

Sussex County Council Public/Media Packet

**MEETING:
November 30, 2021**

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

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

NOVEMBER 30, 2021

12:30 P.M.

***AMENDED on November 24, 2021 at 1:15 p.m.¹**

Call to Order

Approval of Agenda

Approval of Minutes – November 16, 2021

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Hans Medlarz, County Engineer

1. Mulberry Knoll Sewer Collection System, Project S20-22
 - A. Recommendation to Award
 - B. Authorization to Submit Supplemental Funding Request
 - C. KCI – Amendment 4 – Construction Phase Services
2. Delaware Coastal Business Park Improvements, Project A21-11
 - A. Bid Results and Contract Action
3. EMS Public Safety Building – Project C19-04
 - A. Change Order No. 3



4. **Herring Creek Preserve Outdoor Recreation, Parks and Trails (ORPT)**
5. **Herring Creek Sanitary Sewer District: North Gravity Sewer and Force Main, Project S20-07**
 - A. **Change Order No. 5 – Time Extension & Contract Suspension**
6. **South Coastal Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2**
 - A. **General Construction, Project C19-11, Change Order No. 14**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

Conditional Use No. 2273 filed on behalf of Michael Parsons

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE USE OF COMMERCIAL DELIVERIES OF PARTS TO BE SOLD OFFSITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRES, MORE OR LESS” (property lying on the south side of Pecan Drive, approximately 475 feet east of Hopkins Road [S.C.R. 286]) (Tax I.D. No. 234-5.00-49.00) (911 Address: 30274 Pecan Drive, Lewes)

Conditional Use No. 2314 filed on behalf of Millsboro Fire Company

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS” (property lying on the northeast corner of Millsboro Highway [Route 24] and Lewis Road [S.C.R. 409]) (Tax I.D. No. 133-20.00-17.16) (911 Address: 30134 Millsboro Highway, Millsboro)

Change of Zone No. 1936 filed on behalf of OA-BP Marina Bay-Lakeside, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT- RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1883 (ORDINANCE NO. 2690) AND CHANGE OF ZONE NO. 1475 (ORDINANCE NO.

1573) RELATING TO THE MAXIMUM NUMBER AND TYPES OF HOUSING PERMITTED FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 778.39 ACRES, MORE OR LESS” (property lying on the south end of Bay Farm Road [S.C.R. 299] and south side of Trinity Road (S.C.R. 299A) (Tax I.D. Nos. 234-30.00-1.00 thru 430.00) (911 Address: None Available)

* Change of Zone No. 1937 filed on behalf of Double DB, LP

~~“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1/MR-RPC AGRICULTURAL RESIDENTIAL DISTRICT AND MEDIUM DENSITY RESIDENTIAL DISTRICT RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 29.07 ACRES, MORE OR LESS” (property lying on the west side of Wil King Road [Route 288] approximately 0.89 miles north of Conleys Chapel Road [Route 280B]) (Tax I.D. Nos. 234-6.00-26.00, 26.01, 26.02, 26.03, 26.05, and 59.19) (911 Addresses: 20440, 20452, and 20464 Wil King Road, Lewes)~~

Adjourn

¹ Per 29 Del.C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a matter which arose after the initial posting of the agenda but before the start of the Council meeting.

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on November 23, 2021 at 4:00 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 16, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 16, 2021, at 10:00 a.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 490 21
Amend
and
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to amend the Agenda by striking the Public Hearing on Conditional Use No. 2272 filed on behalf of Charles Stanley, which has been withdrawn, and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of November 9, 2021 were approved by consent.

**Corre-
spondence**

Mr. Moore reported that correspondence was received from West Side New Beginnings, Inc. in appreciation of the Human Service Grant.

Comments

There were no public comments.

**M 491 21
Approve
Consent
Agenda
Item**

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

- 1. Existing Sewer Infrastructure Use Agreement, IUA-867-1
Assawoman Lakes (Evergreen RPC) (Miller Creek Area)**

Motion Adopted: 5 Yeas.

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

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

2022 Schedules Mr. Lawson presented the proposed 2022 Meeting and Holiday Schedule for the Council's consideration.

M 492 21 Approve 2022 Holiday Schedule and Council Meeting Schedule A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Council approves the 2022 Holiday Schedule and the 2022 County Council Meeting Schedule, as follows:

Holiday Schedule

New Year's Day	December 31 (Friday)
Martin Luther King, Jr. Day	January 17 (Monday)
Good Friday	April 15 (Friday)
Memorial Day	May 30 (Monday)
Juneteenth	June 20 (Monday)
Independence Day	July 4 (Monday)
Labor Day	September 5 (Monday)
Election Day	November 8 (Tuesday)
Return Day	November 10 (Thursday)
Veterans Day	November 11 (Friday)
Thanksgiving	November 24 (Thursday)
	November 25 (Friday)
Christmas	December 23 (Friday)
	December 26 (Monday)

Sussex County Council Meeting Schedule

The Sussex County Council will not meet on the following dates in the Year 2022:

JANUARY 18
FEBRUARY 15
MARCH 15
APRIL 12
APRIL 19
MAY 3 (no regular meeting – budget workshop)
MAY 31
JULY 5

**M 492 21
Approve
2022
Holiday
Schedule
and
Council
Meeting
Schedule
(continued)**

**JULY 19
AUGUST 2
AUGUST 16
SEPTEMBER 6
SEPTEMBER 13
OCTOBER 4
NOVEMBER 8
NOVEMBER 22
NOVEMBER 29
DECEMBER 20
DECEMBER 27**

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Indian River Acres Public Hearing

The Sussex County Engineering Department will be conducting a public hearing on the proposed boundary for the Indian River Acres Area of the Sussex County Unified Sanitary Sewer District on Saturday, November 20th, starting at 9:00 a.m. at the Community Lutheran Church, 30897 Omar Road, Frankford.

2. Council Meeting/Holiday Schedule

Council will not meet on Tuesday, November 23, during the week of Thanksgiving. County offices will be closed on Thursday, November 25th, and Friday, November 26th, for the Thanksgiving holiday and will reopen on Monday, November 29th, at 8:30 a.m. The next regularly scheduled Council meeting will be held on Tuesday, November 30th at 10:00 a.m.

**Housing
Trust
Fund
Update**

Brandy Nauman, Director of Community Development and Housing, gave an update on the Housing Trust Fund initiative. She reported that, at the July 27, 2021, Council meeting, she discussed how a Housing Trust Fund will help create new affordable housing opportunities in the County and she presented an outline of the basic goals and objectives for the Fund. At that time, the next step identified was to obtain feedback on the Housing Trust Fund outline from affordable housing advocates and potential applicants.

Mrs. Nauman reported that the Housing Trust Fund Initiative was approved as part of the Fiscal Year 2022 Budget in the amount of \$500,000.00. The proposed uses, as presented in July 2021, were:

**Housing
Trust
Fund
Update
(continued)**

- **Objective #1 – Development Loan Fund - \$400,000**
- **Objective #2 – Direct Homebuyer Assistance - \$100,000**
- **Create Advisory Board to oversee funding approvals**

Since the July 27, 2021 meeting, a meeting has been held with the stakeholders and Mrs. Nauman shared some of their feedback:

Development Fund

- **Support and enthusiasm for Fund creation**
- **Preference of grants vs. loan**
- **Pre-development costs help is most needed**
- **\$10,000 per unit / \$100,000 per project is insufficient for a multi-million development project**
- **Flexibility on when payments are to be repaid in the event there are delays or other issues with a project**
- **Future funding availability and funding source**
- **ARPA funds**

Homebuyer Assistance

- **Targeting lower income levels – 80% AMI or less**
- **\$10,000/homebuyer insufficient in this market**
- **Require homebuyer counseling**
- **ARPA funds**

Mrs. Nauman presented her recommendation for the Advisory Board and discussed next steps:

Development Fund

- **Maintain revolving fund, but revisit grants when / if it is determined that ARPA funds may be used for Trust Fund expansion**
- **Increase flexibility for applications to exceed \$100,000 with sufficient support and proven capacity**
- **Defer loan payments for one year after receipt of funds**
- **Align application with other funding cycles – ideally March / April**

Homebuyer Assistance

- **Recommend lowering target household income from 120% AMI to 80% AMI**
- **Maintain \$10,000 per household for pilot year**

Mrs. Nauman presented the recommended members of the Housing Trust Fund Advisory Board: Gina Jennings, Finance Director/COO; Brandy Nauman, Community Development and Housing Director; Bill Pfaff, Economic Development Director; Sarah Rhine, Policy Director, Housing Alliance Delaware; and Amy Walls, Principal, Community Reinvestment, Discover Bank.

No action was necessary.

**Public
Hearing/
Proposed
Ordinance/
Tax Credit
for Disabled
Veterans**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY CODE TO INCLUDE A NEW ARTICLE VII, REAL PROPERTY TAX CREDIT FOR DISABLED VETERANS, UNDER PART II, GENERAL LEGISLATION, TAXATION, §103-43 THROUGH §103-47, TO ESTABLISH A REAL PROPERTY VALUE-BASED TAX CREDIT FOR TOTALLY DISABLED VETERANS WHO ARE RESIDENTS OF SUSSEX COUNTY AND WHO MEET ELIGIBILITY CRITERIA UNDER THE STATE OF DELAWARE DISABLED VETERANS’ SCHOOL TAX CREDIT PURSUANT TO 14 DEL. C. 1917”.

This Ordinance amends the Sussex County Code by adopting a new Article VII, entitled, “Real Property Tax Credit for Disabled Veterans” under Part II, General Legislation, Taxation, §103-43 through §103-47, which grants a value-based real property tax credit to totally disabled veterans who are residents of Sussex County, own real property and reside in a dwelling which is a constituent part of said real property. The tax credit is subject to the applicant’s completion of the State of Delaware Disabled Veterans’ School Tax Credit application demonstrating applicant has met the parameters and has been approved therefor. The tax credit would remain in effect so long as the applicant or applicant’s surviving spouse owns the real property and the dwelling located thereon and continues to meet all of the conditions mandated by the State of Delaware Disabled Veterans’ School Tax Credit.

Mrs. Jennings reported that the ordinance will exempt veterans with a 100% disability rating from County property taxes if they qualify for the State’s veteran disability program. According to the National Center for Veterans Analysis & Statistics’ August 2021 report, there are 516 individuals who may qualify in Sussex County. It is estimated to cost the County \$44,000 annually.

This Ordinance complements House Bill 214 with House Amendment 1 that passed the General Assembly on June 30, 2021 and was signed by Governor Carney on August 10, 2021. The State’s legislation authorized school districts (not including vo-tech schools) to provide a 100% credit against school taxes for disabled veterans that meet the definition of a “qualified person” owning “qualified property”, as each term is defined in Section 1917(d)(1) of Title 14 of the Delaware Code, beginning with the 2022 property tax bill. The State’s legislation did not exempt veterans from the County portion of the property tax bill; therefore, this Ordinance would provide that exemption. If approved, qualifying individuals can apply for both the State and County portion of their property taxes on the County’s website or by contacting the County’s Billing Division at 302-855-7859. The deadline for applying is April 30, 2022.

There were no public comments.

The Public Hearing and public record were closed.

**M 493 21
Adopt
Ordinance
No. 2811**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2811 entitled “AN ORDINANCE TO AMEND THE SUSSEX COUNTY CODE TO INCLUDE A NEW ARTICLE VII, REAL PROPERTY TAX CREDIT FOR DISABLED VETERANS, UNDER PART II, GENERAL LEGISLATION, TAXATION, §103-43 THROUGH §103-47, TO ESTABLISH A REAL PROPERTY VALUE-BASED TAX CREDIT FOR TOTALLY DISABLED VETERANS WHO ARE RESIDENTS OF SUSSEX COUNTY AND WHO MEET ELIGIBILITY CRITERIA UNDER THE STATE OF DELAWARE DISABLED VETERANS’ SCHOOL TAX CREDIT PURSUANT TO 14 DEL.C. 1917”.

Motion Adopted: 5 Yeas.

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

**Ellendale
Sewer and
Water
Operations
Agreement**

Hans Medlarz, County Engineer, presented a Sewer & Water Operations Agreement between Sussex County and the Town of Ellendale. Mr. Medlarz reported that the Town recognizes growth in the area and the potential for development and annexation requests. The Town considers the most cost-effective solution for public water and sewer service requests by any new and annexed development, to be through expansion of the Sussex County Unified Sanitary Sewer District and the Ellendale Water District, unless already certified by Artesian Water Company, Inc. However, the Town is protective of its annexation area as outlined in the Town’s Comprehensive Plan and requested the following wording be included in the Agreement to read as follows: “If the property seeking inclusion in the Ellendale Water District or Sussex County Unified Sanitary Sewer District becomes contiguous to and eligible for annexation into the Town of Ellendale, said property shall annex.”

**M 494 21
Approve
Ellendale
Sewer and
Water
Operations
Agreement**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, based upon the recommendation of the Sussex County Engineering and Finance Departments, that the Sussex County Council approves the Ellendale Sewer & Water Operations Agreement between Sussex County and the Town of Ellendale, as presented.

Motion Adopted: 5 Yeas.

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

**Update/
Subdivision
Application
No. 2006-73/
The Vines
of Sand Hill**

Jamie Whitehouse, Planning and Zoning Director, provided an update on Subdivision Application 2006-73, The Vines of Sand Hill, and specifically, an update on the status of building permits and the construction of the clubhouse.

**Update/
Subdivision
Application
No. 2006-73/
The Vines
of Sand Hill
(continued)**

Mr. Whitehouse reported that this is an existing, previously approved, 400-lot subdivision located south of Huff Road. It was applied for in 2006 as a major subdivision application for a subdivision consisting of 261 acres. The subdivision went through the County's process and in August 2008, the Commission approved the preliminary subdivision plats for the major subdivision, subject to fifteen (15) conditions of approval, which became part of the final site plan. Condition M of the conditions of approval stated that within two (2) years of the issuance of the first residential building permit, the developer shall construct all of the residential amenities. More than two (2) years after the commencement of the development, it was brought to staff's attention that the amenities had still not been developed. The Applicant and the Developer contacted the County and requested that the Commission consider a request to revise the conditions of approval to change the trigger. This request was based upon a general note shown on the phasing plan stating that the construction of the amenities was intended to be completed by the issuance of the 136th building permit. Two (2) years from the issuance of the first building permit (approximately December 2018), the amenities had still not been delivered. Then, it was requested to change it to the 136th building permit. This was reported to the Planning and Zoning Commission and at the meeting of May 13, 2021, the Commission approved a revision to Condition M and Condition M now states, "Amenities shall commence within 6 months from the Planning and Zoning Commission date (5/13/2021) and shall be completed within 18 months of said Commission date (5/13/2021) or before the issuance of the 136th building permit, whichever occurs first."

Mr. Whitehouse reported that 99 building permits have been applied for; of those 99 building permits, 96 have been issued and 3 are currently pending; of the 96 issued building permits, 63 of those have been issued Certificates of Occupancy. Therefore, the 136 building permit threshold has not been exceeded. However, as of this week, the six month threshold for commencement has been exceeded. Mr. Whitehouse stated that he reached out to the Developer and he received a response (email dated November 12, 2021) from Mr. Sposato who has offered to speak to Council at a future meeting should that be requested. Mr. Sposato stated that, as of last week, they have broken ground and that the implementation of a silt fence has been installed in the area to be disturbed and the Developer is looking to move dirt and trees within three weeks. Mr. Whitehouse stated that the County has not received a building permit application for the clubhouse as of this date.

Mr. Whitehouse stated that, according to the triggers, the Developer had 18 months from commencement on site (or the implementation of 136 building permits) to deliver the clubhouse.

Mr. Whitehouse commented on the design and size of the subdivision, stating that the siting of the clubhouse has not changed throughout the review process. The siting and location of the clubhouse went through the Planning and Zoning Commission and was approved at their meeting of

**Update/
Subdivision
Application
No. 2006-73/
The Vines
of Sand Hill
(continued)**

December 14, 2017. Subsequent to that, the Commission saw a separate site plan for the amenities which showed a two-story clubhouse with 9,987 square feet of floor area, which was reviewed and approved by the Commission in February 2018. Subsequent to that, County staff issued a final site plan in October 2018 for the 9,987 square feet floor area. Since that time, Planning and Zoning received a request to revise plan approval; the request was to administratively approve a reduction down to 6,685 square feet. The reason given for that is that they have removed a walk-out in the lower level. The Developer has stated that this change was requested due to financial reasons. As the plan does not change the clubhouse siting of the building, and there are no other changes to the proposed amenities, Planning and Zoning staff could not find a conflict with the Zoning Code for the change in the plan; the parking, lighting, building siting, etc., still comply with the Code. Mr. Whitehouse stated the footprint is the same, everything is the same, except for the clubhouse which went from two-story to one-story and the removal of the walk-out, and the floor area has been reduced. Mr. Whitehouse stated that he understands there are concerns in relation to the change between occupiers of the subdivision and the developer in relation to what the residents were expecting when they bought into the subdivision, which appears to be a contractual dispute. However, the question before staff is whether the revised site plan conflicts with the Zoning Code, which it does not.

Mr. Vincent asked Mr. Moore to research if the County has any legal standing in this matter. Additionally, Mr. Whitehouse will meet with the Developer in the very near future and will report back to Council and to the homeowners.

**Old
Business/
CU 2262**

Under Old Business, the Council considered Conditional Use No. 2262 filed on behalf of Matthew Hete.

The Planning and Zoning Commission held a Public Hearing on this application on September 9, 2021 at which time action was deferred. On October 13, 2021, the Commission recommended approval with conditions.

The Sussex County Council held a Public Hearing on this application on October 11, 2021 at which time action was deferred and the record was left open for the receipt of the Planning and Zoning Commission's recommendation. At the Council meeting on October 19, 2021, an update was provided on the recommendation of the Planning and Zoning Commission. Council left the record open until the close of business at 4:30 p.m. on Monday, October 25, 2021 for the receipt of any additional public comments. There were no public comments received and the record was closed.

