>				<b>\$ 1,185,372.00</b>		<b>\$ 1,479,761.94</b>		<b>\$ 1,518,849.00</b>		<b>\$ 1,742,590.00</b>		<b>\$ 2,290,604.00</b>

This is **EXHIBIT K**, consisting of 6 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated Executed 09/10/2019.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT  
Amendment No. 3 – Mulberry Knoll Additional Work**

The Effective Date of this Amendment is: 11/11/2020

Background Data

Effective Date of Owner-Engineer Agreement: 09/10/2019

Owner: Sussex County

Engineer: KCI Technologies

Project: Mulberry Knoll Sewer Expansion

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

Additional Services to be performed by Engineer

Modifications to services of Engineer

~~Modifications to responsibilities of Owner~~

Modifications of payment to Engineer

Modifications to time(s) for rendering services

~~Modifications to other terms and conditions of the Agreement~~

Description of Modifications:

**Project Narrative:**

Located on the Peninsula of the Rehoboth Bay, this project consists of expanding Sussex County Sewer to the Mulberry Knoll area which is comprised of both the Mulberry Knoll and Bayshore Hills communities. With the implementation of a primarily gravity sewer collection system along with a potential localized grinder pumping system, this new sewer region's flow will be conveyed to a centralized pumping station north on an existing farm property along Mulberry Knoll Road. The new forcemain will discharge at the existing County Pump Station located along Route 284. In its entirety, the proposed sewer expansion will consist of approximately 2.7 miles of combined gravity and sewer pipelines.

This amendment includes **modification to Exhibit A, BC-5.**

Modification to:

*Exhibit "A" – Engineer's Services*

*A1.05 Construction Phase and A1.06 Post-Construction Phase*

- In Amendment 2, these scope items were deleted from the contract until a future date. These sections and the associated scope of work are hereby reinstated to the Contract. However, KCI will provide limited services at the request and direction of the County.

Modification to:

*"Compensation Packet BC-5"*

Based on the changes noted above, the estimated fees are adjusted as noted below:

**3. The total additional compensation for services under Paragraph C2.01 as a result of this change order is estimated to be \$42,300.00** (including Estimated Reimbursable and Consultant Charges) based on the following estimate distribution of compensation.

a. Study and Report Phase	\$	0.00
b. Preliminary Design Phase	\$	0.00
c. Final Design Phase	\$	0.00
d. Bid Phase	\$	0.00
<b>e. Construction Phase</b>	<b>\$</b>	<b>38,700.00</b>
<b>f. Post Construction Phase</b>	<b>\$</b>	<b>3,600.00</b>

**Time for Services:** The anticipated schedule for completion of this proposed work is 12 months from Notice to Proceed.

#### **EXCLUSIONS**

1. Additional work required by the Owner/Client that is not expressly included in the above Scope of Services.
2. Any additional processing or studies required to address supplementary information requested above and beyond that which is normally required by the regulatory agencies will require an addendum to this scope of work and fee.
3. Attendance at public hearings or additional agency meetings not noted above.

4. Alternatives analysis or agency coordination other than that identified above.
5. Changes in policies or regulations during the progress of work that affect any layouts, narrative and/or cost estimates already prepared at the time of the change.

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

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

OWNER:

Sussex County

By: \_\_\_\_\_  
 Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

ENGINEER:

KCI Technologies

By:   
 Print name: **Daniel R. String, PE**

Title: Sr. Project Manager / Sr. Associate  
 Dover Office Manager

Date Signed: 11/11/2020

Nancy Cordrey

Burton-OK

**From:** Sussex County DE <webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, October 28, 2020 3:30 PM  
**To:** Nancy Cordrey  
**Subject:** Form submission from: Council Grant Form

### Council Grant Form

<b>Legal Name of Agency/Organization</b>	Greater Lewes Community Village d/b/a Village Volunteers
<b>Project Name</b>	Aging at home reduces healthcare costs
<b>Federal Tax ID</b>	45-457-3582 OK
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	Volunteers helping neighbors to age in place with dignity and independence. Providing transportation to medical appointments and social engagements, home assistance and minor repairs, running errands for at risk seniors, respite for caregivers, and interaction to avoid social isolation. Partnering with hospitals, home care agencies, social workers to reduce readmissions and provide a network of support, reducing the overall cost of healthcare.
<b>Address</b>	16686 Kings Highway
<b>Address 2</b>	Suite B
<b>City</b>	Lewes

<b>State</b>	DE
<b>Zip Code</b>	19958
<b>Contact Person</b>	Jackie Sullivan
<b>Contact Title</b>	Executive Director
<b>Contact Phone Number</b>	302-703-2568
<b>Contact Email Address</b>	villagevolunteers.director@outlook.com
<b>Total Funding Request</b>	3,000
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	No
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	N/A
<b>Program Category (choose all that apply)</b>	Health and Human Services

**Program Category**

Other

**Primary Beneficiary Category**

Elderly Persons (62 +)

**Beneficiary Category**  
Other

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

300

**Scope**

Older adults especially now during the pandemic are more vulnerable than ever before. They need to get to their medical appointments, but many can no longer drive. They need to have their prescriptions timely yet how do they get there? They need groceries yet need to avoid the risk going to congregate settings due to underlying health issues or fear in general. They are isolated from family and friends as they live alone and the pandemic limits visits. This year more than most, isolation and the associated health effects are taking their toll. We have sewn masks for older adults, volunteers, provided hand sanitizers and sanitizing cleaning products. Our volunteers and staff have been working nonstop even through the pandemic, while many older adult services have shut down. We have been providing these services for seven years. This year has proven how critical Village Volunteers are to the community, healthcare, and the state. Serving the zip codes of Lewes, Milton and Rehoboth Beach. In addition, on July 29, 2020, we opened a second Village to serve older adults in the zip codes of Bethany Beach, Millville and Ocean View. This area has been particularly isolated and many of their medical appointments are in Lewes or in Salisbury. Village Volunteers has done all of this work with no grants, donated staff time of hundreds of hours because we know how critical this work is



and we are The Only Village in the state of Delaware. Older adults need our help and we need your help.

**Religious Components**

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

2,775.00

**Description** Start up - volunteer training and outreach to older adults

**Amount** 2,340.00

**Description** Rent 5 months

**Amount** 1,500.00

**Description** Insurance

**Amount** 800.00

**Description** Computer, Printers, Ink

**Amount** 1,200.00

**Description**

**Amount**

**Description**

**Amount**

**Description**

<b>Amount</b>	
<b>Description</b>	
<b>Amount</b>	
<b>TOTAL EXPENDITURES</b>	5,840.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-3,065.00
<b>Name of Organization</b>	Greater Lewes Community Village
<b>Applicant/Authorized Official</b>	Jackie Sullivan
<b>Date</b>	10/28/2020
<b>Affidavit Acknowledgement</b>	Yes

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Nancy Cordrey

Vincent - OK

**From:** Sussex County DE <webmaster@sussexcountyde.gov>  
**Sent:** Friday, October 30, 2020 10:19 PM  
**To:** Nancy Cordrey  
**Subject:** Form submission from: Council Grant Form

### Council Grant Form

<b>Legal Name of Agency/Organization</b>	Good Samaritan Aid Organization, Inc.
<b>Project Name</b>	Annual Christmas Outreach for Families in Need
<b>Federal Tax ID</b>	51-0303717 OK
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	Good Samaritan Aid Organization (Good Sam) is committed to providing financial assistance and clothing/food to those families in the Laurel DE and Delmar DE communities who are less advantaged.
<b>Address</b>	115 W Market Street
<b>Address 2</b>	P. O. Box 643
<b>City</b>	Laurel
<b>State</b>	DE
<b>Zip Code</b>	19956

<b>Contact Person</b>	Melinda Tingle
<b>Contact Title</b>	President
<b>Contact Phone Number</b>	302/875-0355
<b>Contact Email Address</b>	mtingle57@comcast.net
<b>Total Funding Request</b>	\$1,000
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>If YES, how much was received in the last 12 months?</b>	1000
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	20
<b>Program Category (choose all that apply)</b>	Health and Human Services, Other
<b>Program Category Other</b>	Food Insecurity/Clothing Insecurity/Christmas gift assistance for families with children
<b>Primary Beneficiary Category</b>	Low to Moderate Income

**Beneficiary Category**  
**Other**

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program** 750

**Scope**

The annual Christmas Basket program is the largest outreach conducted by Good Sam during the year. Referral applications for the program are accepted from Laurel School District (primarily from school nurses and guidance counselors), State of DE Social Services, local civic organizations and local churches. The primary focus of the program is providing Christmas gifts to financially disadvantaged children in the Laurel community to ensure they are able to enjoy the joys and gifts of Christmas available to other children. Additionally, food baskets are distributed to all families that apply for the program and the basket includes a minimum of a \$50 Food Lion gift card. We will service over 200 families (750 + individuals which includes 430+ children). The outreach is well established and has operated in the Laurel community for over 25 years. Donations of toys are made by generous individuals, churches and service organizations throughout the Laurel community. Monetary donations are used to purchase additional gift items for the children to receive on Christmas Eve morning. Food baskets and gift items for the children are distributed by volunteers.

**Religious Components**

**Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)** 5,000.00

**Description** Toy purchases

**Amount** 1,000.00

**Description** Food Lion gift card purchases

**Amount** 12,000.00

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**TOTAL** 13,000.00

**EXPENDITURES**

**TOTAL DEFICIT FOR** -8,000.00

**PROJECT OR  
ORGANIZATION**

<b>Name of Organization</b>	Good Samaritan Aid Organization, Inc.
<b>Applicant/Authorized Official</b>	Melinda R. Tingle
<b>Date</b>	10/30/2020
<b>Affidavit Acknowledgement</b>	Yes

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Nancy Cordrey

Vincent-OK

**From:** Sussex County DE <webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, November 4, 2020 9:21 AM  
**To:** Nancy Cordrey  
**Subject:** Form submission from: Council Grant Form

<b>Council Grant Form</b>	
<b>Legal Name of Agency/Organization</b>	Autism Delaware, Inc.
<b>Project Name</b>	Blue Jean Ball
<b>Federal Tax ID</b>	20-20110190 OK
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	Autism Delaware's mission is to help people and families affected by autism. Our vision is that all people with autism have opportunities to learn, grow and live full lives as included and valued members of their communities.
<b>Address</b>	924 Old Harmony Rd.
<b>Address 2</b>	Suite 201
<b>City</b>	Newark
<b>State</b>	DE



<b>Zip Code</b>	19713
<b>Contact Person</b>	Deanna Principe
<b>Contact Title</b>	Fund Development & Engagement Manager
<b>Contact Phone Number</b>	3025633026
<b>Contact Email Address</b>	deanna.principe@delautism.org
<b>Total Funding Request</b>	2000
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	5
<b>Program Category (choose all that apply)</b>	Health and Human Services
<b>Program Category Other</b>	

**Primary Beneficiary Category** Disability & Special Needs

**Beneficiary Category**  
Other

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program** 1500

**Scope** Closed schools, businesses, and support services have compounded the needs and anxiety of individuals and families affected by autism. We have seen a dramatic increase in requests for support, critical information and adult services. At the same time, cancellation of major fundraising events and the loss of jobs for POW&R participants has dramatically decreased revenue. The way we offer services has changed but we cannot stop supporting individuals and families during this crisis.

We can continue to support those affected by autism through this crisis and beyond. The autism community cannot afford a reduction in services or the loss of learned skills while needs are steadily increasing. Stay At Home orders create additional needs for families, new challenges, and heightened anxiety for individuals who perform best with structure. Our new ways of service delivery will become additional tools to use once this crisis is over; but families need help now

Thank you for your consideration!

**Religious Components**

**Please enter the current support your organization receives for this project (not** 55,000.00

entire organization  
revenue if not  
applicable to request)

**Description** Band (pre-paid before shut down)

**Amount** 2,500.00

**Description** Online Auction Bidding Platform

**Amount** 1,200.00

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**Description**

**Amount**

**TOTAL** 3,700.00

**EXPENDITURES**

<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	51,300.00
<b>Name of Organization</b>	Autism Delaware
<b>Applicant/Authorized Official</b>	Deanna Principe
<b>Date</b>	11/03/2020
<b>Affidavit Acknowledgement</b>	Yes

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**To Be Introduced 11/17/20**

**Council District 3 - Burton  
Tax I.D. No. 334-12.00-24.00  
911 Address: 20028 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 REAL ESTATE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709 ACRE, MORE OR LESS**

**WHEREAS, on the 7<sup>th</sup> day of October 2020, a conditional use application, denominated Conditional Use No. 2246 was filed on behalf of Bee Wise, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2246 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2246 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 northwest side of John J. Williams Highway (Route 24), approximately 0.37 southwest of Mulberry Knoll Road (S.C.R. 284), and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 0.709 acre, more or less**

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

**To Be Introduced 11/17/20**

**Council District 5 - Rieley  
Tax I.D. No. 533-19.00-289.05  
911 Address: None Available**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI FAMILY (41 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 20.91, MORE OR LESS**

**WHEREAS, on the 29<sup>th</sup> day of October 2020, a conditional use application, denominated Conditional Use No. 2249 was filed on behalf of Mayapple Farm, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2249 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, 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. 2249 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 west side of Williamsville Road (S.C.R 395) approximately 0.76 mile southeast of Lighthouse Road (Route 54) and being more particularly described in the attached legal description prepared by Cypress Surveys, LLC, said parcel containing 20.91 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.**

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

**AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00**

WHEREAS, on March 16<sup>th</sup>, 2020, the Sussex County Planning and Zoning Office received an application for Change of Zone No. 1923

WHEREAS, the Sussex County Council will consider Change of Zone No. 1923 from an AR-1 Agricultural Residential District to a HI-1 Heavy Industrial District for certain parcels of land lying and being in Broad Kill Hundred, Sussex County, containing 67.31 acres, more or less (The entirety of Tax Parcel No. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00) (the "Property"); and

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

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

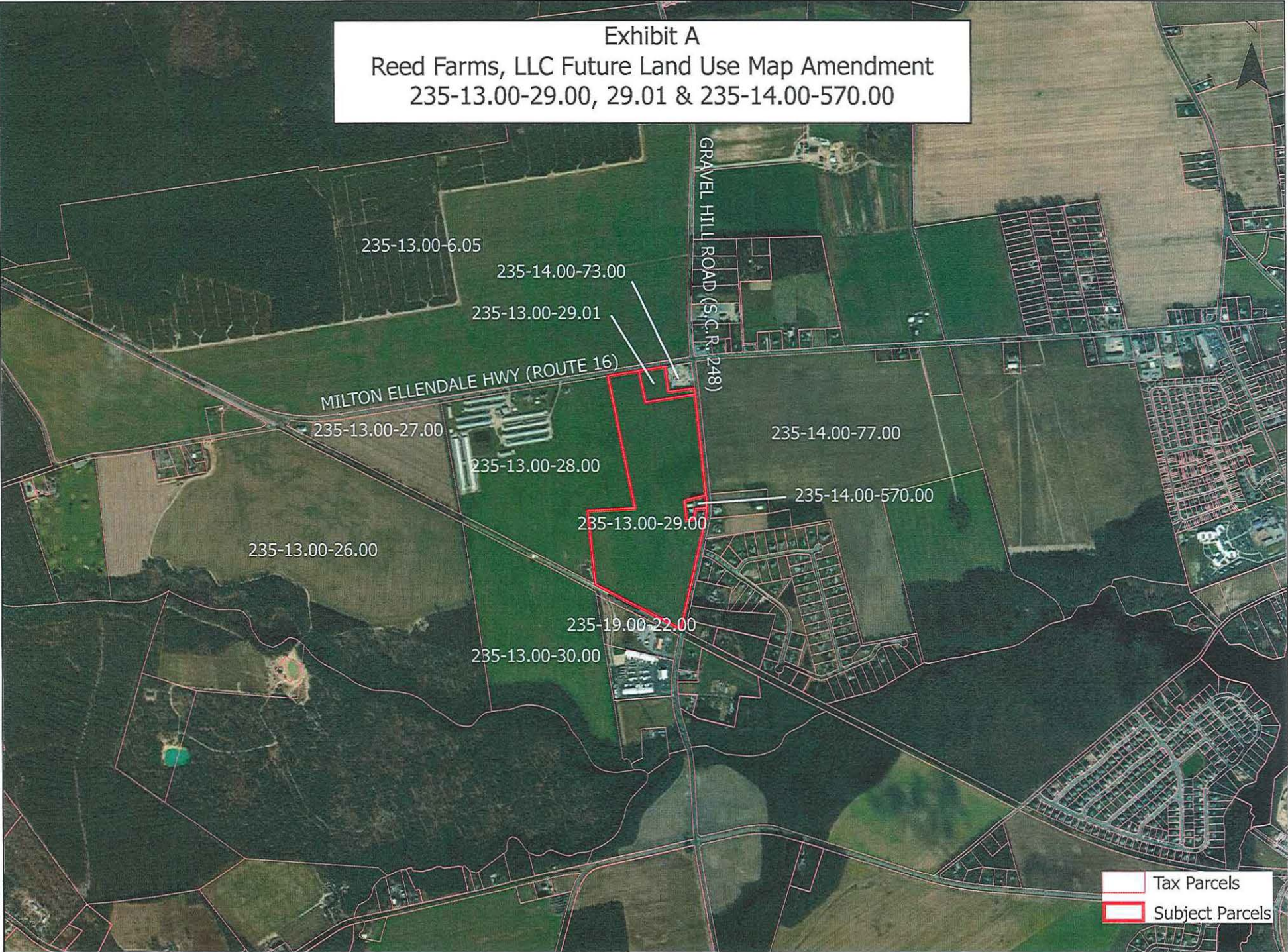
WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use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

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

**Section 1.** The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcels. No. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00 from the Low Density Area to the Developing Area. The Sussex County Parcels. No. 235-13.00-29.00, 235-13.00-29.01 & 235-14.00-570.00 so changed is identified in Exhibit A, attached hereto and incorporated herein.