**M 495 21
Adopt
Ordinance
No. 2812**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2812 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (4

**M 495 21
Adopt
Ordinance
No. 2812/
CU 2262
(continued)**

UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS” (Conditional Use No. 2262) filed on behalf of Matthew Hete (Tax I.D. No. 334-6.00-686.00) (911 Address: 34360 Postal Lane, Lewes), with the following conditions:

- a. **The maximum number of residential units shall be 4.**
- b. **All entrance, intersection, roadway and multi-modal improvements shall be completed by the Developer in accordance with all DeIDOT requirements.**
- c. **There shall be a 75-foot buffer along the road frontage that complies with the requirements of Section 115-22 of the Zoning Code for multi-family dwellings in the AR-1 District.**
- d. **The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas.**
- e. **The project shall be served by Sussex County Sewer. The Developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.**
- f. **The project shall be served by central water to provide drinking water and fire protection.**
- g. **Construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 a.m. and 5:00 p.m. Monday through Friday. There shall be no construction activities at the site on Saturdays or Sundays. A 24 inch by 36 inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- h. **Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Department.**
- i. **The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- j. **All streetlights shall be downward screened so that they do not shine on neighboring properties or roadways.**
- k. **The Applicant must pay the bonus density fee required by Chapter 62, Section 62-7 of the Code of Sussex County for the two additional units in excess of two units per acre.**
- l. **The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

Grant Requests

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

M 496 21 Councilmanic Grant

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, to give \$2,000.00 (\$1,000.00 each from Mrs. Green's and Mr. Schaeffer's Councilmanic Grant Accounts) to Grace-N-Mercy Ministries for Community Thanksgiving Dinner.

Motion Adopted: 5 Yeas.

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

M 497 21 Councilmanic Grant

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to give \$1,000.00 from Mr. Vincent's Councilmanic Grant Account to the Western Sussex Chamber of Commerce for Downtown Seaford Association's Christmas parade expenses.

Motion Adopted: 5 Yeas.

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

Introduction of Proposed Ordinances

Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FOOD TRUCK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.235 ACRES, MORE OR LESS" (Conditional Use No. 2302) filed on behalf of Carlos M. Batres (Tax I.D. No. 234-17.00-117.01) (911 Address 24562 Shady Lane Annex, Millsboro).

The Proposed Ordinance will be advertised for Public Hearing.

M 498 21 Go Into Executive Session

At 11:07 a.m., a Motion was made by Mr. Hudson, seconded by Mrs. Green, to recess the Regular Session and go into Executive Session to discuss matters relating to pending/potential litigation, land acquisition and personnel.

Motion Adopted: 5 Yeas.

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

Executive Session **At 11:10 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to pending/potential litigation, land acquisition and personnel. The Executive Session concluded at 11:34 a.m.**

M 499 21 Reconvene Regular Session **At 11:37 a.m., a Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

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

M 500 21 Recess **At 11:38 a.m., a Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to recess until 1:30 p.m.**

Motion Adopted: 5 Yeas.

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

M 501 21 Reconvene **At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to reconvene.**

Motion Adopted: 5 Yeas.

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

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

**Public Hearing/
CU 2264** **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 PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRES, MORE OR LESS” (Conditional Use No. 2264) filed on behalf of Laudan Investments, LLC (Tax I.D. No. 335-8.18-15.00 & 335-8.18-16.00) (911 Addresses: 1302 and 1304 Savannah Road, Lewes).**

The Planning and Zoning Commission held a Public Hearing on this application on October 28, 2021 at which time action was deferred. On November 4, 2021, the Commission recommended approval with the

**Public
Hearing/
CU 2264
(continued)**

following conditions:

- A. The buildings shall be used for office use only. No retail sales or other commercial uses shall occur on the site.**
- B. Each building shall be permitted to have one unlighted sign. The signs shall not exceed 32 square feet in size on each side.**
- C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- D. As proffered by the Applicant, the business hours shall be limited to 8:00 a.m. until 5:00 p.m., Monday through Friday, with the exception of emergency services that may be required.**
- E. The two existing office buildings shall share an entrance as approved by DeIDOT.**
- F. With the exception of handicapped parking spaces, all parking areas shall be located at the rear of the properties. The Final Site Plan shall designate all parking areas.**
- G. As stated by the Applicant during the public hearing, the residential appearance of the existing structures shall be maintained while in use as offices.**
- H. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission dated October 28 and November 4, 2021.)

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

Tim Willard, Attorney, was present with the Applicant, Dr. Aponte, who is the Principal of Laudan Investments, LLC. Mr. Willard stated that the application is for professional offices to be located on two adjacent parcels of land (335-8.18-15.00 and 335-8.18-16.00; that both parcels have existing Conditional Uses (Conditional Use No. 1549 and Conditional Use No. 1744); that the Applicant, owner of Parcel 15.00, purchased Parcel 16.00; that the Conditional Use for Parcel 16.00 is for offices for architectural services and the Applicant would like it to be for general office uses, and not limited to offices for architectural services; that the parcels are served by a common entrance, as approved by DeIDOT; that the Applicant occupies Parcel 15.00 where her office is located and that she may expand her practice into Parcel 16.00 or lease it for professional office uses; that the Applicant is renovating the building on Parcel 16.00; that the Applicant is requesting both Conditional Uses be for General Business use to allow some flexibility in leasing or selling the properties; that general office uses in residential looking buildings are common on Savannah Road; that Savannah Road has become a corridor for doctor offices; that the Applicant will maintain the residential appearance of the buildings; and that the proposed Conditional Use is in accordance with the Comprehensive Plan.

**Public
Hearing
(continued)**

There were no public comments.

The Public Hearing and public record were closed.

**M 502 21
Amend
Condition**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to amend Condition B recommended by the Planning and Zoning Commission to state that “Each building shall be permitted to have one lighted sign. The signs shall not exceed 32 square feet in size on each side.”

Motion Adopted: 5 Yeas.

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

**M 503 21
Adopt
Ordinance
No. 2813/
CU 2264**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2813 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.68 ACRES, MORE OR LESS” (Conditional Use No. 2264) filed on behalf of Laudan Investments, LLC, with the following conditions, as amended:

- A. The buildings shall be used for office use only. No retail sales or other commercial uses shall occur on the site.**
- B. Each building shall be permitted to have one lighted sign. The signs shall not exceed 32 square feet in size on each side.**
- C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- D. As proffered by the Applicant, the business hours shall be limited to 8:00 a.m. until 5:00 p.m., Monday through Friday, with the exception of emergency services that may be required.**
- E. The two existing office buildings shall share an entrance as approved by DeIDOT.**
- F. With the exception of handicapped parking spaces, all parking areas shall be located at the rear of the properties. The Final Site Plan shall designate all parking areas.**
- G. As stated by the Applicant during the public hearing, the residential appearance of the existing structures shall be maintained while in use as offices.**
- H. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**M 503 21
(continued)**

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

**Public
Hearing/
CU 2271**

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 TO AMEND CONDITIONAL USE NO. 1920 (ORDINANCE NO. 2240) TO ALLOW FOR OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS” (Conditional Use No. 2271) filed on behalf of Chris Brasure (Tax I.D. No. 533-18.00-25.00) (911 Address: 33095 and 33113 Lighthouse Road, Selbyville).

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on October 28, 2021 at which time action was deferred. On November 4, 2021, the Commission recommended approval with the following conditions:

- A. The buildings shall be used for office use only.**
- B. One lighted sign shall be permitted on this site. The sign shall not exceed 32 square feet in size on each side.**
- C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- D. As stated by the Applicant, access shall be via the existing entrance to Brasure’s Pest Control from S.C.R. 389 with an internal driveway to this site.**
- E. The Final Site Plan shall designate all parking areas associated with this use.**
- F. Any dumpsters or trash receptacles shall be screened from view of neighboring properties and roadways.**
- G. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.**
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated October 28 and November 4, 2021.)

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

Tim Willard, Attorney, was present with the Applicant, Chris Brasure. Mr. Willard stated that the application is for an office and a parking area; that Brasure Pest Control, Inc. occupies Parcel 25.00 and adjacent Parcel 24.00; that the long building on the site had a Conditional Use for parking vehicles in an existing barn and they want to convert it to an office building; that they propose to keep the footprint of the building; that the façade will be improved; that the entrance to Parcel 25.00 is through Parcel 24.00; that a

**Public
Hearing/
CU 2271
(continued)**

Traffic Impact Study was not required; and that that the proposed use is an appropriate extension of the Applicant's business operations that have existed on the adjacent property for many years.

There were no public comments.

The Public Hearing and public record were closed.

**M 504 21
Adopt
Ordinance
No. 2814/
CU 2271**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2814 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 1920 (ORDINANCE NO. 2240) TO ALLOW FOR OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS" (Conditional Use No. 2271) filed on behalf of Chris Brasure, with the following conditions:

- A. The buildings shall be used for office use only.**
- B. One lighted sign shall be permitted on this site. The sign shall not exceed 32 square feet in size on each side.**
- C. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- D. As stated by the Applicant, access shall be via the existing entrance to Brasure's Pest Control from S.C.R. 389 with an internal driveway to this site.**
- E. The Final Site Plan shall designate all parking areas associated with this use.**
- F. Any dumpsters or trash receptacles shall be screened from view of neighboring properties and roadways.**
- G. Failure to abide by any of these conditions of approval may result in the revocation of this Conditional Use.**
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**M 505 21
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn at 1:53 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***Mulberry Knoll Sewer Collection System, Project S20-22***
A. Recommendation to Award
B. Authorization to Submit Supplemental Funding Request
C. KCI Amendment No. 4 – Construction Phase Services

DATE: November 30, 2021

Council adopted Resolution R 011 17 on June 6, 2017, expanding the Unified Sanitary Sewer District to include the Mulberry Knoll Area. On August 13, 2019, Council conducted a public hearing for an offer of Project funding through the Clean Water State Revolving Fund. Ordinance No. 2672 was adopted, providing issuance of a General Obligation Bond up to \$3,135,379 for design, construction and equipping of the Project, with an expectation of principal forgiveness up to \$1,941,000 reducing the principal amount to \$1,194,379 upon completion.

On October 22, 2019, Council authorized Amendment No. 2 of the KCI Technologies (KCI) Base Agreement for design and bidding phase services associated with the Mulberry Knoll Sewer Expansion Project. Design efforts progressed and based on Department direction, KCI separated the Project into two (2) distinct contracts to focus construction disciplines and improve Project timing and bidding: 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.

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 November 17, 2020, Council awarded Project S20-14 to the lowest responsible bidder, Teal Construction Inc, of Dover, DE, contingent upon concurrence of DNREC to ensure the State's commitment to total project financing. On March 26, 2021, DNREC notified the Department there was no objection to proceeding with the construction of the Mulberry Knoll Pump Station and Force Main Project with the understanding a supplemental funding request will have DNREC's support when necessary. Construction of the pump station and force main is currently approximately 70% complete, with start-up anticipated in early 2022.



- A. Recommendation to Award
- B. Authorization to Submit Supplemental Funding Request
- C. KCI Amendment No. 4 – Construction Phase Services

Contract Documents for Project S20-22, Mulberry Knoll Collection System were assembled and advertised on August 20, 2021, and on September 23, 2021 seven (7) bids were received and read aloud. The Department initiated a review of the bids and requested KCI to perform a bid evaluation, noting the low bidder appeared to provide a response without acknowledging Addendum #1 of the bidding documents. The apparent low bid could not be compared due to changes made to the bid tabulation by Addendum #1, and the second lowest bid received included mathematical errors in Bid Prices of two (2) items. The Department concurred with KCI’s recommendation that all bids be rejected, and the project rebid since irregularities were involved in the two lowest bids. On October 12, 2021, Council approved a rejection of all bids and readvertisement of the Project.

Contract Documents were updated to assimilate the addendum noted along with other minor revisions and clarifications, and then readvertised for bids on October 15, 2021. The readvertised Project S20-22, Mulberry Knoll Collection System received ten (10) on November 18, 2021, and summarized as follows:

Carrow Construction	New Castle, DE	\$ 1,857,038.00
Tru Grit LLC	Clayton, DE	\$ 1,917,980.37
Richard E. Pierson Const.	Pilesgrove, NJ	\$ 2,748,202.50
George & Lynch	Dover, DE	\$ 2,995,598.00
A-Del	Newark, DE	\$ 2,998,700.00
Pact One.	Ringoos, NJ	\$ 3,254,950.00
Teal Construction Inc.	Dover, DE	\$ 3,314,314.00
Eastern States Construction	Wilmington, DE	\$ 3,475,775.00
Triple R Construction	Rockville, MD	\$ 3,845,558.00
J.J.I.D. Inc.	Bear, DE	\$ 4,135,000.00

The Engineering Department reviewed all bids received along with KCI’s evaluation of the apparent lowest three bids. The Department recommends Council award Project S20-14 to the lowest responsible bidder, Carrow Construction, of New Castle, DE, in the Base Bid plus Add Alternate Item, for a total bid amount of \$1,861,538.00, contingent upon DNREC concurrence and approval of project financing. The Add Alternate Item allows for full DelDOT utility permit compliance.

Total project financing was evaluated using the bids received for S20-22 in combination with the current S20-14 construction contract and related costs. As previously reported, the current construction market and pricing requires additional funding to maintain overall project financing. The Department requests Council authorize development of a supplemental funding request and submission to DNREC for approval.

As engineer of record for design of these systems, KCI was requested to provide limited construction phase services to supplement and support the Department’s administration, management, and inspection of Project S20-14. On November 17, 2020, Council approved these services by Amendment No. 3 of the KCI Technologies Base Owner-Engineer Agreement dated September 10, 2019, at a not-to-exceed value of \$42,300. The Department requests KCI provide similar services for Project S20-22 and recommends Council approval of Amendment No. 4, to increase services by \$50,000.00 for a total not-to-exceed value of \$92,300.00 of as-needed construction phases services related to Mulberry Knoll Sewer Expansion Projects S20-14 and S20-22. The County’s inspection forces are actively engaged in the area and will continue to provide the onsite project representation.



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ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

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

November 23, 2021

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

**RE: Bid Evaluation and Recommendation
Mulberry Knoll Sewer Collection System**

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 ten bids were submitted and are listed below, from the lowest to the highest bids. Carrow Construction LLC (Carrow) is the low bidder with a bid amount of \$1,857,038.00.

<u>Contractor</u>	<u>Bid Amount</u>
Carrow Construction	\$1,857,038.00
Tru Grit*	\$1,917,980.37
Richard Pierson	\$2,748,202.50
G&L	\$2,995,598.00
A-Del Construction	\$2,998,700.00
Pact One	\$3,254,950.00
Teal Construction	\$3,314,314.00
Eastern States Construction	\$3,475,775.00
Triple R Construction**	\$3,845,558.00
JJID, Inc.	\$4,135,000.00

*Tru Grit calculated their bid amount incorrectly. The correct bid amount based on the bid prices submitted is \$1,912,730.37.

**Triple R Construction calculated their bid amount incorrectly. The correct bid amount based on the bid prices submitted is \$3,840,558.00.

Analysis of Bids:

Given the number of bids received, the bid analysis was focused on the three lowest bidders following suit with past bid evaluations for the County. The Engineer's estimate on the Base Bid Price for this project is \$2,949,150.00 (within 36% of the bid average).

The low bidder, Carrow's, Base Bid Price is \$1,857,038.00 (37% lower than the Engineer's Estimate). The second low bidder, Tru Grit's, Total Bid Price is \$1,912,730.37 (35% lower than the Engineer's Estimate). The third low bidder, Richard Pierson's, Total Bid Price is \$2,748,202.50 (6.8% lower than the Engineer's Estimate). The difference between the three lowest bids was \$891,164.50 (39%), with the two lowest bids differing by \$55,692.37 (3%).

The overall bid tabulation is enclosed, which shows the full bid pricing for the ten bids received. While the full analysis was limited to the three lowest bidders, KCI noticed multiple discrepancies. On Tru Grit's bid for Bid Item #25, the bid price should equal \$11,250, instead of \$16,500. This also changes the bid amount from \$1,917,980.37 to \$1,912,730.37. On Triple R Construction's bid, the bid amount was incorrectly calculated. Based on the bid prices submitted, the total bid amount should equal \$3,840,558.00, not \$3,845,558.00.

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. The bids from Carrow and Tru Grit were both significantly lower than the Engineer's estimate for most bid items. The pricing for Bid Item #9 – Sanitary Sewer 8" PVC SDR-26 Gravity Main was the most substantial in terms of the Bid Price as both bidders were over 100% lower than the estimate.

Bid Attachments:

KCI reviewed the bid attachments in detail for the three lowest bidders. Each bidder provided all necessary contract documents. The enclosed Bid Attachments Review table details the documentation provided by each bidder.