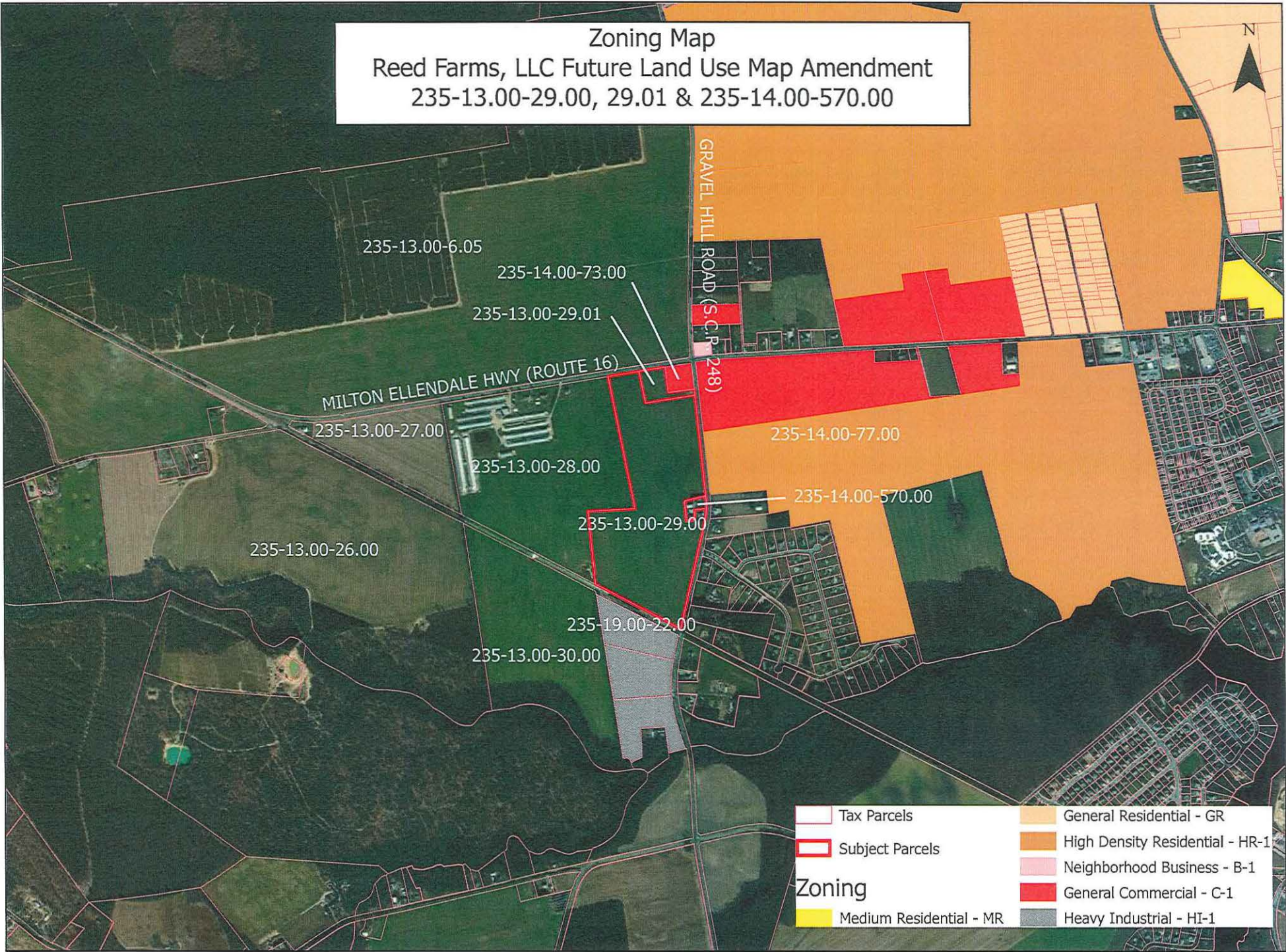
**Section 2.** This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

Exhibit A  
Reed Farms, LLC Future Land Use Map Amendment  
235-13.00-29.00, 29.01 & 235-14.00-570.00





**Zoning Map**  
**Reed Farms, LLC Future Land Use Map Amendment**  
**235-13.00-29.00, 29.01 & 235-14.00-570.00**



235-13.00-6.05

235-14.00-73.00

235-13.00-29.01

MILTON ELLENDALE HWY (ROUTE 16)

235-13.00-27.00

235-13.00-28.00

235-13.00-26.00

235-13.00-29.00

235-19.00-22.00

235-13.00-30.00

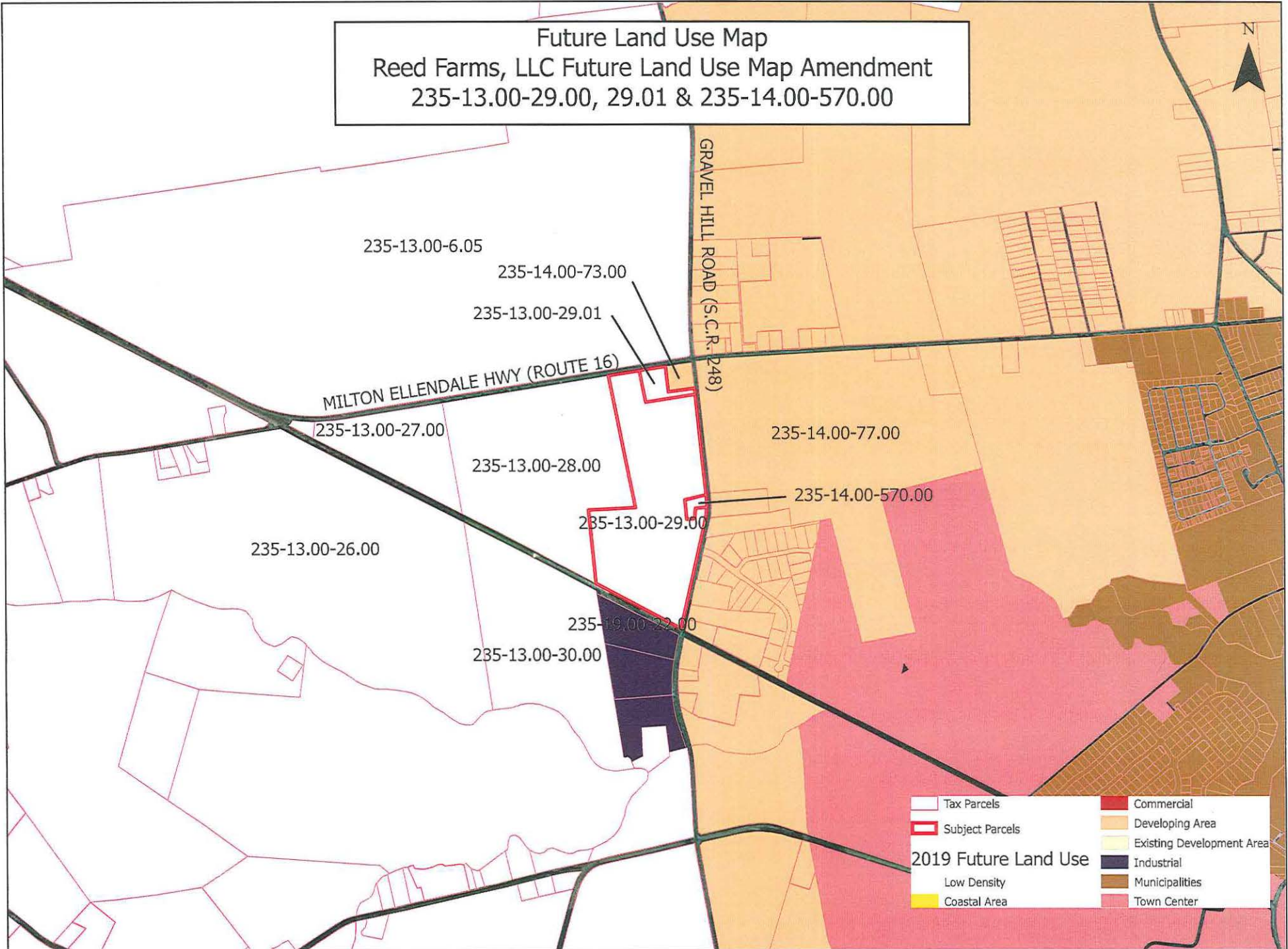
GRAVEL HILL ROAD (S.C.P. 248)

235-14.00-77.00

235-14.00-570.00

	Tax Parcels		General Residential - GR
	Subject Parcels		High Density Residential - HR-1
<b>Zoning</b>			Neighborhood Business - B-1
			General Commercial - C-1
			Medium Residential - MR
			Heavy Industrial - HI-1

Future Land Use Map  
 Reed Farms, LLC Future Land Use Map Amendment  
 235-13.00-29.00, 29.01 & 235-14.00-570.00



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council  
The Honorable Michael H. Vincent, 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: November 13, 2020

RE: County Council Report for CZ 1928 filed on behalf of Plantation Partners, LLC

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The Planning and Zoning Department received an application (CZ 1928 filed on behalf of Plantation Partners, LLC) for a Change of Zone of a portion of parcel 334-12.00-52.00 from Agricultural Residential (AR-1) Zoning District to C-2 General Commercial District for a 11.57 acres parcel lying on the southwest side of Plantations Road (SCR. 275) and the southeast side of Cedar Grove Road (SCR. 283).

The Planning and Zoning Commission held a public hearing on October 22, 2020. At the meeting of November 12, 2020, the Commission recommended approval of the application for the 9 reasons outlined within the motion (included below).

Below are the draft minutes from the Planning & Zoning Commission meeting of October 22, 2020 and the draft minutes from the Planning & Zoning Commission meeting of November 12, 2020.

Draft Minutes of the Planning & Zoning Commission Meeting of October 22, 2020

### C/Z 1928 Plantation Partners, LLC

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.570 ACRES, MORE OR LESS** The property is lying on the southwest side of Plantations Rd. (S.C.R. 275) and the southeast side of Cedar Grove Rd. (S.C.R. 283) approximately 0.63 mile northwest of John J. Williams Hwy. (Rt. 24). 911 Address: N/A. Tax Parcel: 334-12.00-52.00 (portion of)



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

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, an exhibit book, a copy of the DelDOT service level evaluation response, and a staff analysis. Mr. Whitehouse noted that the Office of Planning and Zoning received no correspondence in support of or in opposition to the Application and zero mail returns.

The Commission found that Mr. David Hutt, Esquire was present on behalf of the applicant, Plantation Partners, LLC.; that also present on behalf of the Application are Doug Motley, Nick Hammonds, Cliff Mumford and Gene Bayard; that the property is located on the southwest side of Plantations Road; that this application is a request to change the zoning classification from AR-1 to C-2 (Medium Commercial); that the property is currently unimproved and the request is for an 11.57-acre portion of the total 114-acre property; that this is the second application for this property; that the original application was to change the zoning classification to B-2 but the area did not meet the area requirements and the application was withdrawn; that the purpose of the C-2 supports uses that include retail sales and performance of consumer services, that it permits a variety of retail, professional and services businesses, that the district shall be primarily located near arterial and collector streets, that is accommodates community commercial uses that do not have outside storage or sales; that the surrounding uses include a variety of uses that are similar to the uses allowed in C-2, to the northwest of the subject property is a future assisted living facility, to the southeast are the Plantation Park office park, the Metropolitan Community Church of Rehoboth, Plantation Square and the Sussex County Paramedic Station; that across route 24 is the Beebe Medical campus; that all of these businesses create the need for retail and support services which is what the C-2 zoning classification permits; that the subject property is located near arterial and collector streets – Plantations Road and Route 24 are designated as major collector roads by DelDOT; that this application fits the exact purpose as described in the Zoning Code for the C-2 district; that property meets the bulk and height requirements for this zoning district; that all setbacks can be met for any proposed building; that the 2020 Delaware Strategies for State Policies and Spending designate this property and the surrounding properties as being in an investment level II area; that investment level II is an area where growth is expected by State and County in the near future; that 2045 Future Land Use Map in the 2018 Comprehensive Plan identifies this property as being in the Coastal Area; that the Coastal Area is one of the seven growth areas in the County; that an environmental assessment report was prepared and was included in the exhibit book; that public sewer and water is available for this property; that there are no wetlands or flood zones on the portion of the property which is the subject of this Application; that there are no historical or cultural resources on the subject property; that there are no records of any federally listed threatened or endangered species or their habitats on this portion of the property; that DelDOT determined that a Traffic Impact Study (TIS) would not be required until a site plan is submitted for this property; and that for all these reasons, the Applicant is requesting that the Commission recommend approval to County Council.

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/Z 1928 Plantation Partners, LLC. Motion by Ms. Stevenson, second by Mr. Hopkins, to defer action for further consideration. Motion carried 4-0.

Draft Minutes of the Planning & Zoning Commission Meeting of November 12, 2020

The Commission discussed this application which has been deferred since October 22, 2020.

Ms. Stevenson moved that the Commission recommend approval for Change of Zone 1928 for Plantation Partners, LLC based upon the record made during the Public Hearing and for the following reasons:

1. The Applicant originally sought B-2 zoning of this property, but it was determined that the property did not meet the size requirements for B-2 zoning. As a result, that application was withdrawn and this application for C-2 zoning was submitted.
2. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads. Plantations Road and nearby Route 24 are both designated as “Major Collector Roads” by DelDOT. This is an appropriate location for C-2 zoning.
3. This property is in an area where a variety of other uses exist, including uses that are similar to what is permitted in the C-2 District. These uses include a future assisted living facility, the Plantation Park office park, a church, Plantation Square and the Sussex County Paramedic Station. The property is also near the new Beebe Medical Center campus that is under construction. All of these uses support the type of services that are available in the C-2 District.
4. The use will not have an adverse impact on properties in the area.
5. This property is in the Coastal Area according to the Sussex County Comprehensive Plan. C-2 zoning is appropriate in this Area according to the Plan.
6. Public sewer and water are available to this property.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. No parties appeared in opposition to the rezoning application.
9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: October 22, 2020.

Application: (CZ 1928) Plantation Partners, LLC

Applicant: Plantation Partners, LLC  
246 Rehoboth Avenue  
Rehoboth Beach, DE 19947

Owner: J.G. Townsend Jr., & Co.  
P.O. Box 430  
Georgetown, DE 19947

Site Location: 1500' southeast of the corner of Plantations Road (Rt. 1D) and Cedar Grove Road (S.C.R. 283)

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Commercial (C-2) for 11.570 acres+/- of the total 113.999+/-

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County Central Sewer System (SCED)

Water: Private, On-Site

Site Area: 11.570 acres +/- of the total 113.999+/-

Tax Map ID.: 334-12.00-52.00 (p/o)





## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: October 15<sup>th</sup>, 2020  
RE: Staff Analysis for CZ 1928 Plantation Partners, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1928 Plantation Partners, LLC to be reviewed during the October 22<sup>nd</sup>, 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 Change of Zone for Tax Parcel 334-12.00-52.00 (portion of) to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) District. The property is lying on the southwest side of Plantations Rd. (S.C.R. 275) and the southeast side of Cedar Grove Rd. (S.C.R. 283) approximately 0.63 mile northwest of John J. Williams Hwy. (Rt. 24). The size of the property is approximately 11.570 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has the land use designation of "Coastal Area." Each property to the north, south, east, and west also has the "Coastal Area" designation. The Coastal Area is designated to encourage growth and development provided that environmental concerns are addressed. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is standard. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

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

Additionally, the subject property is currently within an Agricultural Residential (AR-1) Zoning District. Each parcel to the north, south, east, and west is also within the Agricultural Residential Zoning District. In the near vicinity there are multiple other zoning districts such as Medium Density Residential (MR) District, Neighborhood Business (B-1) District, High Density Residential (HR-1) District and General Commercial (C-1) District.

Since 2011, there have been three Change of Zone applications within a one-mile radius of the subject property. Change of Zone No. 1845, which proposed a change from Agricultural Residential (AR-1) District to Neighborhood Business (B-1) District, was approved by County Council on March 13<sup>th</sup>, 2018. It was adopted through Ordinance No. 2556. Change of Zone No.



1835, which also proposed a change from Agricultural Residential (AR-1) District to Neighborhood Business (B-1) District, was approved by the Sussex County Council on January 9<sup>th</sup>, 2018. It was adopted through Ordinance No. 2546. Change of Zone 1907, which proposed a change from Agricultural Residential (AR-1) District to Medium Density Residential (MR) District, was denied by County Council on July 28<sup>th</sup>, 2020.

Based on the analysis of the surrounding zoning and uses, a Change of Zone to a Medium Commercial (C-2) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.