Recommendation:

KCI has not noted any deficiencies or irregularities with Carrow's bid. Therefore, we recommend Carrow Construction LLC be awarded the Mulberry Knoll Sewer Collection System Project Contract for the amount of \$1,857,038.00. This recommendation is contingent upon the 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: Bid Tabulation
Bid Review

Mulberry Knoll Sewer Collection
Bid Tabulation

Bid Item #	Base Bid Item	Quantity	Unit	Engineer's Estimate		Carrow Construction		Carrow Construction vs. Engineer's Estimate		Tru Grit		Richard Pierson	
				Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Price Difference (Carrow-Engineer)	Bid Price % Difference	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1	Mobilization & Demobilization	1	LS	\$ 126,200.00	\$ 126,200.00	\$ 100,000.00	\$ 100,000.00	\$ (26,200.00)	23.17%	\$ 70,000.00	\$ 70,000.00	\$ 137,000.00	\$ 137,000.00
2	Maintenance of Traffic and Pedestrians	1	LS	\$ 97,100.00	\$ 97,100.00	\$ 80,000.00	\$ 80,000.00	\$ (17,100.00)	19.31%	\$ 212,500.00	\$ 212,500.00	\$ 20,000.00	\$ 20,000.00
3	Construction Engineering	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 57,500.00	\$ 57,500.00	\$ 27,500.00	62.86%	\$ 53,500.00	\$ 53,500.00	\$ 10,000.00	\$ 10,000.00
4	Sediment and Erosion Control	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 30,000.00	\$ 30,000.00	\$ (20,000.00)	50.00%	\$ 87,500.00	\$ 87,500.00	\$ 19,925.00	\$ 19,925.00
5	Dewatering	5500	LF	\$ 50.00	\$ 275,000.00	\$ 28.00	\$ 154,000.00	\$ (121,000.00)	56.41%	\$ 40.00	\$ 220,000.00	\$ 10.00	\$ 55,000.00
6	Site Restoration	1	LS	\$ 125,000.00	\$ 125,000.00	\$ 140,000.00	\$ 140,000.00	\$ 15,000.00	11.32%	\$ 75,000.00	\$ 75,000.00	\$ 143,150.00	\$ 143,150.00
7	Sanitary Sewer Manholes (12 ft or less depth)	8	EA	\$ 10,000.00	\$ 80,000.00	\$ 13,347.00	\$ 106,776.00	\$ 26,776.00	28.67%	\$ 6,401.46	\$ 51,211.68	\$ 6,000.00	\$ 48,000.00
8	Sanitary Sewer Manholes (More than 12 ft depth)	7	EA	\$ 16,000.00	\$ 112,000.00	\$ 17,000.00	\$ 119,000.00	\$ 7,000.00	6.06%	\$ 8,339.30	\$ 58,375.10	\$ 8,500.00	\$ 59,500.00
9	Sanitary Sewer 8" PVC SDR-26 Gravity Main	3840	LF	\$ 280.00	\$ 1,075,200.00	\$ 87.00	\$ 334,080.00	\$ (741,120.00)	105.18%	\$ 65.90	\$ 253,056.00	\$ 310.00	\$ 1,190,400.00
10	6" Sanitary Sewer Service Laterals	1800	LF	\$ 40.00	\$ 72,000.00	\$ 40.00	\$ 72,000.00	\$ -	0.00%	\$ 53.29	\$ 95,922.00	\$ 145.00	\$ 261,000.00
11	Deep Sewer Lateral Stack	17	EA	\$ 3,500.00	\$ 59,500.00	\$ 5,594.00	\$ 95,098.00	\$ 35,598.00	46.05%	\$ 2,879.49	\$ 48,951.33	\$ 1,400.00	\$ 23,800.00
12	6" Sanitary Sewer Cleanouts	52	EA	\$ 800.00	\$ 41,600.00	\$ 800.00	\$ 41,600.00	\$ -	0.00%	\$ 509.06	\$ 26,471.12	\$ 345.00	\$ 17,940.00
13	Grinder Pump Stations	14	EA	\$ 15,000.00	\$ 210,000.00	\$ 10,186.00	\$ 142,604.00	\$ (67,396.00)	38.23%	\$ 10,748.81	\$ 150,483.34	\$ 17,000.00	\$ 238,000.00
14	Low Pressure Sewer Force Main	4420	LF	\$ 40.00	\$ 176,800.00	\$ 24.00	\$ 106,080.00	\$ (70,720.00)	50.00%	\$ 32.44	\$ 143,384.80	\$ 50.00	\$ 221,000.00
15	Hot Mix "C"	975	TN	\$ 250.00	\$ 243,750.00	\$ 180.00	\$ 175,500.00	\$ (68,250.00)	32.56%	\$ 125.00	\$ 121,875.00	\$ 150.00	\$ 146,250.00
	Subtotal				\$ 2,774,150.00		\$ 1,784,238.00		\$ (1,019,912.00)		\$ 1,668,230.37		\$ 2,590,965.00
	Contingent Items												
16	Driveway Restoration	50	SF	\$ 150.00	\$ 7,500.00	\$ 24.00	\$ 1,200.00	\$ (6,300.00)	144.83%	\$ 250.00	\$ 12,500.00	\$ 2.75	\$ 137.50
17	Moving Electrical Line Allowance	600	LF	\$ 35.00	\$ 21,000.00	\$ 25.00	\$ 15,000.00	\$ (6,000.00)	33.33%	\$ 25.00	\$ 15,000.00	\$ 25.00	\$ 15,000.00
18	Backfill Borrow Type "C"	100	TN	\$ 50.00	\$ 5,000.00	\$ 10.00	\$ 1,000.00	\$ (4,000.00)	133.33%	\$ 45.00	\$ 4,500.00	\$ 30.00	\$ 3,000.00
19	Misc. Excavation and Backfill for Test Pitting	50	CY	\$ 75.00	\$ 3,750.00	\$ 100.00	\$ 5,000.00	\$ 1,250.00	28.57%	\$ 125.00	\$ 6,250.00	\$ 140.00	\$ 7,000.00
20	Furnish and Place Select Backfill	100	TN	\$ 20.00	\$ 2,000.00	\$ 13.00	\$ 1,300.00	\$ (700.00)	42.42%	\$ 75.00	\$ 7,500.00	\$ 30.00	\$ 3,000.00
21	Residential Well Replacement (up to 75 ft Deep)	5	EA	\$ 4,000.00	\$ 20,000.00	\$ 5,500.00	\$ 27,500.00	\$ 7,500.00	31.58%	\$ 6,000.00	\$ 30,000.00	\$ 6,000.00	\$ 30,000.00
22	Utility Pole Support	5	EA	\$ 4,000.00	\$ 20,000.00	\$ 3,000.00	\$ 15,000.00	\$ (5,000.00)	28.57%	\$ 4,500.00	\$ 22,500.00	\$ 1,700.00	\$ 8,500.00
23	Hot Mix Type "C"	100	TN	\$ 250.00	\$ 25,000.00	\$ 120.00	\$ 12,000.00	\$ (13,000.00)	70.27%	\$ 125.00	\$ 12,500.00	\$ 153.00	\$ 15,300.00
24	BCBC	100	TN	\$ 95.00	\$ 9,500.00	\$ 110.00	\$ 11,000.00	\$ 1,500.00	14.63%	\$ 125.00	\$ 12,500.00	\$ 192.00	\$ 19,200.00
25	GABC	150	CY	\$ 75.00	\$ 11,250.00	\$ 52.00	\$ 7,800.00	\$ (3,450.00)	36.22%	\$ 75.00	\$ 11,250.00	\$ 54.00	\$ 8,100.00
26	Dewatering - Discharge Piping	2000	LF	\$ 25.00	\$ 50,000.00	\$ 3.00	\$ 6,000.00	\$ (44,000.00)	157.14%	\$ 55.00	\$ 110,000.00	\$ 24.00	\$ 48,000.00
	BASE BID: Including Contingency Items				\$ 2,949,150.00		\$ 1,857,038.00		\$ (1,092,112.00)		\$ 1,917,980.37		\$ 2,748,202.50
	Deduct Items												
27	Daily Restoration Modifications	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 4,500.00	\$ 4,500.00	\$ 45,500.00	\$ 45,500.00	\$ 8,500.00	\$ 8,500.00	\$ 190,000.00	\$ 190,000.00

Mulberry Knoll Sewer Collection
Bid Tabulation

Bid Item #	Base Bid Item	Quantity	Unit	G&L		Adel Construction		Pact One	
				Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1	Mobilization & Demobilization	1	LS	\$ 138,493.00	\$ 138,493.00	\$ 94,450.00	\$ 94,450.00	\$ 80,000.00	\$ 80,000.00
2	Maintenance of Traffic and Pedestrians	1	LS	\$ 313,020.00	\$ 313,020.00	\$ 111,000.00	\$ 111,000.00	\$ 250,000.00	\$ 250,000.00
3	Construction Engineering	1	LS	\$ 67,953.00	\$ 67,953.00	\$ 50,000.00	\$ 50,000.00	\$ 17,000.00	\$ 17,000.00
4	Sediment and Erosion Control	1	LS	\$ 16,367.00	\$ 16,367.00	\$ 92,000.00	\$ 92,000.00	\$ 20,000.00	\$ 20,000.00
5	Dewatering	5500	LF	\$ 60.84	\$ 334,620.00	\$ 55.00	\$ 302,500.00	\$ 50.00	\$ 275,000.00
6	Site Restoration	1	LS	\$ 121,428.00	\$ 121,428.00	\$ 230,000.00	\$ 230,000.00	\$ 60,000.00	\$ 60,000.00
7	Sanitary Sewer Manholes (12 ft or less depth)	8	EA	\$ 8,506.00	\$ 68,048.00	\$ 11,000.00	\$ 88,000.00	\$ 6,000.00	\$ 48,000.00
8	Sanitary Sewer Manholes (More than 12 ft depth)	7	EA	\$ 12,198.00	\$ 85,386.00	\$ 14,500.00	\$ 101,500.00	\$ 10,000.00	\$ 70,000.00
9	Sanitary Sewer 8" PVC SDR-26 Gravity Main	3840	LF	\$ 175.00	\$ 672,000.00	\$ 220.00	\$ 844,800.00	\$ 220.00	\$ 844,800.00
10	6" Sanitary Sewer Service Laterals	1800	LF	\$ 139.46	\$ 251,028.00	\$ 90.00	\$ 162,000.00	\$ 175.00	\$ 315,000.00
11	Deept Sewer Lateral Stack	17	EA	\$ 3,793.00	\$ 64,481.00	\$ 4,300.00	\$ 73,100.00	\$ 1,500.00	\$ 25,500.00
12	6" Sanitary Sewer Cleanouts	52	EA	\$ 1,410.00	\$ 73,320.00	\$ 1,300.00	\$ 67,600.00	\$ 500.00	\$ 26,000.00
13	Grinder Pump Stationas	14	EA	\$ 19,234.00	\$ 269,276.00	\$ 18,000.00	\$ 252,000.00	\$ 10,000.00	\$ 140,000.00
14	Low Pressure Sewer Force Main	4420	LF	\$ 43.60	\$ 192,712.00	\$ 50.00	\$ 221,000.00	\$ 170.00	\$ 751,400.00
15	Hot Mix "C"	975	TN	\$ 197.00	\$ 192,075.00	\$ 150.00	\$ 146,250.00	\$ 160.00	\$ 156,000.00
	Subtotal				\$ 2,860,207.00		\$ 2,836,200.00		\$ 3,078,700.00
	Contingent Items								
16	Driveway Restoration	50	SF	\$ 47.00	\$ 2,350.00	\$ 130.00	\$ 6,500.00	\$ 100.00	\$ 5,000.00
17	Moving Electrical Line Allowance	600	LF	\$ 25.00	\$ 15,000.00	\$ 25.00	\$ 15,000.00	\$ 25.00	\$ 15,000.00
18	Backfill Borrow Type "C"	100	TN	\$ 21.39	\$ 2,139.00	\$ 90.00	\$ 9,000.00	\$ 50.00	\$ 5,000.00
19	Misc. Excavation and Backfill for Test Pitting	50	CY	\$ 221.50	\$ 11,075.00	\$ 200.00	\$ 10,000.00	\$ 75.00	\$ 3,750.00
20	Furnish and Place Select Backfill	100	TN	\$ 21.39	\$ 2,139.00	\$ 80.00	\$ 8,000.00	\$ 60.00	\$ 6,000.00
21	Residential Well Replacement (up to 75 ft Deep)	5	EA	\$ 5,775.00	\$ 28,875.00	\$ 5,000.00	\$ 25,000.00	\$ 6,500.00	\$ 32,500.00
22	Utility Pole Support	5	EA	\$ 1,993.00	\$ 9,965.00	\$ 1,500.00	\$ 7,500.00	\$ 1,000.00	\$ 5,000.00
23	Hot Mix Type "C"	100	TN	\$ 202.29	\$ 20,229.00	\$ 160.00	\$ 16,000.00	\$ 200.00	\$ 20,000.00
24	BCBC	100	TN	\$ 224.29	\$ 22,429.00	\$ 160.00	\$ 16,000.00	\$ 150.00	\$ 15,000.00
25	GABC	150	CY	\$ 97.00	\$ 14,550.00	\$ 90.00	\$ 13,500.00	\$ 60.00	\$ 9,000.00
26	Dewatering - Discharge Piping	2000	LF	\$ 3.32	\$ 6,640.00	\$ 18.00	\$ 36,000.00	\$ 30.00	\$ 60,000.00
	BASE BID: Including Contingency Items				\$ 2,995,598.00		\$ 2,998,700.00		\$ 3,254,950.00
	Deduct Items								
27	Daily Restoration Modifications	1	LS	\$ 94,710.00	\$ 94,710.00	\$ -	\$ -	\$ 30,000.00	\$ 30,000.00

Mulberry Knoll Sewer Collection
Bid Tabulation

Bid Item #	Base Bid Item	Quantity	Unit	Teal Construction		Eastern States Construction		Triple R Construction	
				Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
1	Mobilization & Demobilization	1	LS	\$ 82,928.00	\$ 82,928.00	\$ 150,000.00	\$ 150,000.00	\$ 170,000.00	\$ 170,000.00
2	Maintenance of Traffic and Pedestrians	1	LS	\$ 272,500.00	\$ 272,500.00	\$ 240,200.00	\$ 240,200.00	\$ 139,000.00	\$ 139,000.00
3	Construction Engineering	1	LS	\$ 18,500.00	\$ 18,500.00	\$ 38,000.00	\$ 38,000.00	\$ 24,957.00	\$ 24,957.00
4	Sediment and Erosion Control	1	LS	\$ 4,375.00	\$ 4,375.00	\$ 54,500.00	\$ 54,500.00	\$ 65,350.00	\$ 65,350.00
5	Dewatering	5500	LF	\$ 57.00	\$ 313,500.00	\$ 76.00	\$ 418,000.00	\$ 63.00	\$ 346,500.00
6	Site Restoration	1	LS	\$ 104,200.00	\$ 104,200.00	\$ 87,700.00	\$ 87,700.00	\$ 72,000.00	\$ 72,000.00
7	Sanitary Sewer Manholes (12 ft or less depth)	8	EA	\$ 7,491.00	\$ 59,928.00	\$ 11,000.00	\$ 88,000.00	\$ 12,000.00	\$ 96,000.00
8	Sanitary Sewer Manholes (More than 12 ft depth)	7	EA	\$ 11,964.00	\$ 83,748.00	\$ 17,000.00	\$ 119,000.00	\$ 19,060.00	\$ 133,420.00
9	Sanitary Sewer 8" PVC SDR-26 Gravity Main	3840	LF	\$ 358.00	\$ 1,374,720.00	\$ 268.00	\$ 1,029,120.00	\$ 320.00	\$ 1,228,800.00
10	6" Sanitary Sewer Service Laterals	1800	LF	\$ 117.00	\$ 210,600.00	\$ 161.00	\$ 289,800.00	\$ 200.00	\$ 360,000.00
11	Deept Sewer Lateral Stack	17	EA	\$ 2,628.00	\$ 44,676.00	\$ 4,680.00	\$ 79,560.00	\$ 3,800.00	\$ 64,600.00
12	6" Sanitary Sewer Cleanouts	52	EA	\$ 726.00	\$ 37,752.00	\$ 1,000.00	\$ 52,000.00	\$ 1,154.00	\$ 60,008.00
13	Grinder Pump Stationas	14	EA	\$ 16,453.00	\$ 230,342.00	\$ 18,400.00	\$ 257,600.00	\$ 19,222.00	\$ 269,108.00
14	Low Pressure Sewer Force Main	4420	LF	\$ 31.00	\$ 137,020.00	\$ 61.00	\$ 269,620.00	\$ 78.00	\$ 344,760.00
15	Hot Mix "C"	975	TN	\$ 162.00	\$ 157,950.00	\$ 147.00	\$ 143,325.00	\$ 255.00	\$ 248,625.00
	Subtotal				\$ 3,132,739.00		\$ 3,316,425.00		\$ 3,623,128.00
	Contingent Items								
16	Driveway Restoration	50	SF	\$ 25.00	\$ 1,250.00	\$ 82.00	\$ 4,100.00	\$ 153.00	\$ 7,650.00
17	Moving Electrical Line Allowance	600	LF	\$ 25.00	\$ 15,000.00	\$ 25.00	\$ 15,000.00	\$ 25.00	\$ 15,000.00
18	Backfill Borrow Type "C"	100	TN	\$ 65.00	\$ 6,500.00	\$ 92.00	\$ 9,200.00	\$ 42.00	\$ 4,200.00
19	Misc. Excavation and Backfill for Test Pitting	50	CY	\$ 25.00	\$ 1,250.00	\$ 550.00	\$ 27,500.00	\$ 319.00	\$ 15,950.00
20	Furnish and Place Select Backfill	100	TN	\$ 65.00	\$ 6,500.00	\$ 92.00	\$ 9,200.00	\$ 41.00	\$ 4,100.00
21	Residential Well Replacement (up to 75 ft Deep)	5	EA	\$ 14,375.00	\$ 71,875.00	\$ 6,850.00	\$ 34,250.00	\$ 7,602.00	\$ 38,010.00
22	Utility Pole Support	5	EA	\$ 1,250.00	\$ 6,250.00	\$ 3,000.00	\$ 15,000.00	\$ 1,754.00	\$ 8,770.00
23	Hot Mix Type "C"	100	TN	\$ 158.00	\$ 15,800.00	\$ 124.00	\$ 12,400.00	\$ 65.00	\$ 6,500.00
24	BCBC	100	TN	\$ 187.50	\$ 18,750.00	\$ 118.00	\$ 11,800.00	\$ 63.00	\$ 6,300.00
25	GABC	150	CY	\$ 56.00	\$ 8,400.00	\$ 46.00	\$ 6,900.00	\$ 33.00	\$ 4,950.00
26	Dewatering - Discharge Piping	2000	LF	\$ 15.00	\$ 30,000.00	\$ 7.00	\$ 14,000.00	\$ 53.00	\$ 106,000.00
	BASE BID: Including Contingency Items				\$ 3,314,314.00		\$ 3,475,775.00		\$ 3,845,558.00
	Deduct Items								
27	Daily Restoration Modifications	1	LS	\$ 188,000.00	\$ 188,000.00	\$ 5,000.00	\$ 5,000.00	\$ 100,000.00	\$ 100,000.00