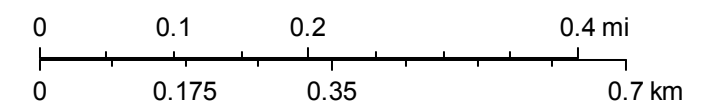
# Sussex County



<b>PIN:</b>	334-12.00-52.00
<b>Owner Name</b>	TOWNSEND J G JR CO
<b>Book</b>	0
<b>Mailing Address</b>	PO BOX 430
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	SW/ PLANTATION RD
<b>Description 2</b>	SE/ CEDAR GROVE RD
<b>Description 3</b>	113.82 FX
<b>Land Code</b>	

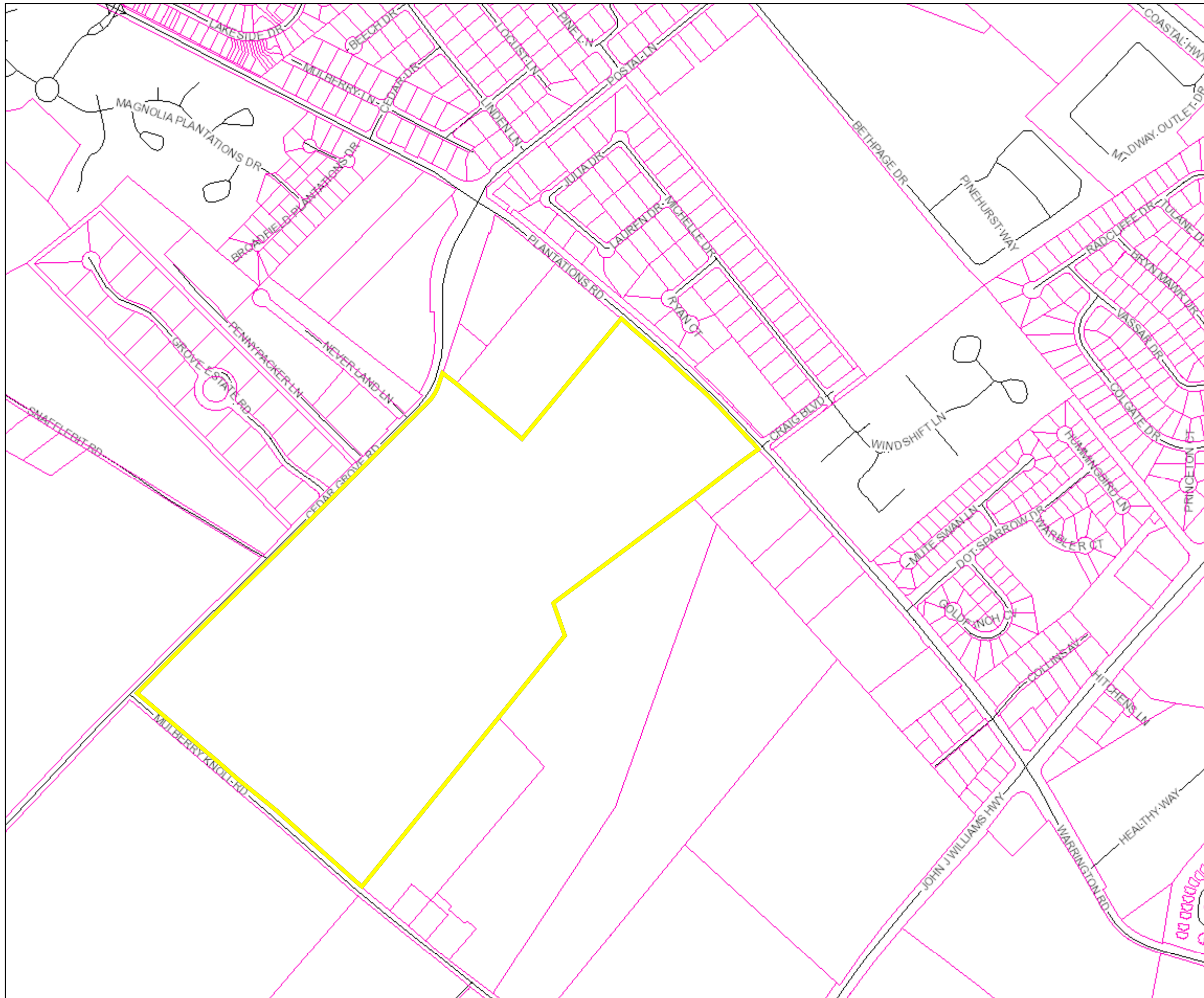
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- Streets
- County Boundaries

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# Sussex County



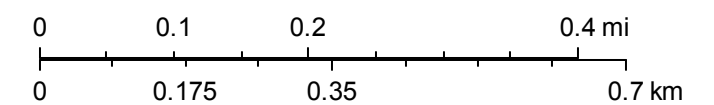
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<b>Book</b>	0
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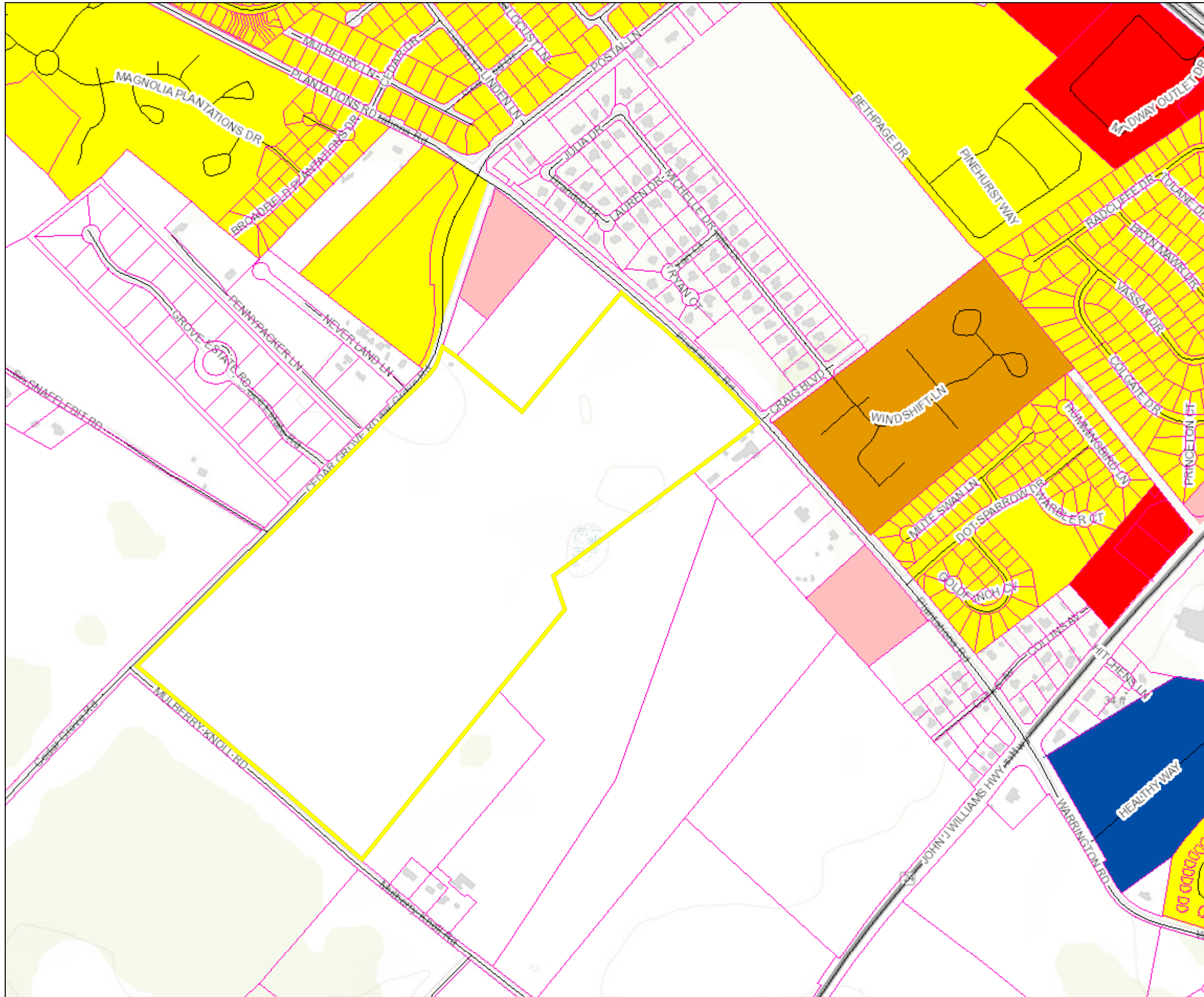
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- Streets
- County Boundaries

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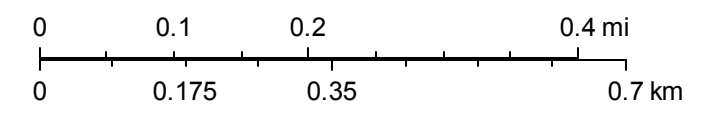
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<b>PIN:</b>	334-12.00-52.00
<b>Owner Name</b>	TOWNSEND J G JR CO
<b>Book</b>	0
<b>Mailing Address</b>	PO BOX 430
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1:9,028



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**Sussex County**

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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: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: November 13, 2020

RE: County Council Report for CU 2228 filed on behalf of M.L Joseph Heirs Farm Account, LLC

---

The Planning and Zoning Department received an application (CU 2228 filed on behalf of M.L Joseph Heirs Farm Account) for a Conditional Use for parcel 135-15.00-55.01 to allow for a campground for mobile campers, camp trailers, touring vans and the like at 22349 Lewes-Georgetown Highway, Georgetown. The parcel is zoned AR-1 Agricultural Residential Zoning District. The parcel size is 73.91 acres, more or less.