Mulberry Knoll Sewer Collection
Bid Tabulation

Bid Item #	Base Bid Item	Quantity	Unit	JJID		Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
				Bid Unit Price	Bid Price				
1	Mobilization & Demobilization	1	LS	\$ 200,000.00	\$ 200,000.00		\$ -		\$ -
2	Maintenance of Traffic and Pedestrians	1	LS	\$ 350,000.00	\$ 350,000.00		\$ -		\$ -
3	Construction Engineering	1	LS	\$ 60,000.00	\$ 60,000.00		\$ -		\$ -
4	Sediment and Erosion Control	1	LS	\$ 37,000.00	\$ 37,000.00		\$ -		\$ -
5	Dewatering	5500	LF	\$ 55.00	\$ 302,500.00		\$ -		\$ -
6	Site Restoration	1	LS	\$ 275,000.00	\$ 275,000.00		\$ -		\$ -
7	Sanitary Sewer Manholes (12 ft or less depth)	8	EA	\$ 10,300.00	\$ 82,400.00		\$ -		\$ -
8	Sanitary Sewer Manholes (More than 12 ft depth)	7	EA	\$ 13,000.00	\$ 91,000.00		\$ -		\$ -
9	Sanitary Sewer 8" PVC SDR-26 Gravity Main	3840	LF	\$ 380.00	\$ 1,459,200.00		\$ -		\$ -
10	6" Sanitary Sewer Service Laterals	1800	LF	\$ 125.00	\$ 225,000.00		\$ -		\$ -
11	Deept Sewer Lateral Stack	17	EA	\$ 4,500.00	\$ 76,500.00		\$ -		\$ -
12	6" Sanitary Sewer Cleanouts	52	EA	\$ 2,500.00	\$ 130,000.00		\$ -		\$ -
13	Grinder Pump Stationas	14	EA	\$ 22,000.00	\$ 308,000.00		\$ -		\$ -
14	Low Pressure Sewer Force Main	4420	LF	\$ 45.00	\$ 198,900.00		\$ -		\$ -
15	Hot Mix "C"	975	TN	\$ 220.00	\$ 214,500.00		\$ -		\$ -
	Subtotal				\$ 4,010,000.00		\$ -		\$ -
	Contingent Items								
16	Driveway Restoration	50	SF	\$ 50.00	\$ 2,500.00		\$ -		\$ -
17	Moving Electrical Line Allowance	600	LF	\$ 25.00	\$ 15,000.00		\$ -		\$ -
18	Backfill Borrow Type "C"	100	TN	\$ 30.00	\$ 3,000.00		\$ -		\$ -
19	Misc. Excavation and Backfill for Test Pitting	50	CY	\$ 75.00	\$ 3,750.00		\$ -		\$ -
20	Furnish and Place Select Backfill	100	TN	\$ 30.00	\$ 3,000.00		\$ -		\$ -
21	Residential Well Replacement (up to 75 ft Deep)	5	EA	\$ 6,000.00	\$ 30,000.00		\$ -		\$ -
22	Utility Pole Support	5	EA	\$ 1,000.00	\$ 5,000.00		\$ -		\$ -
23	Hot Mix Type "C"	100	TN	\$ 150.00	\$ 15,000.00		\$ -		\$ -
24	BCBC	100	TN	\$ 150.00	\$ 15,000.00		\$ -		\$ -
25	GABC	150	CY	\$ 85.00	\$ 12,750.00		\$ -		\$ -
26	Dewatering - Discharge Piping	2000	LF	\$ 10.00	\$ 20,000.00		\$ -		\$ -
	BASE BID: Including Contingency Items				\$ 4,135,000.00		\$ -		\$ -
	Deduct Items								
27	Daily Restoration Modifications	1	LS	\$ (25,000.00)	\$ (25,000.00)		\$ -		\$ -

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. 4 – Mulberry Knoll Additional Work**

The Effective Date of this Amendment is: 11/30/2021

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 were reinstated to the Contract by Amendment 3. KCI will continue to 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 increased by fifty thousand dollars (\$50,000.00) to be ninety-two thousand three hundred dollars (\$92,300.00) (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
 - d. Bid Phase
 - e. **Construction Phase \$ 47,000.00 (Amendment 4 Only)**
 - f. **Post Construction Phase \$ 3,000.00 (Amendment 4 Only)**

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

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.

Exhibit K – Amendment to Owner-Engineer Agreement.
EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

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:

Title:

Date Signed:


Daniel R. String, PE

Delaware Practice Leader – W/WW
Dover Office Manager

11/23/21

ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mark.parker@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: ***Delaware Coastal Business Park Improvements, Project A21-11***
A. Bid Results and Recommended Action

DATE: November 30, 2021

On November 29, 2016, Council authorized the purchase of the King Farm Industrial Park and the assumption of existing contractual arrangements held by Georgetown Airport Center, LLC. Under this arrangement, the County assumed Melvin L. Joseph Construction Co., Inc.'s contracts for the DelDOT entrance and +/-500 feet of the Baltimore Avenue.

On March 14, 2017, Council approved the assumption of Georgetown Airport Center, LLC's Professional Engineering Contract and retained the Engineer of Record, Becker Morgan Group, Inc., as the consultant for Delaware Coastal Business Park on a time and material basis, in accordance with their hourly rate schedule with a not to exceed limit of \$200,000.00.

On October 10, 2017, Council approved a Memorandum of Understanding with AIC Building, LLC to achieve a better roadway alignment by incorporating the drive aisle behind the AIC building in the northern park access road via a modification of lease lines.

On January 16, 2018 Council approved Becker Morgan Group, Inc.'s scope modification No.1 for the realignment of Baltimore Avenue and stormwater over-management in an amount not to exceed \$48,000.00. The revised roadway alignment created a four-way intersection with Baltimore Avenue and a roadway serving Lease Areas 2 and 3.

On December 11, 2018, Council approved scope amendment No. 2 for Becker Morgan Group, Inc., in the not to exceed amount of \$350,000.00 for the Coastal Business Park Phase 2 design phase II, as well as the final phase of improvements to Baltimore Avenue between Nanticoke Ave and the railroad tracks.



Finally, on June 8, 2021, Council approved scope amendment No. 3 for Becker Morgan Group, Inc., in the amount not to exceed \$45,000.00 for additional design services related to the final phase of the Baltimore Avenue roadway improvements.

Contract Documents were assembled for both Phase 2 build-out of the Business Park and Baltimore Ave Improvements as a single Bid Package and advertised on October 15, 2021. A total of five (5) bids were received and opened on November 18, 2021. Following a detailed review of all bids, numerous discrepancies were found in multiple bids affecting potential award recommendation. As a result, the Engineering Department is recommending that all bids be rejected and the project rebid immediately with no change in scope.

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: *EMS Public Safety Building – Project C19-04*
A. *Change Order No. 3*

DATE: November 30, 2021

The single Public Safety Building concept was first introduced in the FY 2019 Budget Ordinance. The building's purpose is to consolidate all EMS training, administration, and logistics functions in one facility replacing the current locations. The scope and cost were updated in accordance with a space allocation programming effort in the FY 2020 Budget Ordinance and further refined based on design stages in the FY 2021 & FY 2022 Budget Ordinances reflecting a total project expense of \$12.00 million. At this stage in process, the anticipated overall project expenses are well within budget.

Following a publicly advertised process, Council awarded the EMS Department's - Architectural Consulting Services base contract to the George, Miles and Buhr, Inc. The subsequent Public Safety Building Project C19-04 base agreement covered professional services for an initial not to exceed amount of \$300,000.00.

The State's fire prevention regulations required a single-entry point necessitating a full sprinkler distribution system design and due to the critical nature of the facility a secondary air conditioning backup in the form of a cooling tower was desired. Council authorized a \$31,720.00 stand-alone purchase order to RMF Engineering for these specialty designs.

In October of 2020 the Departments presented the 60% design review to County Council followed by a 75% design presentation in March of 2021. Based on the County's request GMB was asked to create fiber optic cabling, audio/visual, security/alarm and fit out specialty scopes for procurement under Cooperative Purchasing Agreements increasing the project design complexity. Hence, Council approved on March 23, 2021 GMB's Amendment No.1 increasing the not to exceed threshold by \$61,500.00.



Following the March Council presentation, the scope still evolved considerably due to design revisions and added design features. Consequently, GMB and its subconsultants exceeded the previously approved allocations bringing the project to bid. GMB offered a discounted fee of \$75,000.00 to cover these services. In addition, they proposed a construction services fee of \$244,500.00. Overall, the professional services were well below 10% of construction comparing favorably with industry standards and on August 10, 2021 County Council authorized issuance of GMB's Amendments No. 2 & 3 increasing the overall not to exceed amount to \$681,000.00.

On June 4, 2021, invitations to bid for the Sussex County Public Safety Building, Project C19-04 were publicly advertised. On July 14, 2021, eight (8) bids were received. On August 10, 2021, Council awarded the project to Bancroft Construction Company in the amount of \$8,282,169.00.

The documents as bid included provisions to recover pandemic related price increases between *bid and award* for structural and light weight steel material costs. Therefore, on August 31, 2021 Council approved change order no. 1 in the not to exceed amount of \$40,000 for structural and change order no. 2 in the amount of \$8,800 for light weight steel material price increases.

The structural steel material change order No.1 was based on August 12, 2021 pricing. When Bancroft transmitted the "letter of intent to award", their subcontractor Iron Works, Inc. on August 30th they in turn issued material purchase orders. However, the material suppliers responded that material quotations are only binding for one week due to supply chain impacts and volatile steel markets. In consultation with the County Leadership the Engineering Department authorized Bancroft to lock in at the August 30th material costs triggering a \$22,829.00 revision to change order no. 1 approved by Council on September 14, 2021.

When the project bid the Fire Marshall site permit was had been issued but the associated building was still under review. When it was finalized two issues had to be addressed (i) fire protection details in the plenum and (ii) a secondary emergency egress from the mezzanine.

The plenum needed to be either sprinkled or all materials had to be fire rated. The only material not meeting the rating was the water piping. The County had requested the PVC piping for ease of maintenance. The mechanical subcontractor suggested to add fire rated insulation but switch the valving to PVC under a partial credit for a net cost of \$13,554.94. The Department is recommending acceptance by County Council of change order no. 3.

The Department is still working on a County initiated proposed change order for air filtration system safety upgrades paid for through American Rescue Plan Act funds as well as a changed order for the second issue required by the Fire Marshall i.e., the emergency mezzanine exit. These will be presented in the near future when cost implications are finalized by the contractor.

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. Bancroft Construction Company, Contractor

Michael Kalafut 11/24/21
Signature Date

MICHAEL KALAFUT
Representative's Name in Block Letters

2. Sussex County Engineer

Thomas Decker 11/24/21
Signature Date

3. Sussex County Council President

Signature Date



Bancroft Construction Company
1300 N Grant Ave Ste 101
Wilmington, Delaware 19806
Phone: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
21911 Rudder Lane
Georgetown, Delaware 19947

DRAFT

Prime Contract Potential Change Order #003: CE #008 - Provide Plenum Wrap

Table with 4 columns: Field Name, Value, Field Name, Value. Includes fields like TO, FROM, PCO NUMBER/REVISION, CONTRACT, REQUEST RECEIVED FROM, CREATED BY, STATUS, CREATED DATE, REFERENCE, PRIME CONTRACT CHANGE ORDER, FIELD CHANGE, LOCATION, ACCOUNTING METHOD, SCHEDULE IMPACT, PAID IN FULL, and TOTAL AMOUNT.

POTENTIAL CHANGE ORDER TITLE: CE #008 - Provide Plenum Wrap

CHANGE REASON: Design Change

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)

CE #008 - Provide Plenum Wrap on Domestic Water Piping

Provide plenum wrap for domestic water pipe per approved submittal #22 10 05-6 Domestic Water Pipe. JTR quote dated 11.3.21

https://app.procore.com/1742399/project/submittal_logs/32690491

ATTACHMENTS:

JTR CE #8 .pdf

Table with 5 columns: #, Cost Code, Description, Type, Amount. Includes line items for mechanical work and summary rows for BCC GCs, Bond, Profit, and Grand Total.

Morgan Helfrich (George, Miles & Buhr, LLC)

400 High Street
Seaford Delaware 19973

Sussex County Delaware

2 The Circle P.O. Box 589
Georgetown Delaware 19947

Bancroft Construction Company

1300 N. Grant Avenue Suite 101
Wilmington Delaware 19806

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE



Bancroft Construction Company
 1300 N Grant Ave Ste 101
 Wilmington, Delaware 19806
 P: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown, Delaware 19947

CHANGE EVENT #008 - Provide Plenum Wrap on Domestic Water Piping

Origin:

Date Created: 11/8/2021 **Created By:** Cheryl Fearn
Status: Open **Scope:** Out of Scope
Type: Owner Contingency **Change Reason:** Design Change
Description: Provide plenum wrap for domestic water pipe per approved submittal #22 10 05-6 Domestic Water Pipe. JTR quote dated 11.3.21

https://app.procore.com/1742399/project/submittal_logs/32690491

Attachments: [JTR CE #8 .pdf](#)

CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	Revenue			Cost			Over/ Under	Budget Mod.	
		ROM	Prime PCO	Latest Price	ROM	RFQ	Commit.			Latest Cost
15-001.06	Joseph T Richardson	\$12,173.00	\$12,173.00	\$12,173.00	\$12,173.00			\$12,173.00	\$0.00	
Mechanical.Subcontract	CSED0001-007									
Description: Plenum wrap on domestic water piping										
90-999.10		\$1,339.03	\$1,381.94	\$1,381.94				\$0.00	\$1,381.94	
Fee.Fee & Field Cost										
Grand Totals		\$13,512.03	\$13,554.94	\$13,554.94	\$12,173.00	\$0.00	\$0.00	\$12,173.00	\$1,381.94	\$0.00

Joseph T. Richardson, Inc.

ELECTRIC
PLUMBING
HEATING AND
AIR CONDITIONING

MECHANICAL CONTRACTOR

FAX: 302-398-9504

P.O. BOX 269 • HARRINGTON, DELAWARE 19952 • PHONE: 302-398-8101

November 3, 2021

Mike Kalafut
Bancroft Construction

Re: Sussex Co. Public Safety Bldg. – Emergency Operations Center
PCO #2
Provide Plenum Wrap on Domestic Water Piping

Mike,

The specifications allowed CPVC piping. Upon our submittal it was noted CPVC piping could not be used in plenums. We are pleased to quote on installing plenum wrap on the domestic water piping. The Owner requested we also use CPVC valves on the domestic water piping instead of the listed brass valves.

Labor – 35 hrs. @ \$72.00 per hr.....	\$(2,520.00)
Valves.....	(2,895.00)
Plenum Wrap Insulation Sub.....	16,000.00
OH & Profit – 15%	<u>1,588.00</u>
Total	\$12,173.00

Twelve Thousand One Hundred Seventy Three Dollars

All prices are for acceptance within 30 days and subject to change without notice. All work to be performed under OPEN SHOP conditions. All quotations are accepted subject to our ability to secure sufficient, satisfactory materials and labor to perform the job. Terms: monthly payment on account of work performed and/or materials delivered to the job will be required and balance in thirty (30) days net cash after completion of our work: thereafter, a 1 ½% monthly charge will be added. Any State or Federal tax not included in this quote will be charged for extra.

Yours truly,
JOSEPH T. RICHARDSON, INC.


John Dunbar, President

COUNTY=====
===== INSULATION CO.

461 New Churchmans Road
New Castle, DE 19720
(302) 322-8946 FAX (302) 322-2894

JOB ESTIMATE
DATE 10/6/21
Sussex Cty. Public Safety Bldg.
REVISED

To: Joseph T. Richardson, Inc.
Attn: John D.

We propose to furnish material and labor to insulate the new supply and return ductwork, A/C condensate, hot water heating, chilled water, domestic water, and roof drains per drawings, specifications, and these clarifications:

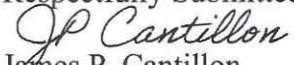
- 1) We have included Addendum(s): #1, #2, #3
- 2) We have included Prevailing Wages for: None
- 3) **We have included ½" Armaflex on refrigeration piping (per your take off)**
- 4) We have included 1" fiberglass insulation on all new A/C condensate pipe.
- 5) We have included 2" fiberglass insulation on new hot water heating pipe.
- 6) We have included .016" aluminum jacket on outdoors pipe.
- 7) We have not included existing piping except for tie-ins or pipe saddle/shields in our pricing.
- 8) We have not included removal or reinstallation of ceilings or grids in our pricing.

OUR PRICE FOR THIS SCOPE IS: HVAC - \$32,500.00
Add Price Refrig. - \$33,500.00
Deduct Alt. #4 Delete Chiller \$3,200.00

Plumbing - \$22,450.00
Add Price for plenum wrap on CPVC domestic water above ceiling spaces:
\$16,000.00

This estimate is valid for thirty (30) days from date of issue. If you have any questions concerning this estimate, please contact our office.

Delaware License # 1989014443

Respectfully Submitted,

James P. Cantillon
COUNTY INSULATION CO.

This document and the information contained herein may not be copied, faxed or given to any party other than the initial receiver of the document without permission of this company.



Submittal #22 10 05-6.0 22 10 05 - Plumbing Piping

Bancroft Construction Company
1300 N Grant Ave Ste 101
Wilmington, Delaware 19806
Phone: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
21911 Rudder Lane
Georgetown, Delaware 19947

Distribution Summary

Distributed on 09/27/2021 by Josh Callahan (Bancroft Construction Company)

To: John Dunbar (Joseph T Richardson)

Message: None

Additional Attachments:

NAME	RESPONSE	ATTACHMENTS	COMMENT
Lauren Wandel (George, Miles & Buhr, LLC)	Approved as Noted		Refer to RMF comments.
RMF - SC Engineering (RMF Engineering)	Approved as Noted	Submittal ID 00003 - 28 - 22 10 05 - 6 Domestic Water Pipe.pdf , Transmittal Submittal - 00003 (Responded and Closed).pdf	Copper piping shall be used below floor/grade. The submitted CPVC could be used in non-plenum rated areas.
Josh Callahan (Bancroft Construction Company)	Bancroft Reviewed		

Domestic Water Pipe

SPEC SECTION: 22 10 05 - Plumbing Piping	SUBMITTAL MANAGER: Josh Callahan (Bancroft Construction Company)
STATUS: Closed	DATE CREATED:
ISSUE DATE:	REVISION: 0
RESPONSIBLE CONTRACTOR: Joseph T Richardson	RECEIVED FROM: Larry Wall
RECEIVED DATE: 09/22/2021	SUBMIT BY: 10/29/2021
FINAL DUE DATE: 10/06/2021	LOCATION:
SUB JOB:	COST CODE:
APPROVERS: Josh Callahan (Bancroft Construction Company), Mike Kalafut (Bancroft Construction Company), Tyler Lewis (Bancroft Construction Company), RMF - SC Engineering (RMF Engineering), Edward Leonhartt (Sussex County Delaware), Hans Medlarz, P.E. (Sussex County Delaware), Bobby Schoonover (Sussex County Delaware), Lauren Wandel (George, Miles & Buhr, LLC)	
BALL IN COURT:	
DISTRIBUTION: Bobby Schoonover (Sussex County Delaware), Edward Leonhartt (Sussex County Delaware), Kurt Bryson (Bancroft Construction Company)	
DESCRIPTION: CPVC Domestic water pipe	
ATTACHMENTS: 22 10 05 - 6 Domestic Water Pipe.pdf	

SUBMITTAL WORKFLOW

Submittal #22 10 05-6.0

22 10 05 - Plumbing Piping

NAME	SUBMITTER/ APPROVER	SENT DATE	DUE DATE	RETURNED DATE	RESPONSE	ATTACHMENTS	COMMENTS
Josh Callahan	Approver		9/26/2021	9/24/2021	Bancroft Reviewed	22 10 05 - 6 Domestic Water Pipe.pdf	
Mike Kalafut	Approver		9/26/2021		Pending		
Tyler Lewis	Approver		9/26/2021		Pending		
RMF - SC Engineering	Approver	9/24/2021	10/6/2021	9/27/2021	Approved as Noted	Submittal ID 00003 - 28 - 22 10 05 - 6 Domestic Water Pipe.pdf Transmittal_Submittal - 00003 (Responded and Closed).pdf	Copper piping shall be used below floor/grade. The submitted CPVC could be used in non-plenum rated areas.
Edward Leonhartt	Approver	9/24/2021	10/6/2021		Pending		
Hans Medlarz, P.E.	Approver	9/24/2021	10/6/2021		Pending		
Bobby Schoonover	Approver	9/24/2021	10/6/2021		Pending		
Lauren Wandel	Approver	9/24/2021	10/6/2021	9/27/2021	Approved as Noted		Refer to RMF comments.

Reviewed By: Josh Callahan
Project #: CSED0001 - Public Safety Bldg. Addition
Date:

Checked for general conformance with design concept and general conformity with information given in contract documents.



BY _____ DATE _____ COPIES TO _____

CSED0001 - Public Safety Bldg. Addition



21911 Rudder Lane
Georgetown, Delaware 19947
United States

Bancroft Construction Company
1300 N Grant Ave Ste 101
Wilmington, Delaware 19806
United States
302 655 3434

Title	Submittal Manager
Domestic Water Pipe	Josh Callahan
Spec Section	Type
22 10 05 - Plumbing Piping	Product Information
Number	Rev
22 10 05-6	0

Description
CPVC Domestic water pipe

Reviewed By: Josh Callahan
Date: 09.24.2021
Project: CSED0001
Submittal No.: 22 10 05 - 6

Checked for general conformance with design concept and general conformity with information given in contract documents.



Action: Comments Noted

Project Name: SCEMS Admin Building CA Services
Project Number: 620469.B0
Submittal ID: 00003
Received On: 9/24/2021

REVIEW IS FOR GENERAL COMPLIANCE WITH THE CONTRACT. NO CONTRACT REQUIREMENTS ARE WAIVED BY THIS REVIEW. CONTRACTOR IS RESPONSIBLE FOR: CONFIRMING AND CORRELATING ALL QUANTITIES AND DIMENSIONS; SELECTING FABRICATION PROCESSES AND TECHNIQUES OF CONSTRUCTION; COORDINATING HIS WORK WITH THAT OF ALL OTHER TRADES; AND PERFORMING HIS WORK IN A SAFE AND SATISFACTORY MANNER.

RMF Engineering, Inc., PC
CONSULTING ENGINEERS
Reviewed On: 9/27/2021 Reviewed By: John DeBarge

Copper piping shall be used below floor/grade. The submitted CPVC could be used in non-plenum rated areas.

RMF Engineering John DeBarge 9/27/2021

Joseph T. Richardson, Inc.

Mechanical Contractor

P. O. BOX 269 • HARRINGTON, DELAWARE 19952 • PHONE: (302) 398-8101

Date: September 23, 2021

Letter of Transmittal

To: Bancroft Construction
1300 N. Grant Ave, Suite 101
Wilmington, De. 19805
Attn: Josh

Re: Sussex County Emergency Operation Center
Addition


Gentlemen:

We are transmitting herewith:

(1) One copy P-1 Plumbing Piping 22 10 05

For Approval	Approved	Approved as noted	Re-submit	Return copies	Disapproved

Remarks:

Very Truly yours,
JOSEPH T. RICHARDSON
By 



Hot & Cold Water Distribution Systems

Spears® EverTUFF® Copper Tube Size (CTS) CPVC is a complete hot and cold water plumbing system consisting of pipe, fittings and solvent cement for plumbing applications. Spears® EverTUFF® CTS CPVC pipe is easily joined using solvent cement welding, is light weight, thermally efficient and code approved to provide cost-effective long-term system service.

Product Standards

Spears® EverTUFF® CTS pipe and fittings are manufactured in strict compliance to ASTM D 2846, Standard Specification for Chlorinated Poly (Vinyl Chloride) (CPVC) Plastic Hot and Cold-Water Distribution Systems. This standard defines requirements for materials, workmanship, dimensions, tolerances, pressure-bearing capability, and thermocycling resistance. Spears® EverTUFF® CTS SDR 11 plumbing pipe and fittings are manufactured to specifications in accordance with this standard. SDR series pipe is based on an outside-diameter-to-wall- thickness ratio. This is a constant regardless of pipe diameter, therefore all sizes of pipe carry the same pressure rating of 100 psi @ 180°F and is suitable for use with commercial hot water.

Performance Testing

Spears® EverTUFF® CTS CPVC pipe is tested and independently certified by NSF International to the requirements of ASTM D 2846 under NSF Standard 14 and for use in potable (drinking) water service under NSF Standard 61.

Code Approvals

Major building codes have approved the use of CPVC piping as an acceptable material for plumbing systems, provided that the piping conforms to applicable industry standards and has been listed by a third party for conformance to NSF Standard 14 and/or NSF Standard 61 requirements. Code bodies that accept the use of CPVC include BOCA National Plumbing Code, National Standard Plumbing Code, SBCCI Standard Plumbing Code, International Plumbing Code, and the Uniform Plumbing Code to name a few. The user should determine approval and installation requirements according to local code having jurisdiction prior to use.

Dimensions

CPVC CTS Series pipe shall be manufactured in strict accordance to the requirements of ASTM D 2846 to SDR 11 dimensions and tolerances. Each production run of pipe manufactured in compliance to this standard, shall also meet or exceed the test requirements for materials, workmanship, burst pressure, flattening resistance, and extrusion quality and dimensions as defined in ASTM D 2846. This pipe shall be produced in CTS diameters (1/2" through 2" sizes) to SDR 11 specifications.

Nominal Pipe Size (in.)	Average O.D.	O.D. TOL	Average I.D.	Min. Wall	Rating @ Wt./ft.	PSI Pressure Rating @	
						73°F	180°F
1/2	0.625	±.003	0.469	0.068	0.090	400	100
3/4	0.875	±.003	0.695	0.080	0.149	400	100
1	1.125	±.003	0.901	0.102	0.240	400	100
1-1/4	1.375	±.003	1.105	0.125	0.353	400	100
1-1/2	1.625	±.004	1.309	0.148	0.489	400	100
2	2.125	±.004	1.716	0.193	0.829	400	100

PIPE SIZES SHOWN ARE MANUFACTURED IN STRICT COMPLIANCE WITH ASTM D 2846 ASTM STANDARD D 1784 MATERIAL EQUIVALENTS:
Cell Classification 23447 = PVC Type IV Grade I CPVC = CPVC 4120

Pressure Ratings

The Spears® CPVC system, including the joint, has a continuous rated working pressure of 100 psi at 180°F or 400 psi at 73°F. CPVC systems have the capability to withstand short term temperature/pressure increases above 100 psi at 180°F, as evidenced by their ability to consistently surpass the 48-hour, 150-psi Uniform Building Code test at 210°F. CPVC pipe should not be used where temperatures will consistently exceed 180°F.

Pressure-Temperature De-Rating Factors For CTS CPVC 4120 SDR 11 Piping Systems

°F	Factor	Rating, PSI
73	1.00	400
80	1.00	400
90	0.91	360
100	0.82	325
120	0.65	260
140	0.50	200
160	0.40	160
180	0.25	100

The pressure de-rating factor is the same for all pipe sizes. Example: Determine the maximum allowable operating pressure for a CTS CPVC piping system with an operating temperature of 140°F. Using de-rating factor of 0.50 for 140° from the above chart, the maximum allowable operating pressure = 400 x 0.50 = 200 psi.

CSED0001 - Public Safety Bldg. Addition



21911 Rudder Lane
Georgetown, Delaware 19947
United States

Bancroft Construction Company
1300 N Grant Ave Ste 101
Wilmington, Delaware 19806
United States
302 655 3434

Title	Domestic Water Pipe	Submittal Manager	Josh Callahan
Spec Section	22 10 05 - Plumbing Piping	Type	Product Information
Number	22 10 05-6	Rev	0

Description
CPVC Domestic water pipe

Reviewed By: Josh Callahan

Date: 09.24.2021

Project: CSED0001

Submittal No.: 22 10 05 - 6

Checked for general conformance with design concept and general conformity with information given in contract documents.



Joseph T. Richardson, Inc.

Mechanical Contractor

P. O. BOX 269 • HARRINGTON, DELAWARE 19952 • PHONE: (302) 398-8101

Date: September 23, 2021

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To: Bancroft Construction
1300 N. Grant Ave, Suite 101
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Attn: Josh

Re: Sussex County Emergency Operation Center
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
Gentlemen:

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Remarks:

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JOSEPH T. RICHARDSON
By 



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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 John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

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

RE: ***HERRING CREEK PRESERVE ORPT***
A. DNREC Grant Application - Approval of Resolution
B. DNREC Grant Agreement – Approval of Motion

DATE: November 30, 2021

Sussex County has routinely engaged in land preservation in support of both Local and Statewide priorities and strategies, including the Comprehensive Conservation and Management Plan (CCMP) developed for the Inland Bays. One component of the CCMP, originally drafted in 1995 and revised recently in 2021, is to increase public access to water for recreation, with a focus on low-impact recreation and educational opportunity. The Delaware Center for Inland Bays (CIB) have been a long-standing partner to Sussex County since their establishment by the General Assembly in 1994. The CIB serves to implement the CCMP amongst their various other roles, including operation of the James Farm Ecological Preserve, for which Council granted in 2017 a 20-year extension of their original agreement.

Recently, the CIB assisted Sussex County to identify properties suited for preservation of open space. An approximate 17-acre parcel off Route 24 in Angola, and situated on Sarah Run and Herring Creek, both tributaries to Rehoboth Bay, was determined to have high ecological significance and high recreational value. Sussex County acquired the property in 2020 and now seeks to develop a site-specific plan for use, maintenance, and ecological restoration of this Herring Creek Preserve. On behalf of Sussex County, the CIB applied for a 2021 DNREC Outdoor Recreation Parks and Trail (ORPT) Grant to support a feasibility study and master plan of the Herring Creek Preserve parcel. The application detailed a project to coordinate a study of the property by an experienced professional, with deliverables including site plan(s), feasibility report and cost estimates. The application estimated the total project effort to be \$37,944.00, with \$17,000.00 of ORPT grant money requested. Local match amounts were identified as \$15,000 of Sussex County funding and \$5,944 of CIB funding. The CIB and Sussex County were recently notified by DNEC the application was supported in full, as submitted, and a standard ORPT Grant Agreement would be forwarded later this month for execution.

The Finance Department concurred \$15,000.00 in funds are allocated under the FY22 Budget to support the 2021 ORPT application and master plan project. As such, the Engineering Department recommends adoption of the proposed Resolution to approve the 2021 DNREC ORPT grant application, and further requests Council approve a motion to authorize execution of the 2021 ORPT Grant Agreement associated with the Herring Creek Preserve when received.



RESOLUTION NO. _____

TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A MATCHING GRANT TO FINANCE AN OUTDOOR RECREATION FEASIBILITY & PLANNING STUDY FOR THE HERRING CREEK PRESERVE.

WHEREAS, in 2019 Sussex County partnered with the Delaware Center for the Inland Bays to identify potential properties to acquire for the purpose of open space conservation and outdoor recreation; and,

WHEREAS, in 2020 Sussex County acquired the approximate 17-acre property having tax map & parcel ID 234-11.00-56.11, being located off John J. Williams Highway (Route 24) in Angola and on Herring Creek, a tributary of Rehoboth Bay; and,

WHEREAS, this property referred to as Herring Creek Preserve, was identified as having high recreational value and high ecological significance, being particularly located on Herring Creek, a part of the Inland Bays estuary and designated a State of Delaware waters of exceptional recreational or ecological significance (ERES); and,

WHEREAS, Sussex County intends to preserve the land and provide recreational opportunity as feasible to the growing population in Sussex County, including nearby underserved communities in Millsboro and Georgetown, where currently few outdoor recreation and water access points are easily accessible; and,

WHEREAS, Sussex County agreed with the Delaware Center for the Inland Bays in the need for a Herring Creek Preserve feasibility and planning study, to better detail potential site improvements including access and parking, trails, picnic space, and water access associated with low impact recreation, along with ecological restoration opportunities such as native grass planting, forest management and reforestation, and wetland enhancement; and,

WHEREAS, Sussex County will allocate funds to support the Delaware Center for the Inland Bays application to DNREC for a matching ORPT Grant to complete the outdoor recreation feasibility and planning study for Herring Creek Preserve; and,

NOW, THEREFORE, BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware hereby:

1. Acknowledges its support for preservation, outdoor recreational use, and ecological restoration of the Herring Creek Preserve.
2. Approves the Delaware Center for Inland Bays submission on behalf of Sussex County, the 2021 DNREC matching ORPT Grant application for outdoor recreation feasibility and planning study at Herring Creek Preserve, with \$37,944.00 in total project cost indicated.
3. Approves \$15,000.00 in local funding to support the ORPT application, to be allocated as FY22 funds.
4. And designates the Delaware Center for the Inland Bays' Watershed Coordinator, Michelle Schmidt, to serve as the ORPT Grant's Project Manager, in conjunction with the County Engineer, if an ORPT Grant is awarded.



Outdoor Recreation, Parks and Trails (ORPT) 2021 Grant Application



Applicants must complete responses to all components of this form and attach the following:

- Status Report and Timeline of previous approved ORPT projects (if applicable)
- Resolution signed by town/city/county council acknowledging this request, assigning a project manager, identifying financial investments, and committing to maintain the property
- Project map, site plans, or other graphic information
- Support Letters from co-funders & key partners (optional)

Visit: <https://de.gov/ORPT> for grant guidance.

Applications are due on Wednesday, September 15, 2021.

Sponsor: Todd Lawson, Sussex County Administrator

Project Name: Herring Creek Preserve

Project Coordinator's Name: Michelle Schmidt

Title: Watershed Coordinator

Address: CIB, 39375 Inlet Road, Rehoboth Beach, DE 19971

E-mail & Phone: mschmidt@inlandbays.org, 302-226-8105 x707

Category: **Park** Trail

Project Type: Land Acquisition Design and Engineering
 Master Planning Facility Construction

Total Project Cost \$37,944

ORPT Request \$17,000 = 45% of Total Project Cost

Local Match Amount \$20,944 =55% of Total Project Cost

Local Match Sources:

Local Funding Source	Funding Amount	Type: Cash/Donation/In-Kind	Date Match is available	Comments
Sussex County	\$15,000	Cash	Upon Approval by Council	
EPA	\$5,944	Cash	10/01/2021	Designated by CIB

Michelle Schmidt

09/15/2021

Project Coordinator Signature

Date

Michelle Schmidt

Project Coordinator Printed Name

Projects eligible for ORPT grant assistance fall into the following categories: master planning, outdoor recreation facility construction, trail construction, purchase of park or conservation lands, and park/trail design and engineering. Maintenance and operational costs are not eligible for ORPT assistance.

Briefly and accurately respond to the following components of this Application in a manner that will inform the reviewers of project objectives, coordination, timelines, and match availability.

Section 1 Project Setting

A) In one concise paragraph, describe the project location and current site conditions.

List all existing outdoor recreation facilities and their conditions for safety and usefulness. List any potential concerns such as drainage, utilities, slopes, erosion etc. Include pictures of the project location with the Grant Application.

The property referred to as Herring Creek Preserve is a 17-acre parcel located off of Route 24 in Angola on Herring Creek, a tributary of Rehoboth Bay. This parcel was acquired by Sussex County in 2020 with the intention of preserving the land and providing recreational opportunities. The site has approximately 11 acres of mixed shrubs, trees, and wetlands and the remaining 6 acres is cropland. There are no existing outdoor recreation facilities on the site. The property borders Sarah Run and Herring Creek on two sides and there is water access on the wooded side of the property. One potential concern is the lack of forest management at the site. The forested area is currently overgrown and there is some invasive species that need to be controlled as well as litter that needs to be removed. However, this can easily take place. No other potential issues are known at this time.

B) Attach a map and a site plan or diagram of the existing facilities and proposed investments.

The map or plan should identify property ownership, boundaries, relationship of project to existing or proposed facilities, and any other information that will help reviewers better understand the specifics of the project.

Section 2 Project Description

A) Describe, in detail, what the Sponsor intends to accomplish. Note if the scope of this request is part of a larger project. If existing outdoor recreation facilities are being eliminated or rehabilitated in this project, explain the reasons for these decisions.

This project for which this application seeks funding is for an outdoor recreation feasibility and planning study for the Herring Creek Preserve. In 2019, the Center for Inland Bays (CIB) worked with Sussex County to identify potential properties for acquisition for the purpose of open space conservation and outdoor recreation. This site off of Route 24 in Angola was identified as having high recreational value and high ecological significance, particularly because the site is located on Herring Creek. Herring Creek as part of the Inland Bays estuary is designated a State of Delaware waters of exceptional recreational or ecological significance (ERES) and has tremendous recreational use and value for boating, fishing, and crabbing. This project seeks to complete an outdoor recreation feasibility and planning study for a low impact recreation site that includes a parking lot, trails, picnic area, and water access. This study will be completed by a contractor with expertise in outdoor recreation planning and will be managed by CIB staff. The study will include a determination of whether or not a kayak launch is feasible, a description of what other amenities are feasible, where amenities are best located, a cost estimate for implementation, and a final site plan.

Once the study is completed, the CIB and the County will explore ecological restoration opportunities that pair well with the planned recreational amenities offered at the site. This could include but is not limited to native grass planting, reforestation, wetland enhancement, and forest management.

In the future, this site will provide outdoor recreation and water access for a rapidly growing population in Sussex County, including nearby underserved communities in Millsboro and Georgetown. Currently, there are few outdoor recreation and water access points easily accessible to this area of the County, especially during the summertime when traffic peaks and beach parks reach their capacity. The Center and Sussex County will include educational signage in the plan to convey the importance of open spaces to visitors of the preserve. At the completion of this project, the CIB and County will work together to obtain funding to implement the plan for the Preserve.