The Planning and Zoning Commission held a public hearing in relation to the Conditional Use application on October 22, 2020. At the meeting of November 12, 2020, the Commission recommended approval of the application for the 12 reasons and subject to the 21 recommended conditions outlined within the motion (included below).

Below are the draft minutes from the Planning & Zoning Commission meeting of October 22, 2020 and the draft minutes of the November 12, 2020 Planning & Zoning Commission meeting.

Draft Minutes of the October 22, 2020 Planning & Zoning Commission Meeting

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR A CAMPGROUND FOR MOBILE CAMPERS, CAMP TRAILERS, TOURING VANS AND THE LIKE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 73.91, MORE OR LESS.** The property is lying on the north side of Lewes-Georgetown Hwy. (Rt. 9) approximately 0.66 mile east of the



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

intersection of Sand Hill Rd. (S.C.R. 319) and Lewes-Georgetown Hwy. (Rt. 9). 911 Address: 22349 Lewes-Georgetown Hwy., Georgetown. Tax Parcel: 135-15.00-55.01

Mr. Whitehouse advised the Commission that submitted into the record is a site plan, an exhibit book, a copy of the DelDOT service level evaluation response, and a staff analysis. Mr. Whitehouse noted that the Office of Planning and Zoning received two letters in support of and none in opposition to the Application and one mail return.

The Commission found that Mr. David Hutt, Esquire was present on behalf of the applicant, M.L. Joseph Heirs Farm Account, LLC; that also present on behalf of the Application are Ken Adams and Mark Davidson; that this Application is for a conditional use for campground on a 73.91-acre parcel in an Agricultural Residential (AR-1) zoning district; that the subject property is located between Sandhill Road and Route 9; that the property was the location of Georgetown Raceway in the 1970s where harness horseracing, training and boarding occurred; that there are stables remaining on this property today; that following the use as a raceway, the property was used as a private equine facility for the Joseph family; that the tourism in Sussex County is not just limited to the beaches and inland bays but also Sports at the Beach which draws over 80,000 people annually; that similarly there is another sports complex (Sussex Sports Center) in close proximity to the subject property; that one industry that has performed well during the pandemic is the RV industry as it allows families to travel and still maintain social distancing; that Sports at the Beach and the Sussex Sports Center have submitted letters of support for this Application; that RV parks are only allowed by Conditional Use in two zoning districts with Sussex County, one is the AR-1 Zoning District and the other the Marine Zoning District; that 115-22 of Sussex County Code describes an RV park or campground and regarding conditional uses further lists some special requirements; that a portion of the subject property is adjacent to the town limits of Georgetown and has been identified as a potential annexation area; that as Georgetown does not have a zoning district for RV parks and campgrounds, the subject property would not be considered for annexation into the town boundaries; that the town of Georgetown submitted a letter of support for the project; that within the Counties boundaries there are a number of commercial properties adjacent to this property both on Sandhill Road and on the Lewes Georgetown Highway; that the 2015 Strategies for State Policies and Spending Map identifies this property as being in Investment Levels 2 and 3; that Level 2 reflects an area where growth is anticipated by local, county and state in the near-term future and Level 3 reflects an area where growth is anticipated by local, county and state in the longer-term future; that the 2045 Future Land Use Map in the 2019 Comprehensive Plan shows that this property is in the Developing Area which is one of the Counties growth areas; that the proposed Conditional Use is for 304 RV sites and 46 cabins/safari cabins; that the RV resort proposes to use both roads as access points; that the Applicant proposes a phasing plan for this project and the first phase would be the western portion of the property which would use Sandhill Road entrance for access; that the Applicant has submitted proposed findings of fact and conditions; that the DelDOT response was that this proposal would have a minor impact on area roadways; that this area is currently undergoing road improvements that is referred to that the Georgetown East Gateway Improvements; that the Applicant intends to offer shuttle service to the sporting venues in addition to other area attractions; that water and sewer will be provided by the town of Georgetown even though it is outside the boundary of the town; that there are no wetlands on the property; that it is in Flood Zone X as seen on the FEMA's insurance rates; that there are no historical or archeological sites that are listed on the national register of historical places on the subject property; that RV resorts and campgrounds are subject to special requirements per 115-172(H) of the County Code; that the first requirement is that the access to the site must be from a public highway

or an easement having a width of at least 50 ft. and this property has access from two public roadways which are at least 50 ft in width; that the second requirement is that there is adequate drainage on the site and there are ponds on the site which will be utilized for drainage; that the third requirement is that the campsites be at least 400 ft. from any existing dwelling on property of other ownership and shall be at least 100 free from any public road and this site meets those requirements; that the fourth requirement is that each campsite shall have an area of 2000 sf and a width of not less than 40 ft. and that the park have a landscaped buffer of 50 ft. wide and the Applicant will meet the campsite dimensions and the 50 ft buffer requirements; that the fifth requirement is that proper provisions be made for public water supply, toilets and bathing facilities and electric connections and as described earlier these services will be provided and there are a number of bathhouses shown on the site plan; that the sixth requirement is that small retail businesses intended primarily for occupants of the park area shall be permitted within the park area and the campground will include a camp store that will be shown on the final site plan; that the seventh requirement is that proper provision shall be made for refuse storage and collection, subject at all times to County regulations and there will be areas shown on the site plan for refuse storage and there will be a contract with a commercial hauler to remove refuse from the resort; that there will be no accessory structures on the site except for one dwelling for the campground manager; that conditional uses are of a public or semipublic character and require the exercise of planning judgment on location and site plan, that a conditional use should be found to be desirable for the general convenience and welfare of the County; that the location of the two sports venues in close proximity to the site show the desirability of the location of this RV resort; that tourism is the number two economic generator in Sussex County and this RV resort would contribute to the prosperity and welfare of the County by providing another option for visitors to the County; and that this use is desirable for the convenience, orderly growth, prosperity and welfare of the County.

Ms. Stevenson asked if the 400 ft. separation distance was from another owner's property line or dwelling.

Mr. Robertson stated that County Code states that the campsite must be 400 ft. from any dwelling on property of different ownership.

Ms. Stevenson asked how the Applicant will address noise issues other than the 50 ft. buffer.

Mr. Hutt stated that quiet hours will be submitted as part of the campground rules. Mr. Hutt stated that there are no planned events for the campground but if there should be an event with a band there would be a shutdown which would be part of the conditions.

The Commission found that Ms. Norma Davidson spoke neither in favor of nor opposed to the Application but asked if there would be a fence within the buffer area.

Mr. Mark Davidson stated that a fence is not being proposed.

The Commission found that Mr. Mike Johnson spoke in favor of the Application; that this is an ideal location because of the proximity to the two sports venues; that the access to Route 113 is ideal for traffic coming from the south or to the north; that music festivals with set time limits would be good events to be held here; that the ponds on the property should be maintained as fishing ponds; that the cabins are a good idea for people who don't have RV's but want the camping experience; and that it will be a good attraction for Sussex County.

The Commission found that Mr. Will Hall spoke in favor of the Application; that he lives on Sand Hill Road near the subject property and that this would be good for the County.

The Commission found that Mr. Pete Townsend spoke in favor of the Application; that he knows the Joseph family and knows that they have the community's best interest and will not do anything that would be a detriment to the area.

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 2228 M.L. Joseph Heirs Farm Account, LLC. Motion by Ms. Stevenson, second by Mr. Hopkins, to defer action for further consideration. Motion carried 4-0.

#### Draft Minutes of November 12, 2020 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since October 22, 2020.

Ms. Stevenson moved that the Commission recommend approval for Conditional Use 2228 for M.L. Joseph Heirs Farm Account, LLC based upon the record made during the Public Hearing and for the following reasons:

1. The subject property was once the Georgetown Raceway used for harness horse racing, training and boarding. It has historically been used for commercial purposes.
2. This conditional use is for the creation of a 350- site campground/resort to provide lodging opportunities for tourists to Sussex County, and particularly those visitors playing sports at Sports at the Beach and the Sandhill Sports Complex. These facilities are located across the street from this site, and both of them support the conditional use.
3. The use is consistent with other existing uses in the area, including the two sports complexes and other commercial and business uses. The zoning of the area includes AR-1 and C-1 within Sussex County, and HC (Highway Commercial) and UR-3 (Neighborhood Residential) within the Town of Georgetown.
4. Under the current County Comprehensive Plan, the site is located in the Developing Area, which is recognized as a development or growth area on the Future Land Use Map.
5. The Town of Georgetown's Future Land Use Map designates this area as being "Commercial".
6. The development is consistent with the purposes and goals of the Sussex County Comprehensive Plan Update since it (1) promotes economic development; (2) promotes tourism; and (3) is consistent with the character of the zoning and development in the area.
7. The site has direct access to both Route 9 and Sand Hill Road. Route 9 is classified by DelDOT as a "Principle Arterial". The intersection of these two roads is currently undergoing extensive improvements and access to the campground will occur via an upgraded signalized intersection.
8. The proposed conditional use will not adversely affect the congestion of roads or streets as confirmed by DelDOT. In accordance with the MOU between Sussex County and DelDOT, the campground would only have a "Minor" impact on area roadways.