B) Complete this Scope of Work Form (below it is an example):

	Project Tasks	Primary Responsibility	Completion Date
1	Prepare RFP for an outdoor recreation feasibility and design contractor. Determine evaluation criteria.	Center for Inland Bays (CIB) Watershed Coordinator & Executive Director, County Administrator	Jan 2022
2	Advertise RFP in compliance with state procurement process.	CIB Watershed Coordinator	Feb 2022
2	Review RFP submissions and begin contractor selection using previously determined evaluation criteria. Conclude selection process and award contract.	CIB Watershed Coordinator, Sussex County Administrator	April 2022
3	Commence feasibility and planning study for Herring Creek Preserve. Kickoff meeting to discuss the County's goals and objectives with the site.	Contractor (TBD), CIB Watershed Coordinator & Executive Director, County Administrator	April 2022
4	Initial findings from the study are reviewed with Contractor, CIB, and Sussex County. Initial site plan is provided for feedback.	Contractor (TBD), CIB Watershed Coordinator & Executive Director, County Administrator	Sept 2022
5	Final findings from study are reviewed with Contractor, CIB, and Sussex County. Final site plan is provided for review.	Contractor (TBD), CIB Watershed Coordinator & Executive Director, County Administrator	Nov 2022
6	Concept design and estimated cost for gateway signage and educational interpretive signage is provided.	CIB Communication Specialist & Watershed Coordinator	Dec 2022
7	Final study is complete and design is approved and accepted. Project is considered complete.	CIB Watershed Coordinator, Sussex County Administrator	Dec 2022

Section 3 Project Details

- 1. Does the project meet local or regional needs?** If a park project, does it support priorities, strategies, or recommendations of the 2018-2023 Statewide Comprehensive Outdoor Recreation Plan (SCORP) www.destateparks.com/Know/SCORP? If a trail project, does it support a local or regional transportation, trail, or comprehensive plan? Explain.

This project primarily meets two of the public's regional needs outlined in the 2018-2023 Statewide Comprehensive Outdoor Recreation Plan (SCORP). The need it most satisfies is that of "Protecting Lands for Conservation and Recreation." The intention of purchasing this property was to first preserve open space and second to provide passive outdoor recreation in a rapidly growing area. The Angola area in Sussex County has rapidly changed from open space to developments which is why purchasing this land for open space was critical. The site includes an intact forested buffer with wetlands, both of which are important environmental features to protect. The buffer helps to reduce nutrient and sediment pollution into the creek and the trees help to sequester carbon dioxide from the atmosphere. The forest and wetlands also increase the resiliency of the site to climate change impacts. Therefore, this property offers numerous environmental benefits to the area. The project for which this application seeks funding will evaluate what amenities for outdoor recreation are feasible and will provide a site design that can then be implemented. The result of this is a new site for residents to enjoy open space and passive recreation. As stated in the SCORP, "green spaces can provide vital habitat for wildlife, protect water supplies, improve air and water quality, and provide low impact outdoor experiences for recreation enthusiasts" which results in "a healthier environment and a better quality of life for residents" (p. 93).

This project also meets the public's regional need for "Improving Public Health." As stated in the SCORP, "access to parks, trails, and recreation spaces is associated with increased physical activity levels," however, access to outdoor recreational facilities can be difficult (p. 54). In the peak summer months, the beaches and parks can be difficult to access due to the amount of traffic, particularly on Rt 24. As the area continues to develop, access will only become more difficult. This project will provide an outdoor recreation site with access to the water in an area where very few places such as this exist.

- 2. Describe the level of public participation that was involved, or will be involved, in the planning process for this project.** Describe the partnerships that were involved with planning including elected officials, community leaders, interest groups, steering committee, businesses, recreation organizations, foundations, non-profit organizations, or public feedback. Identify any methods such as public meetings, personal contacts or surveys used to develop the proposed project. Provide letters of support from co-funders and key partners to demonstrate collaboration and commitment for your project.

Delaware's Inland Bays have been the subject of study since 1969 when degradation of their sensitive natural resources became apparent. In response to their decline, the Delaware General Assembly established the Center for the Inland Bays in 1994 as a non-profit organization to facilitate the implementation of a long-term approach for the wise use and enhancement of the Inland Bays. The Center's creation also established it as one of 28 National Estuary Programs created under the federal Clean Water Act to protect and restore the water quality of estuaries of national significance.

Each of the 28 National Estuary Programs develops a Comprehensive Conservation and Management Plan (CCMP) that is a stakeholder-developed blueprint for actions that should be undertaken by all levels of government, industrial and business sectors, private and public organizations and institutions, and the general public for restoring the health of the estuary. The original CCMP for the Inland Bays was produced in 1995 and revised in 2021. The Center and its many partners; including the State of Delaware, Sussex County, and Sussex County Association of Towns; are all tasked with overseeing the actions in this plan. (The CCMP for the Inland Bays can be found at www.inlandbays.org.)

Through the revision process of the CCMP, it was determined that protecting open space and providing access to water resources are critical goals for improving the health of the Inland Bays. The action “CM 1-1: Increase opportunities for the public to access the water for recreation” and “CM 1-1b: Develop a plan to improve and provide additional public water access focused on low-impact recreation and education to the public of where current access is located” were agreed upon by all Signatories, including Sussex County, to address these goals. The CCMP Revision process involved years of stakeholder meetings, public meetings, and public surveys and comment periods. The information gathered was used to develop the goals and objectives that are in the Revised CCMP, including the two actions above.

- 3. Does the project improve recreation access to existing or proposed outdoor recreation facilities?** Does it provide facilities such as playgrounds, ballfields, basketball/tennis courts, pavilions, etc.? Does it connect any of these types of facilities? Explain.

Once completed, this project will provide the County with options for what types of recreation facilities are feasible for the site as well as a site design to be used for implementation. The study will focus on low impact recreation such as hiking, paddlesports, and nature viewing, all of which are moderate to high priority outdoor recreation activities as determined by the 2018-2023 Statewide Comprehensive Outdoor Recreation Plan (SCORP). Once implemented, the site will be a new outdoor recreation facility with access to Herring Creek and Rehoboth Bay.

- 4. Does the project enhance or improve park/trail user experiences with support facilities such as benches, information boards, direction signage, parking, restrooms, interpretation, etc.?** Explain.

Included in the outdoor recreation and feasibility study will be suggestions on where outdoor facilities should be located, including a parking lot, kiosk with information, educational signage, and direction signage.

- 5. To what extent will the proposed project be accessible for persons with disabilities?** Describe the existing ADA conditions including parking, pathways, and facilities. Does the project plan include designated parking, routes from parking to facilities, ramps to facilities like pavilions, trail surfaces, slopes, etc.? Note: The sponsor must submit the project plans for approval by the Architectural Accessibility Board. Indicate when the project will be reviewed by the Accessibility Review Board.

The outdoor recreation and feasibility study will consider ADA conditions to ensure that the park is accessible for persons with disabilities.

- 6. Does the project improve access to natural amenities (landscapes, ponds, streams, overlooks, scenic views, etc.) or known historic/cultural amenities (landmarks, buildings, structures, Native American sites, etc.)?** What considerations are given for providing interpretation, controlling access, and minimizing negative impacts on those specific amenities where access is improved?

The site includes forested areas and wetlands as well as a scenic view of Herring Creek which are not currently accessible by the public. Once the feasibility study and implementation of the design is completed, access will be opened so that these natural features can be enjoyed. Considerations for how to minimize negative impacts to these features will be considered at great length during the development of the site design. The CIB will provide educational signage to educated visitors on the importance of these natural features and how they can be involved with ensuring their protection.

- 7. What are the impacts to the environment and cultural resources? What protections or mitigations will be involved with the project to protect natural and cultural resources?**

Does the project impact soil, water, wetlands, floodplain, plant and animal habitats, historic features, or similar? Explain any measures to be taken which would protect these resources or resolve any adverse effects from the project. Are any permits, approvals, or environmental or cultural analysis actions required for the project? If so, have they been received?

It is expected that the feasibility study and design will identify potential environmental concerns and propose solutions to those concerns that can be implemented once the project moves to that phase.

8. Describe how the sponsor will provide for continued operation and maintenance of the project after completion. Who will perform the upkeep? Describe any partnerships that are in place or planned to assist with maintenance. Is there a maintenance plan/schedule or an annual budget in place? Give the dollar amount established for maintenance and operation and the source of funds.

During the development of the feasibility study and site design, the CIB will work with the County to determine how best to manage the site after implementation. This will include determining a plan and schedule for maintenance as well as an estimated cost for maintenance. Currently, the CIB manages the James Farm Preserve for the County and this option will be explored for this site as well.

9. Provide the funding amounts and sources for all elements of the project and the date when each source will be secured. This is especially relevant for matching funds. List any commitment of labor, funding, materials, or in-kind services provided to the project by the sponsor or partners.

- **Sussex County: \$15,000 (Upon approval by Council)**
Funding from Sussex County for local match will be on an upcoming agenda (target date: September 28, 2021).
- **EPA: \$5,944 (Available 10/01/21)**
Funding for labor costs associated with the project including the procurement and management of a contractor.

10. Complete the Budget and Timeline table below and provide an itemized budget outlining the project components and the sources to be used for each element. Provide the estimated completion dates for each component. Consider the project’s benchmarks, timeframes for design, engineering, award of contract, construction start and end dates, and date open for public use. Be as specific as possible.

Budget and Timeline

	ORPT Grant Request	Local Match Source				Total Cost	Estimated Completion Date
		Sponsor Budget	CIB Budget	Other Grants	In-Kind Services		
Contractual support	\$16,950	\$14,950				\$32,000	Dec 2022
Labor			\$5,944			\$5,944	Dec 2022
Travel	\$50	\$50				\$100	Dec 2022
TOTAL	\$17,000	\$15,000	\$5,944			\$37,944	

11. Only answer for Trail projects: Does the project extend, improve, or fill gaps of an existing trail system? Does the project provide links to area destinations or have utility for alternative methods of transportation?

N/A

Section 4 Property Description (Only to be completed for Acquisition Projects)

N/A

Grant Application Deadline

Return the completed ORPT Grant Application by **Wednesday, September 15, 2021** to:

Mike Tholstrup, Planner IV
DNREC - Division of Parks & Recreation
89 Kings Highway
Dover, DE 19901

or

Michael.Tholstrup@delaware.gov

If you have any questions, contact Mike at 302-739-9215 or by email.

Remember to attach:

- The Resolution signed by town/city/county council (first item on the first page of this form)
- The project map, site plans, picture(s) of existing conditions, or other graphic information
- Other relevant supporting documentation

Site Pictures



Aerial view of Herring Creek Preserve. Photo Credit: Driscoll Drones



View of Sarah Run at creekside access point.



View of area near creek where previous owners stowed kayaks.



View of property from Route 24 at the corner of woodlands looking east.

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

(302) 855-7370 T
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hans.medlarz@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: *Herring Creek Sanitary Sewer District: North Gravity Sewer and Force Main, Project S20-07*
A. Change Order No. 5

DATE: November 30, 2021

On August 2, 2016, County Council created the Herring Creek Area Expansion of the Sussex County Unified Sewer District. On October 2, 2018, County Council approved WRA Associates, Inc.'s professional services Amendment No. 1 under the Herring Creek base contract for the final design followed by an approval on November 19, 2019 for the contract administration and inspection of Project S20-06 exclusively under Amendment no.2. The construction administration and inspection services associated with the three gravity sewer construction contracts was approved by County Council on February 16, 2021 under Amendment No. 3.

On March 20, 2017, the Finance Department filed an overall funding application for approximately \$20,500,000 with USDA/Rural Development, Rural Utility Service. Ultimately USDA funding was obligated over three (3) funding cycles. Due to the size of the project USDA requested a phasing plan. Phase 1 encompasses the pump stations and pressure mains, Phase 2 provides the sewer collection system off Sloan Road, Phase 3 provides the collection system for all minor and major subdivisions off Banks Road and Phase 4 includes the collection system in the Winding Creek Village subdivision.

On October 8, 2019, the Herring Creek Sanitary Sewer District Phase I, Project S20-06 was awarded to Chesapeake Turf, LLC in the amount of \$5,256,760.00.

On June 25, 2020, bids for the North Gravity Sewer and Force Main, Project S20-07 were publicly advertised and on July 23, 2020, eight (8) bids were received. On August 11, 2020 County Council awarded the project to JJID, Inc. in the amount of \$5,091,000.00.



On May 28, 2021, bids for the South Gravity Sewer and Force Main, Project S20-08 were publicly advertised and on July 1, 2021, seven (7) bids were received. On July 13, 2021 County Council awarded the project to Teal Construction, Inc. in the amount of \$4,242,738.00. All four Herring Creek projects phases have some built in contingencies, but most likely some supplemental federal funding will be required for the final phase.

Herring Creek Sanitary Sewer District, South Gravity Sewer & Force Main, Project S20-08 in the Banks Road area had been delayed due to extensive DeIDOT permitting interaction. This project included the directionally drilled forcemain under Hopkins Prong which ties to a manhole included in the North Gravity Sewer & Force Main, Project S20-07. In order to bring the sequencing back in line, County Council approved Change Order No. 1 on December 15, 2020 in the amount of \$259,900.00 for the directional drilling work and \$1,500.00 for the cost of appraisal necessary for easements within the work area.

The Department had been holding on to a number of smaller cost items to combine them into Change Order No. 2. The first item is the requirement to use American Iron & Steel in this contract. The casing under RET-24 had an American mill certification but was purchased from a distributor rather than the mill making it impossible to obtain the USDA required certification. The County paid for 50% of the material cost directly to the subcontractor while JJID, Inc. offered a 100% credit. The second item was the switch to 6-inch forcemain valves which did not have a unit cost bid item. The third and last item was the construction of a portable noise reduction enclosure around the dewatering pump. The net value of Change Order No. was \$2,273.11.

JJID, Inc. encountered a deteriorated stormdrain pipe on Mariners Way near the intersection of Dolphin Drive in Herring Creek Estates. The pipe condition was not conducive to crossing under it with the sewer main and the field decision was made to replace it on a time and material basis. The contract has contingent replacement pricing for pipe 18-inch in diameter or less, but this was an elliptical type, more expensive reinforced concrete pipe which led to the T&M approach. JJID utilized one day of crew time plus material costs and mark-up not to exceed \$7200.00. On April 13, 2021 County Council approved Change Order Nos. 2 & 3.

The contract required the connection of the Brandywood Subdivision to the existing sewer system at the Villas at Waldon. However, the invert of Waldon's terminal clean out was 0.15' lower than the downstream manhole invert. Luckily, there was sufficient fall and JJID, Inc. could extend the sewer under the County project while developer's contractor assumed the sidewalk and curb repairs under the development project. On May 25, 2021, Council concurred in the issuance of time & material Change Order No. 4 in the amount of \$9,766.95.

The North Gravity Sewer and Force Main, Project S20-07 started in the late fall of 2020 and from the onset encountered weather and high groundwater level related delays. The latter were compounded by the initial depth of installation coming out of the pump station. In order to avoid a similar scenario, the Department suggested and JJID, Inc. agreed to a contract suspension as per their attached letter. The Engineering Department recommends approval of the non-compensatory contract time extension & suspension Change Order No. 5 contingent upon USDA concurrence.

Date of Issuance: 11/10/2021	Effective Date: 11/23/21
Owner: Sussex County	Owner's Contract No.: S20-07
Contractor: JJID, Inc.	Contractor's Project No.:
Engineer: Whitman, Requardt & Associates	Engineer's Project No.: 14256.036
Project: Herring Creek Sanitary Sewer District: North Gravity Sewer & Force Main	Contract Name:

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

Contract Time Extension and contract time extension

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 5,091,000.00	Original Contract Times: Substantial Completion: <u>11/8/21</u> Ready for Final Payment: _____ 365 calendar days
Increase from previously approved Change Orders No. to No. <u>4</u> : \$ 279,140.06	Increase from previously approved Change Orders No. <u>N/A</u> to No. ____: Substantial Completion: _____ Ready for Final Payment: _____ 365 calendar days
Contract Price prior to this Change Order: \$ 5,370,140.06	Contract Times prior to this Change Order: Substantial Completion: <u>11/8/21</u> Ready for Final Payment: _____ 365 calendar days
Increase of this Change Order: \$ 0.00	[Increase] [Decrease] of this Change Order: 226 days Substantial Completion: <u>6/22/2022</u> Ready for Final Payment: _____ 591 calendar days
Contract Price incorporating this Change Order: \$ 5,370,140.06	Contract Times with all approved Change Orders: Substantial Completion: <u>6/22/2022</u> Ready for Final Payment: _____ 591 calendar days

RECOMMENDED:
By: *Will J. King*
Engineer (if required)
Title: Vice President
Date: 11/22/2021

ACCEPTED:
By: _____
Owner (Authorized Signature)
Title _____
Date _____

ACCEPTED:
By: *J. M. [Signature]*
Contractor (Authorized Signature)
Title OPERATIONS MANAGER / CHIEF ENGINEER
Date 11/22/2021

Approved by Funding Agency (if applicable)

By: _____ Date: _____
Title: _____



100 Julian Lane, Bear, DE 19701
Phone: (302) 836-0414 • Fax: (302) 836-4275
www.jjid.com

JOSEPH R. JULIAN
Chairman of the Board/CEO

DAVID J. LOUDON
President

November 9, 2021

Sussex County Engineering Department
2 The Circle
Georgetown DE 19947

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

Re: -Herring Creek Sanitary Sewer District, Contract S20-07, - North Gravity Sewer
-JJID Job 1367, Non-Compensatory Contract Time Extension & Suspension Request

Hans,

The Pre-Construction Meeting was held on October 28, 2020 and JJID started work on November 9, 2020 along DE24 John Williams Highway. Additional force main related work requested by Sussex County was to be completed first due to DelDOT timeline requirements before starting work at Herring Creek Estates, Pinewater Farm and other subdivisions on December 17, 2020.

Since the work on DE24 John Williams Highway was in addition to the original contract, the first day of original contract work turned into December 17, 2020. Thus, we are requesting a non-compensatory 47-calendar day extension for additional work be added to the contract.

Numerous days were impacted by weather preventing JJID from production work or making work impossible altogether. Due to the timing of the Notice-To-Proceed, the winter months hampered production caused by precipitation, extremely cold conditions, and excessive wet work areas. In total 51 working days were affected by weather through October 2021 translating into 75 calendar days. Thus, we are requesting a 75-calendar day extension for weather related work impact be added to the contract.

The adjusted substantial completion date would now be March 6, 2022. However, due to limited hot mix availability during plant shutdowns for winter and DelDOT's requirement to place hot mix in the Pinewater Farms subdivision weekly and daily on Sloan Road we request a non-compensatory contract time suspension for wintertime work on the mainline 8" gravity sewer work from December 17, 2021 until April 3, 2022. Therefore, the new Substantial Completion date would be June 22, 2022.

Sincerely,

Joseph M. Volk, PE, JJID Inc. Operations Manager/Chief Engineer

c: Dave Loudon
Sean O Neill

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***South Coastal WRF Treatment Process Upgrade No.3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2 A. General Construction, Project C19-11 Change Order No. 14***

DATE: November 30, 2021

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On February 4, 2020 Council awarded Change Order No.1 in the credit amount of (\$759,374.80) mostly for changes to the conduit materials. A second credit

change order was approved on March 10, 2020 in the amount of (\$6,800.00) for ductbank modifications.

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

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

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

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

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

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

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

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

Under RFP- 035 the Environmental Services team requested waterproofed convenience receptacles at the return sludge building's pump room. While under RPP-040 they requested additional site lighting in the area of the generator and blower buildings. BW Electric, Inc. proposed and on August 10,

2021, Council approved Change Order No. 10 in the aggregate amount of \$7,320.00.

- f. Mobile Belt Filter Press; awarded on January 7, 2020 Council to Kershner Environmental Technologies. The unit was deployed at the Inland Bays RWF reducing legacy lagoon solids accumulation and is currently stationed at the LBPW Plant.
- g. DP&L expenses; on February 4, 2020 Council approved the electric utility service relocation contract.
- h. The Rehoboth Beach WTP was built on a municipal landfill and the design anticipated removal, but the actual amount trash encountered exceeded expectations. Therefore, Council approved a stand-alone purchase order to Melvin L. Joseph Construction Company, Inc. for material hauling & screening on July 14, 2020. The work is complete, and the screening was effective reducing the cost by over 60%.

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



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – General Construction**
2. Sussex County Project No. C19-11
3. Change Order No. 14
4. Date Change Order Initiated - 11/30/21
5. a. Original Contract Sum \$39,526,400.00
b. Net Change by Previous Change Orders \$2,352,661.43
c. Contract Sum Prior to Change Order \$41,879,061.43
d. Requested Change \$ 7,380.37
e. Net Change (No. of days) 0
f. New Contract Amount \$41,886,441.80
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

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

6. Factors Affecting Time of Completion

 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

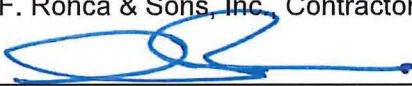
Evaluation and upgrade design for the State Road pump station and modification of the air intake for B-10 building ventilation.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

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

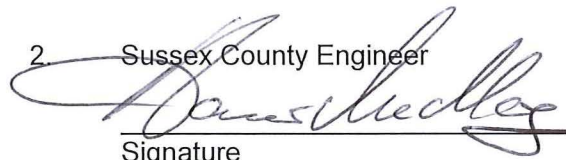
 11/23/2021

Signature Date

David A. Ronca

Representative's Name in Block Letters

2. Sussex County Engineer

 11/23/2021

Signature Date

3. Sussex County Council President

Signature Date

Michael F.
RONCA
& Sons, Inc.



CONTRACTORS

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

179 Mikron Road, Bethlehem, PA 18020

November 15, 2021

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

Re: Sussex County
SCRWF-RBWWTP CIP Phase 2 Upgrades
Proposed Change Order Request No. 554-020
RBWWTP State Rd PS Evaluation Assist

Dear Mr. Clark:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of Five Thousand Four Hundred Ninety Five Dollars and 04 Cents.....(\$5,495.04).

Enclosed for your review is a corresponding breakdown of costs.

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

Regards,

Scott Wachinski

Project Manger

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

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-020 RBWWTP State Rd PS Evaluation Assist

11/15/2021

CHANGE ORDER SUMMARY

Item 1 Cleaning of RBWWTP State Rd. PS Wet Well and Evaluation Assistance per GHD/RBWWTP's Request. Work Complete 10.13.21 and 10.14.21.

Labor	\$0.00
Materials	\$0.00
Equipment	\$0.00
Subcontract	\$5,233.37
Subtotal	\$5,233.37
Contractor Overhead & Profit @ 5% (Credit)	\$0.00
Contr. Overhead & Profit on Subcontr. @ 5%	\$261.67
Item Total	\$5,495.04
Change Order Total	\$5,495.04

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-020 RBWWTP State Rd PS Evaluation Assist

11/15/2021

<u>Item</u>	<u>Description</u>						
Item 1	Cleaning of RBWWTP State Rd. PS Wet Well and Evaluation Assistance per GHD/RBWWTP's Request. Work Complete 10.13.21 and 10.14.21.						
	Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Labor Total:	\$0.00
	Materials:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Material Total:	\$0.00
	Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
				\$0.00	\$0.00	Equipment Total:	\$0.00
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>		
	Coating Subcontractor	1.00	LS	\$5,233.37	\$5,233.37	Subcontract Total:	\$5,233.37
						Item Total:	\$5,233.37

Letter of Transmittal

To: Ronca - Scott Wachinski

Transmittal #: 046

Date: 10-25-21

Job: South Coastal Regional Wastewater Facilities
Rehoboth Beach WWTP

Subject:

WE ARE SENDING YOU

- Attached Under separate cover via the following items:
 Shop drawings Prints Plans Samples
 Copy of letter Change order Specifications Change Request

Document Type	Copies	Date	No.	Description
Proposed Change Order		10-25-21	PCO 22	T&M - State Road Pump Station - October 2021

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit ___ copies for approval
 For your use Approved as noted Submit ___ copies for distribution
 As requested Returned for corrections Return ___ corrected prints
 For review and comment Other
 FOR BIDS DUE PRINTS RETURNED AFTER LOAN TO US

Remarks:

Copy To:

From: George Conners
Phone: 610-844-8531
E-mail: gcc@uipcl.com

Signature: _____



Project Rehoboth Beach STP #2026-2
 Project Address 20573 Roosevelt Street
 Created By Zakianny Maldonado
 Date Wednesday, October 13th, 2021

Created Monday, October 18th, 2021
 Modified Monday, October 25th, 2021

Time & Material - 2026 Rehoboth Beach STP

Structure Off site pump station	
Type of Work Mobilizing for shutdown	
Description of Work Mobilizing	
Type of Material Used	Quantity of Material Used
Type of Material Used	Quantity of Material Used
Type of Material Used	Quantity of Material Used
Type of Material Used	Quantity of Material Used
Type of Equipment Used	Hours Equipment Used
Type of Equipment Used	Hours Equipment Used
Type of Equipment Used	Hours Equipment Used
Employee Name Zakianny maldonado	Employee Hours 11
Employee Name	Employee Hours
Employee Name	Employee Hours
Employee Name	Employee Hours

Signature - Sahr Sonny Junisa/GHD

Signature Date 2021-10-13



Project Rehoboth Beach STP #2026-2
 Project Address 20573 Roosevelt Street
 Created By Zakianny Maldonado
 Date Thursday, October 14th, 2021

Created Monday, October 18th, 2021
 Modified Monday, October 25th, 2021

Time & Material - 2026 Rehoboth Beach STP

Structure Off site pump station	
Type of Work Power washing wet well	
Description of Work Washing walls and ceiling of wet well to get off debris	
Type of Material Used	Quantity of Material Used
Type of Material Used	Quantity of Material Used
Type of Material Used	Quantity of Material Used
Type of Material Used	Quantity of Material Used
Type of Equipment Used 5000 psi power washer	Hours Equipment Used 8
Type of Equipment Used	Hours Equipment Used
Type of Equipment Used	Hours Equipment Used
Employee Name Jason ciecwierz	Employee Hours 8
Employee Name Antoine reed	Employee Hours 8
Employee Name Devin Doleman	Employee Hours 8
Employee Name Zakianny maldonado	Employee Hours 11
Signature - Sahr Sonny Junisa/GHD	
Signature Date 2021-10-14	

Michael F.
RONCA
& Sons, Inc.

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



CONTRACTORS

179 Mikron Road, Bethlehem, PA 18020

November 15, 2021

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

Re: Sussex County
SCRWF-RBWWTP CIP Phase 2 Upgrades
Proposed Change Order Request No. 554-021
RBWWTP B-10 Alt Air Intake Mounting

Dear Mr. Clark:

Please consider this writing to be Michael F. Ronca & Sons, Inc.'s formal change order request for performance of the above referenced work, in the amount of One Thousand Eight Hundred Eighty Five Dollars and 33 Cents.....(\$1,885.33).

Enclosed for your review is a corresponding breakdown of costs.

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

Regards,

Scott Wachinski

Project Manger

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

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-021 RBWWTP B-10 Alt Air Intake Mounting

11/15/2021

CHANGE ORDER SUMMARY

Item 1 Revise RBWWTP B-10 Building Air Intake OA-B10-01 From Roof Mount to Existing Window
Opening per GHD Response to RFI-081 and Subsequent RFP-046 Including Credit for
Elimination of Roof Penetration.

Labor	(\$285.28)
Materials	\$0.00
Equipment	(\$62.64)
Subcontract	\$2,143.47
Subtotal	\$1,795.55
Contractor Overhead & Profit @ 5% (Credit)	(\$17.40)
Contr. Overhead & Profit on Subcontr. @ 5%	\$107.17
Item Total	\$1,885.33
Change Order Total	\$1,885.33

Sussex County - SCRWF-RBWWTP CIP Phase 2 Upgrades

PCOR 554-021 RBWWTP B-10 Alt Air Intake Mounting

11/15/2021

<u>Item</u>	<u>Description</u>					
Item 1	Revise RBWWTP B-10 Building Air Intake OA-B10-01 From Roof Mount to Existing Window Opening per GHD Response to RFI-081 and Subsequent RFP-046 Including Credit for Elimination of Roof Penetration.					
	Labor:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
	Laborer	-4.00	MH	\$71.32	(\$285.28)	Labor Total: (\$285.28)
	Materials:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
				\$0.00	\$0.00	Material Total: \$0.00
	Equipment:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
	STS	-4.00	HR	\$15.66	(\$62.64)	Equipment Total: (\$62.64)
	Subcontract:	<u>Qty</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Total</u>	
	HVAC Subcontractor	1.00	LS	\$2,143.47	\$2,143.47	Subcontract Total: \$2,143.47
						Item Total: \$1,795.55

CHANGE ORDER NO H1
T.E. Smith & Son, Inc.
Mechanical Contractors
2043 Northwood Drive
Salisbury Maryland 21801
PHONE 410-749-4232 Fax 410-548-5419

Date: November 15, 2021
Submitted To: MFRonca Construction
From: Daniel Lowe
Project: RBWWTP- Building B-10
Pages: 1

HVAC

We propose to modify the contract value in accordance with the following:
Install proposed 32"X32" louver in existing opening in a 316 stainless steel wall sleeve, with the motorized damper furnished with OA-B10-01. We will build wall sleeve and any transition required to fit motorized damper. Louver will have bird screen and filter rack. We will supply concrete screws and angle to mount louver. OA-B10-01 and roof curb cannot be returned.

Furnish Labor and Material as follows:

Material: \$1,363.47

Labor: 12 hours @ 65/hour \$780

FOR A TOTAL CHANGE TO THE CONTRACT OF: \$ 2143.47

Payment Terms: In Full As Invoiced

Authorized Signature

Daniel Lowe HVAC Supervisor

Acceptance of Work Proposal:

**I/ we accept this work proposal as listed above,
as well as the payment schedule.**

Date: _____

Signature: _____



Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-11: General Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	041		
RFP Subject	SCRWF Headworks Screen Channel Elevation		
Issued By	S. Clark	Issue Date	Jul. 8, 2021

Description of proposed changes:

Contractor has field verified that screened effluent channel (perpendicular collection channel downstream of screen channels) is at 26.95 EL.

Submit a proposal to construct Screen Channel No. 3 at the same elevation, that is, with matching slab elevations. Proposal shall include the additional costs for Screen SCN-103.

GHD

16701 Melford Boulevard Suite 330 Bowie Maryland 20715 USA
T 240 206 6810 F 240 206 6811 W www.ghd.com

N:\US\Bowie\Projects\111\11121182 South Coastal Expansion\TECH\Construction\Work Changes\Request for Proposals\RFP-041 SCRWF Screen Channel Elevation\RFP-041 SCRWF HW Screen Channel EL.docx





Request for Proposal

Project Title	SCRWF Upgrade No. 3 & RBWWTP CIP Upgrade Phase 2		
Owner	Sussex County, Delaware		
Contract No.	C19-11: General Construction	GHD Project No.	11121182
Contractor is requested to provide a Change Proposal for the following proposed modifications to the Work. This request alone neither directs nor approves any change to the Work nor any adjustments to the Contract Price or Contract Times. Contractor's proposal shall be submitted to Engineer for review and shall adhere to all requirements of the Contract Documents. If found acceptable to Owner and Engineer, Contractor's Change Proposal will be incorporated into the Work via Change Order.			
RFP No.	046		
RFP Subject	RBWWTP B-10 OA Intake Relocation		
Issued By	S. Clark	Issue Date	Nov. 9, 2021

Description of proposed changes:

The roof-mounted outside air intake hood (OA-B10-01) and motorized damper (MOD-B10-01) cannot be installed as shown. Contractor shall install the motorized damper in the existing window opening on the south wall of the room instead. Note the following requirements:

- Do not construct opening in roof. The scheduled outside air hood and curb are no longer required.
- Remove existing window and frame. Field verify rough opening size.
- Provide an exterior wall louver and wall collar sized to rough opening size. Louver color shall match the adjacent louver for the blower room. Louvers shall be same type and specification as the non-acoustic louvers already approved for the project.
- Secure the motorized damper (24"x24") on the interior-side of the louver, including any duct transitions or blank-off panels needed for smaller size of motorized damper versus the louver size.
- Provide bird screen and filter rack in accordance with Detail 4 on Drawing SC-H6004

South Coastal RWF & Rehoboth Beach WTF Upgrade

11/24/2021

Vendor/Contract	Description	Contract Value
Michael F. Ronca & Sons, Inc.	SCRWF/RBWWTP General Construction	41,886,441.80
BW Electric Inc.	SCRWF/RBWWTP Electrical Construction	21,875,303.08
BW Electric Inc. CO#3	DP&L Service Entrance Modification Conduit System	235,637.33
BW P.O.	Soil Screening @ Rehoboth Plant	4,504.50
GHD	Amd 11 - SCRWF Expansion to 10mgd - Planning & Concept	241,938.68
	Amd 12 - SCRWF Expansion Construction Docs	2,240,280.73
	Amd 13 - Value Engineering	95,080.15
	Amd 14 - Rehoboth WTP Capital Improvement Program Upgrade Phase 2/Joint Project with SCRWF Expansion	398,410.63
	Amd 16 - Ocean Outfall Discharge Modeling & Wetlands Delineation for SCRWF and Add'l Design Services for Rehoboth WTP Capital Improvement Program	181,089.72
	Amd 18 - RBWTP CIP Upgrade Phase 2 - Add'l Design	172,153.01
	Amd 19 - SCRWF Upgrade 3 Add'l Design	108,073.71
	Amd 20 - SCRWF Upgrade 3/RBWWTP Upgrade Phase 2 Construction Engineering	6,589,558.49
Core & Main	Influent FM Consolidation Materials	339,944.59
Core & Main	Effluent FM Pipeline Materials	227,603.39
Delmarva Power	Improve service entrances for both projects	175,000.00
G&L	FM Consolidation & Influent Consolidation Phase II	973,229.04
G&L Work- Effluent Relocation		316,635.20
G&L Work - RB Treatment Plant	Parking Lot Repavement	
Kershner Environmental Technologies	Belt Press	295,000.00
Melvin Joseph	Material Screening	80,000.00
DSWA	Loading, Hauling & Disposal of Debris	33,000.00
	Hauling of Rehoboth Oxidation Ditch Remnants	39,663.15
Totals		76,508,547.20

To Be Introduced 11/30/21

**Council District 3 – Schaeffer
Tax I.D. No.: 234-15.00-81.00
911 Address: 27826 Avalon Drive, Georgetown**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO DESIGNATE LOT 39, BLOCK A WITHIN THE EXISTING AVALON WOODS SUBDIVISION AS OPEN SPACE AND TO ALLOW FOR A SHED AMENITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.42 ACRES, MORE OR LESS.

WHEREAS, on the 24th of March 2021, a conditional use application, denominated Conditional Use No. 2277 was filed on behalf of Avalon Woods Owners Association, Inc.; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2277 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2277 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the southwest side of Avalon Drive within the existing Avalon Woods Subdivision, approximately 0.25 mile south of Avalon Road (S.C.R. 302A), and being more particularly described in the attached legal description prepared by Mike S. Cotton, P.E., containing 0.42 acres, more or less.

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

To Be Introduced 11/30/21

**Council District 3 – Schaeffer
Tax I.D. No. 335-12.06-49.00
911 Address: 1528 Savannah Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REALTY OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS

WHEREAS, on the 9th day of September 2021, a conditional use application, denominated Conditional Use No. 2313 was filed on behalf of John Ford; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2313 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2313 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on south east side of Savannah Road (Rt. 9) approximately 0.16 mile north east of Wescoats Road (Rt. 12) and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt, LLC, said parcel containing 0.57 acres, more or less.

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

To Be Introduced 11/30/21

**Council District 2 – Green
Tax I.D. No.: 530-17.00-2.01
911 Address: 9155 & 9167 Campbell Lane, Bridgeville**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.16 ACRES, MORE OR LESS

WHEREAS, on the 25th day of February 2021, a zoning application, denominated Change of Zone No. 1939 was filed on behalf of Gerald R. & Valerie V. Campbell, Trustees; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1939 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of B-2 Business Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying on the west side of Sussex Highway (Route 13) approximately 0.81 mile south of Adams Road (S.C.R. 583) and being more particularly described in the attached legal description prepared by David W. Baker, Esquire, P.A., said parcel containing 3.16 acres, more or less.