9. There will be no negative impact on schools or other similar public facilities since the development will operate seasonally.
10. The Town of Georgetown will provide water and sewer service to the campground.
11. The proposed campground complies with the requirements of Section 115-172H of the Sussex County Zoning Code for the approval, design and operation of campgrounds.
12. The proposed use is beneficial and desirable for the general convenience and welfare of Sussex County and its residents, since it will provide tourism and related services, economic growth in a designated development area, full and part-time employment opportunities, and significant economic benefits to area businesses.
13. This recommendation is subject to the following conditions:
  - a. There shall be no more than 304 camping and RV sites and no more than 46 cabins within the campground.
  - b. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT.
  - c. The campground shall be connected to the Town of Georgetown's central sewer system.
  - d. The campground shall be connected to the Town of Georgetown's water system for domestic use and fire protection.
  - e. Stormwater Management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using best management practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
  - f. The Development shall be surrounded by a 50-foot landscaped buffer.
  - g. The entire facility may open no earlier than March 1st of each year and shall close no later than November 30th of each year.
  - h. The campground shall remain vacant and no campers or RVs shall be stored on the campsites during the period that the campground is closed. This prohibition shall not include designated storage areas shown on the Final Site Plan, or the cabins, which may remain unoccupied in their respective locations.
  - i. There shall be no accessory buildings located on individual campsites.
  - j. Campground restrictions shall be submitted as part of the site plan review. These shall include "Quiet Hours" between 10:00 pm and 7:00 am each day.
  - k. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreation vehicles and equipment manufactured specifically for camping purposes.
  - l. The Developer shall plan the entrance design to accommodate a DART bus stop and turnabout in consultation and cooperation with DART.
  - m. One sign not exceeding thirty-two (32) square feet per side with lighting shall be permitted at the entrances to Route 9 and Sand Hill Road. The lighting for the signs shall not shine on any neighboring properties or roadways.
  - n. All lighting shall be downward screened so that it does not shine on neighboring communities or roadways.
  - o. Any wetlands on the site shall be clearly marked to avoid disturbance. The location and type of these markers shall be shown on the Final Site Plan.
  - p. The Applicant shall identify all "dwellings" in the vicinity of the property that require a 400 foot buffer pursuant to Section 115-172H(3) of the Sussex County Code. All campsites and cabins shall be a minimum of 400 feet from any dwelling that exists at the time of Final Site Plan approval.
  - q. All campsites must be 2000 square feet in size and at least 40 feet wide.



- r. No cabin or campsite shall have direct access to any road outside of the boundaries of the campground. Access to the campground shall be gated and restricted so that the only access shall be from the established entrance points.
- s. There shall be no sales of campsites or camping units, including park models, RVs, travel trailers or cabins.
- t. The campground shall comply with all of the requirements of Section 115-172H.
- u. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

**PLANNING & ZONING COMMISSION**

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



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JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: October 22<sup>nd</sup>, 2020

Application: CU 2228 M.L. Joseph Heirs Farm Account, LLC

Applicant: County Seat RV Resort – Kenneth P. Adams  
25154 Dupont Boulevard  
Georgetown, DE 19947

Owner: M.L. Joseph Heirs Farm Account, LLC  
25154 Dupont Boulevard  
Georgetown, DE 19947

Site Location: The north side of Lewes-Georgetown Highway, approximately 0.66 mile east of the intersection of Sand Hill Road (S.C.R. 319) and Lewes-Georgetown Highway

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Use: Campground for mobile campers, camp trailers, touring vans and the like

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Mr. Burton

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Town of Georgetown

Water: Town of Georgetown

Site Area: 73.91 acres +/-

Tax Map ID.: 135-15.00-55.01



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Sussex County

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## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: October 15<sup>th</sup>, 2020  
RE: Staff Analysis for CU 2228 M.L. Joseph Heirs Farm Account, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2228 M.L. Joseph Heirs Farm Account, LLC to be reviewed during the October 22<sup>nd</sup>, 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 Tax Parcel 135-15.00-55.01 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a campground for mobile campers, camp trailers, touring vans and the like. The property is lying on the north side of Lewes-Georgetown Hwy. (Rt. 9) approximately 0.66 mile east of the intersection of Sand Hill Rd. (S.C.R. 319). The size of the property is approximately 73.91 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a Developing Area designation. The adjacent properties to the south are a part of the Commercial and Developing Area, the properties to the east and north are also a part of the Developing Area, and the properties to the west area a part of the Commercial Area and neighbor the Town of Georgetown.

The Commercial Area is designated to encourage commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. The Coastal Area is designated to encourage growth and development without diminishing ecological and environmental characteristics.

This parcel is zoned Agricultural Residential (AR-1) Zoning District. There are a few adjacent parcels to the south and west that are zoned Commercial (C-1) while the rest of the adjacent parcels are zoned Agricultural Residential (AR-1)

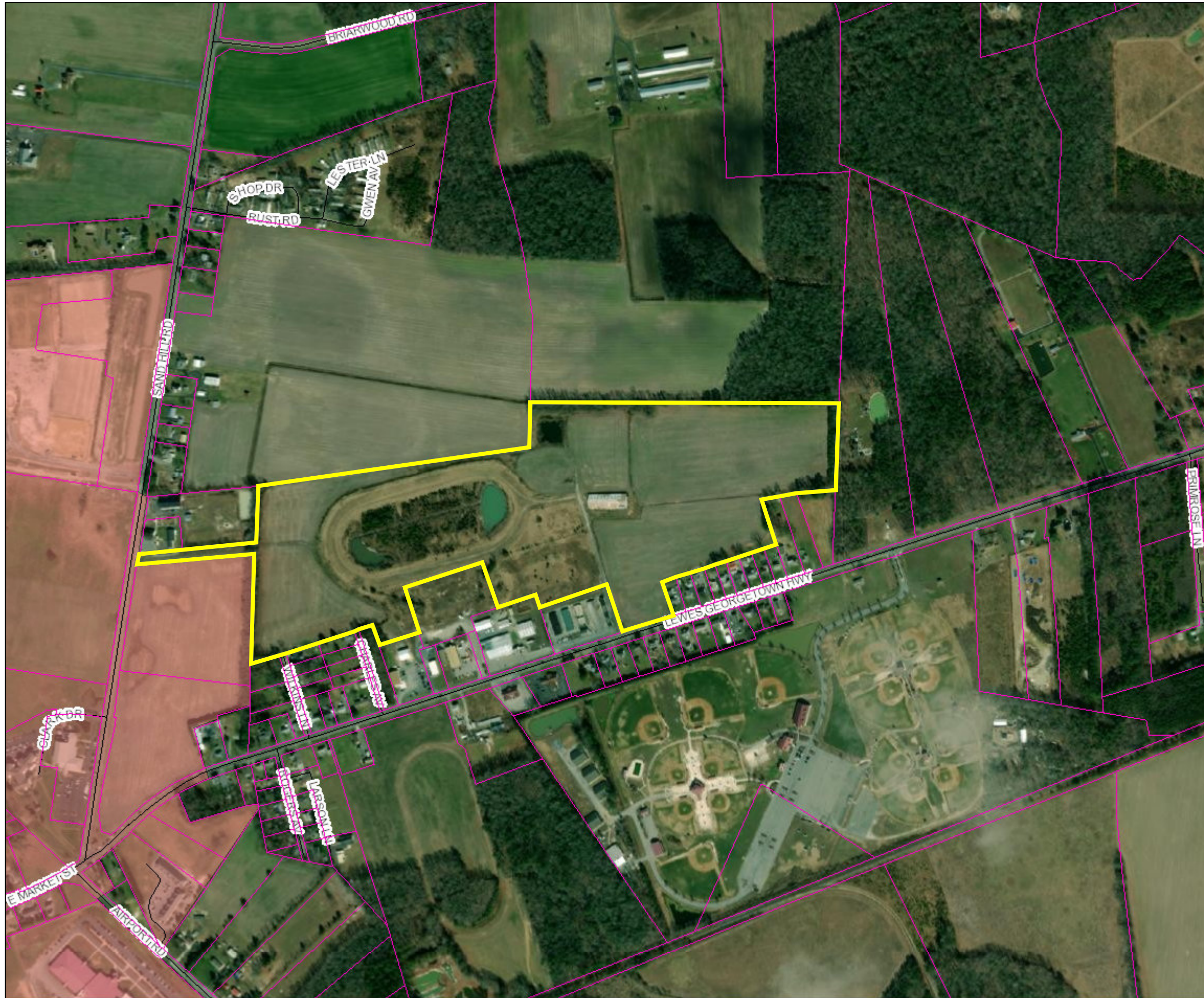
Since 2011, there have been two (2) Conditional Use applications in a one-mile radius. Conditional Use 2119, to allow for automotive sales with minor repairs and contractor office with storage, was approved by County Council on April 17<sup>th</sup>, 2018 and adopted through Ordinance No. 2571. Conditional Use 2083, to allow for an office, storage building, storage yard, and crushing of concrete for a contracting business, was approved by County Council on August 8<sup>th</sup>, 2017 and adopted through Ordinance No. 2515.



Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a campground for mobile campers, camp trailers, touring vans and the like, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



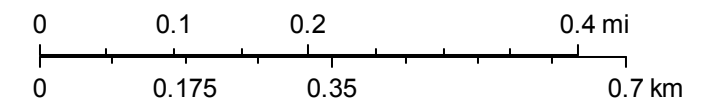
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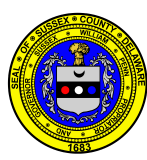


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<b>Owner Name</b>	KAUFFMAN VIRGINIA LEE TTEE
<b>Book</b>	5192
<b>Mailing Address</b>	1 S SHORE DR
<b>City</b>	BETHANY BEACH
<b>State</b>	DE
<b>Description</b>	N/RT 18 E/RT 319
<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

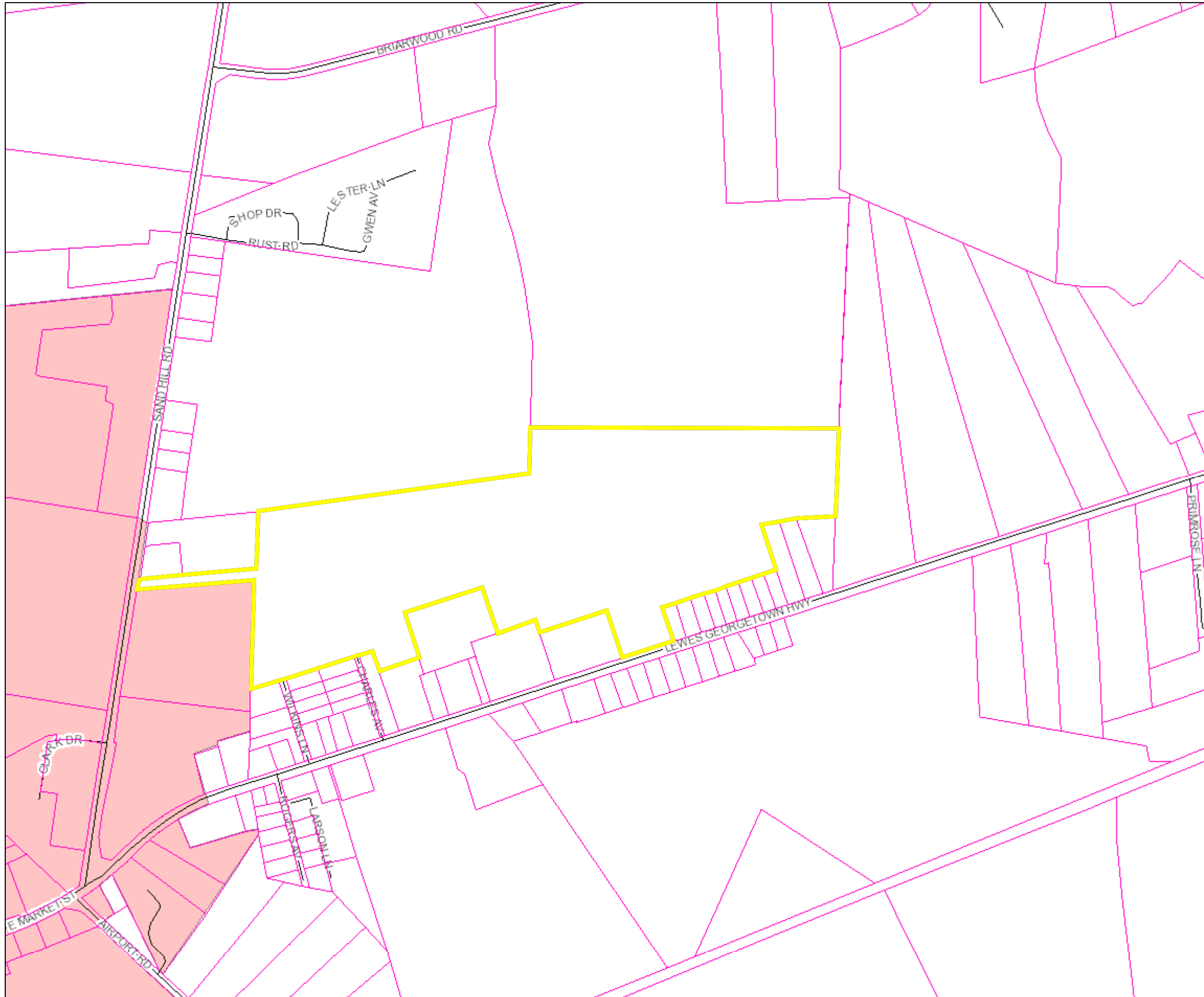
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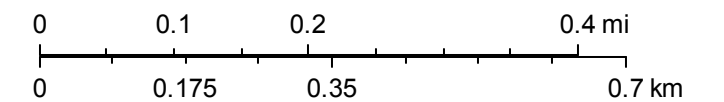
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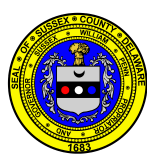
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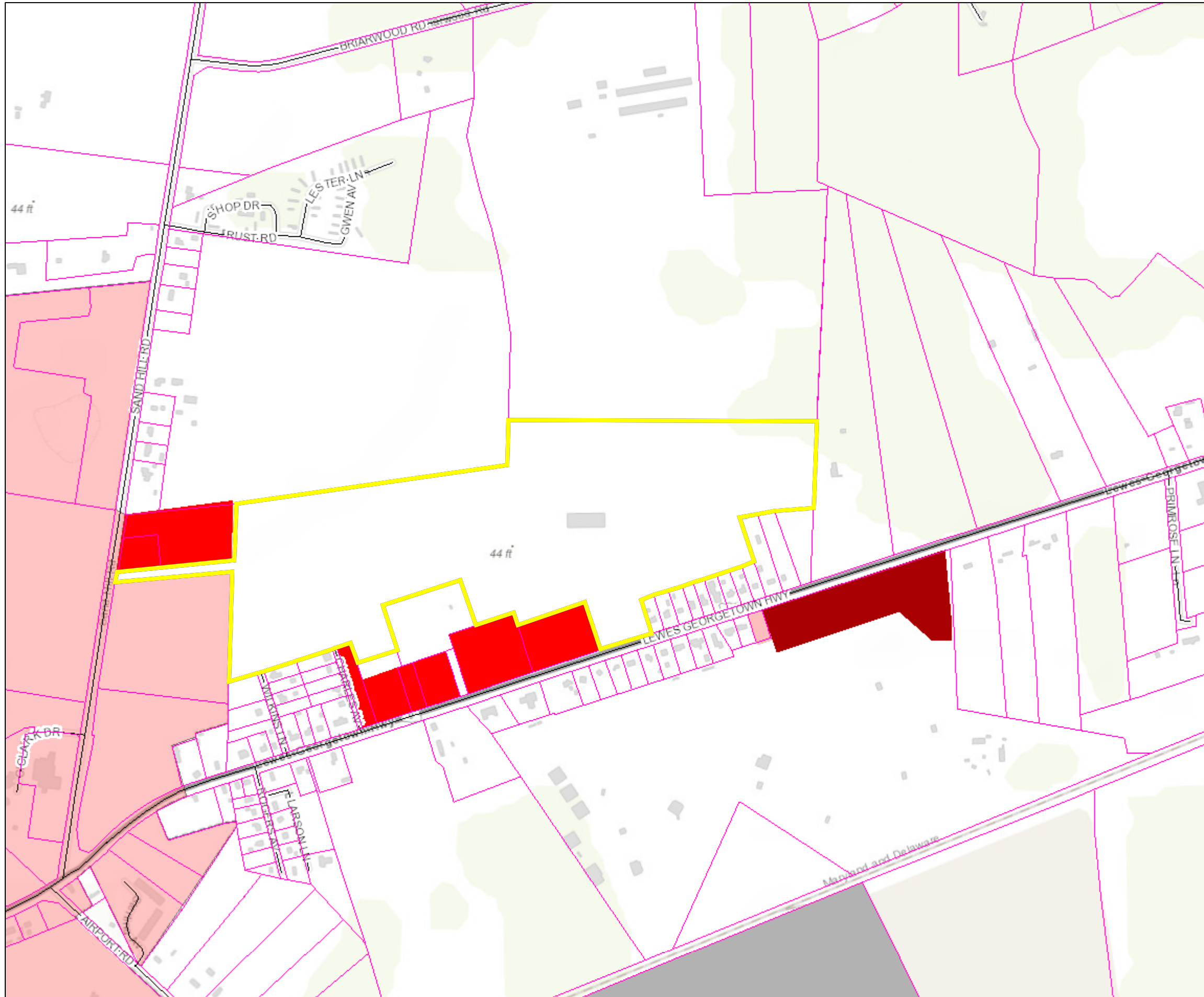
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<b>Description 2</b>	N/A
<b>Description 3</b>	N/A
<b>Land Code</b>	

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