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

To be Introduced 11/30/21

**Council District 3 – Schaeffer
Tax I.D. No: 235-30.00-50.01
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A, C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.17 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of August 2021, a zoning application, denominated Change of Zone No. 1951 was filed on behalf of Shiloh Investments, LLC; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1951 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of AR-1 Agricultural Residential District and adding in lieu thereof the designation of C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the south side of Lewes Georgetown Highway (Route 9), approximately 150' northeast of the intersection of Fisher Road (S.C.R. 262) and Hudson Road (Route 258), being Tract 2 on a Boundary Plan titled, "Lands N/F of Dry Acres, LLC" prepared by Pennoni Associates Inc. and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt LLC, said parcel containing 4.17 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.

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
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

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

CC: Everett Moore, County Attorney

Date: November 24, 2021

RE: County Council Report for CU 2273 filed on behalf of Michael Parsons

The Planning and Zoning Department received an application (CU 2273 filed on behalf of Michael Parsons) for a Conditional Use for parcel 234-5.00-49.00 to allow for the commercial deliveries of parts to be sold offsite at 30274 Pecan Drive, Lewes. The parcel size is 0.99 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on November 4, 2021. At the meeting of November 18, 2021, the Planning & Zoning Commission recommended approval of the application for the 6 reasons and subject to the 9 recommended conditions outlined within the motion (copied below).

Below are the draft minutes from the Planning & Zoning Commission meeting of November 4, 2021 and the draft minutes of the November 18, 2021 meeting.

Draft Minutes of the November 4, 2021 Planning & Zoning Commission Meeting

C/U 2273 Michael Parsons

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE USE OF COMMERCIAL DELIVERIES OF PARTS TO BE SOLD OFFSITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRES, MORE OR LESS. The property is lying on the south side of Pecan Drive, approximately 475 ft. east of Hopkins Road (S.C.R. 286). 911 Address: 30274 Pecan Drive, Lewes. Tax Parcel: 234-5.00-49.00

The Commission found that Mr. Michael Parsons spoke on behalf of his Application; that his



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE

commercial delivery of parts mostly comes on regular Fed Ex trucks; that there will be no deliveries by large vehicles such as 18-wheeler tractor trailers; that parts will be stored for a few days and the parts are then taken to his vendor sites where the parts are then sold.

Ms. Stevenson questioned if Mr. Parsons had any employees, where the parts are stored and questioned why the Applicant was required to obtain a Conditional Use.

Mr. Parsons stated he does not have any employees, only himself and that all parts are stored in a trailer.

Mr. Whitehouse stated that the Conditional Use Application was pursued after multiple discussions with the Sussex County Constables office; that he has looked closely at the definition of a Home Occupation; that the storage onsite of goods and parts, which are not made onsite, was the reason the Applicant was encouraged to obtain a Conditional Use.

Mr. Hopkins questioned the size of the trailer and if Mr. Parsons required a sign.

Mr. Parsons stated the trailer is 17'x16' which is large enough to fit a go-kart in; that this is the only business equipment he has, and he would be interested in a sign, but will not require the sign to be lit.

Mr. Robertson questioned what the property looked like; what the surrounding areas are like and if there will be any negative affects to neighboring properties.

Mr. Parsons stated it is a residential property; that he lives on the property; that The Hopkins' do have a farm to the front of the property; that most of the surrounding properties are residential; that there is a construction business located down the road from his property and he does not believe there will be any negative impact to his neighboring properties.

Chairman Wheatley questioned the frequency of deliveries.

Mr. Parsons stated on busy week he may get deliveries up to four times per week; that deliveries arrive Monday through Thursday; that on Fridays he delivers the parts to the tracks and on slower weeks deliveries arrive about one time per week.

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

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

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

In relation to Application C/U 2273 Michael Parsons. Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to defer action for further consideration. Motion carried 4-0.

Draft Minutes of the November 18, 2021 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since November 4, 2021.

Ms. Stevenson move that the Commission recommend approval of Conditional Use #2273 for Michael Parsons to allow commercial deliveries to and from his home-based upon the record made during the public hearing and for the following reasons:

1. This use is very nearly a home occupation. But for the fact that the Applicant stores and uses a commercial trailer on the property as part of his business and the regular commercial deliveries to and from his home, this use would likely not require a conditional use.
2. The property will retain its primary use as a residence, and it will remain residential in appearance.
3. The Applicant has stated that there are not any employees other than himself associated with the use on this property.
4. The Applicant has stated that no parts are manufactured on the property and there will not be any outside storage occurring on the property.
5. This limited use will not adversely affect neighboring properties or roadways.
6. No parties appeared in opposition to this Application.
7. This recommendation is subject to the following conditions:
 - A. The use shall be limited to the receipt of deliveries to and from the applicant's residence and the storage of a trailer associated with the use upon the property.
 - B. The primary use of this property shall remain residential at all times that this conditional use is in effect. It shall also maintain a residential appearance at all times.
 - C. No retail sales shall occur directly from the property and no customers shall come to the property. This condition does not prevent indirect retail sales conducted via the telephone and/or the internet.
 - D. No manufacturing shall occur on the property.
 - E. No outside storage of any deliveries, parts, equipment, or inventory associated with the use shall be permitted.
 - F. One unlighted sign shall be permitted. It shall not be larger than 32 square feet per side.
 - G. The Applicant shall comply with any requirements imposed by DelDOT regarding this use.
 - H. The failure to comply with any of these conditions of approval may result in the termination of this Conditional Use.
 - I. The Final Site Plan shall be subject to the review and approval of the Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Hopkins and carried unanimously to recommend approval of C/U 2273 Michael Parsons 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, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 4th, 2021

Application: CU 2273 Michael Parsons

Applicant: Michael Parsons
30274 Pecan Drive
Lewes, DE 19958

Owner: Michael Parsons
30274 Pecan Drive
Lewes, DE 19958

Site Location: 30274 Pecan Drive, Lewes

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

Proposed Use: Delivery of commercial parts for offsite sales

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mrs. Stevenson

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

Site Area: 0.99 acres +/-

Tax Map ID.: 234-5.00-49.00



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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: October 28, 2021
RE: Staff Analysis for CU 2273 Michael Parsons

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2273 Michael Parsons to be reviewed during the November 4, 2021 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: 234-5.00-49.00 to allow for deliveries of parts to be sold offsite. The parcel is lying on south side of Pecan Drive, approximately 475 feet east of Hopkins Road (S.C.R. 286). The parcel consists of 0.99 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 parcel has a designation of "Low Density". The surrounding and adjacent parcels to the north, south, east, and west also contain the "Low Density" Future Land Use Map designation.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the north, south, east and west of the subject sites are also zoned Agricultural Residential (AR-1).

Since 2011, there have been eight (8) Conditional Use applications within a 1-mile radius of the application site. Please refer to the attached spreadsheet and map for a list of the Conditional Use applications.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for deliveries of parts to be sold offsite, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



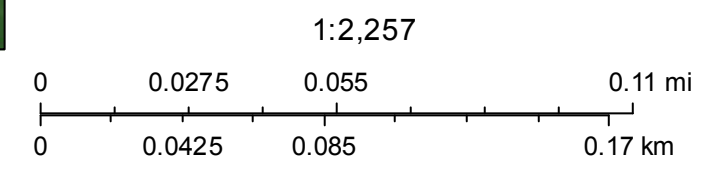


Sussex County



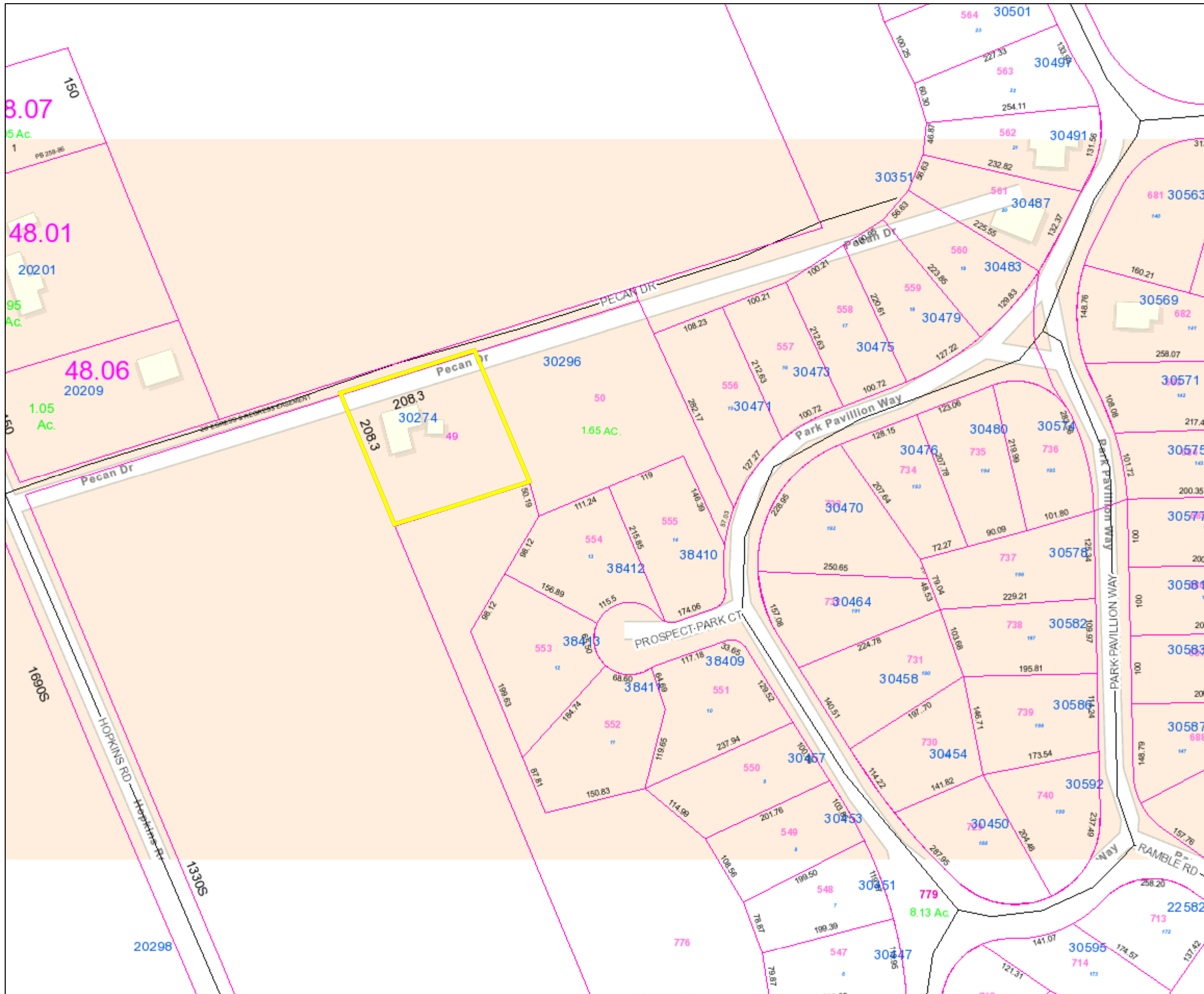
PIN:	234-5.00-49.00
Owner Name	PARSONS MICHAEL L
Book	4248
Mailing Address	30274 PECAN DRIVE
City	LEWES
State	DE
Description	S/PRIVATE RD
Description 2	494' NE/RD 286
Description 3	N/A
Land Code	

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





Sussex County



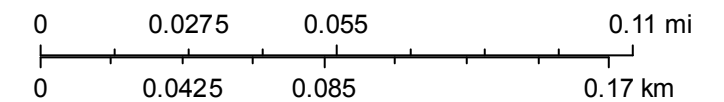
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Owner Name	PARSONS MICHAEL L
Book	4248
Mailing Address	30274 PECAN DRIVE
City	LEWES
State	DE
Description	S/PRIVATE RD
Description 2	494' NE/RD 286
Description 3	N/A
Land Code	

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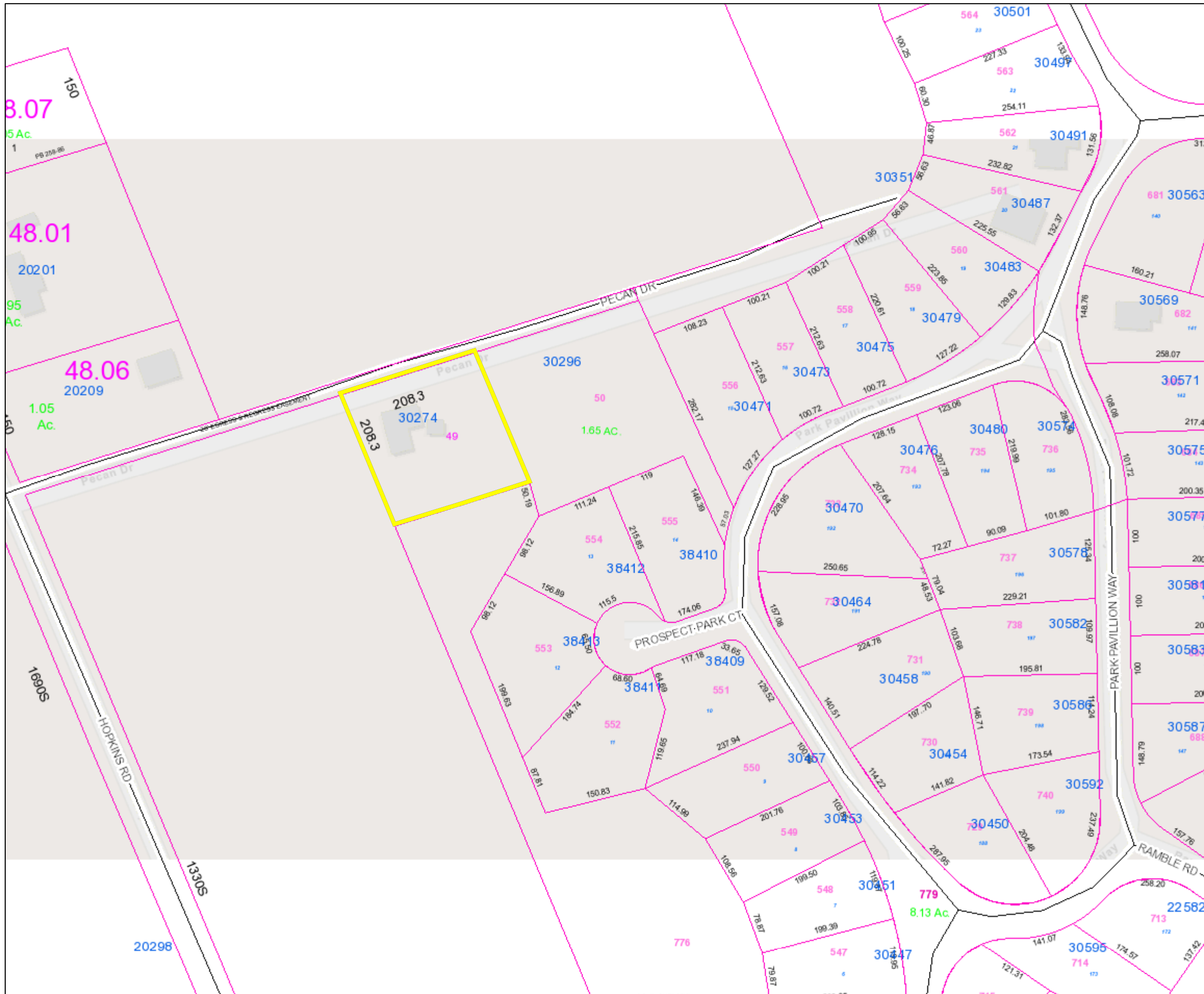
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- 911 Address
- Streets

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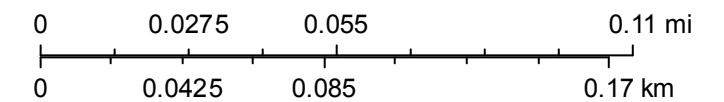
PIN:	234-5.00-49.00
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Mailing Address	30274 PECAN DRIVE
City	LEWES
State	DE
Description	S/PRIVATE RD
Description 2	494' NE/RD 286
Description 3	N/A
Land Code	

- polygonLayer**

Override 1
- polygonLayer**

Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets

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Introduced 10/19/21

**Council District 3 - Schaeffer
Tax I.D. No. 234-5.00-49.00
911 Address: 30274 Pecan Drive Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE USE OF COMMERCIAL DELIVERIES OF PARTS TO BE SOLD OFFSITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRES, MORE OR LESS

WHEREAS, on the 1st day of December 2020, a conditional use application, denominated Conditional Use No. 2273 was filed on behalf of Michael Parsons; 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. 2273 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. 2273 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of Pecan Drive, approximately 475 feet east of Hopkins Road (S.C.R. 286) and being more particularly described in the attached legal description prepared by Morris James Wilson Halbrook & Bayard LLP, said parcel(s) containing 0.99 acres, more or less.

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

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: November 24, 2021

RE: County Council Report for CU 2314 filed on behalf of Millsboro Fire Company

The Planning and Zoning Department received an application (CU 2314 filed on behalf of Millsboro Fire Company) for a Conditional Use for parcel 234-5.00-49.00 to allow for a Fire Department Substation at 30134 Millsboro Highway, Millsboro. The parcel size is 1.54 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on November 4, 2021. At the conclusion of the Public Hearing, the Planning & Zoning Commission recommended approval of the application for the 4 reasons and subject to the 2 recommended conditions outlined within the motion (copied below).

Below are the draft minutes from the Planning & Zoning Commission meeting of November 4, 2021.

Draft Minutes of the November 4, 2021 Planning & Zoning Commission Meeting

C/U 2314 Millsboro Fire Company

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS. The property is lying on the northeast corner of Millsboro Highway (Rt. 24) and Lewis Road (S.C.R. 409). 911 Address: 30134 Millsboro Highway, Millsboro. Tax Parcel: 133-20.00-17.16

Mr. Whitehouse advised the Commission that submitted into the record was a copy of the Applicant's site plans, a copy of DelDOT's Service Level Evaluation Response, a copy of the staff analysis, a copy



of a letter from Sussex County Engineering Department Utility Planning Division; a letter from the President of Millsboro Fire Company; a letter from Dagsboro Volunteer Fire Department, a letter from the State Fire Prevention, photos and exhibits received by the Applicant, zero letters of opposition, 82 letters of support and zero mail returns.

The Commission found that Ms. Rachel Bleshman Esq. was present on behalf of the Applicant, Millsboro Fire Company; that also present are Mr. Dennis Swain, Mr. Ron O'Neal, Mr. Bob Ricker and Mr. Matt Warrington; that Millsboro is growing; that at times the town is in gridlock with traffic; that the Millsboro Fire Company's members reside, half on the eastside of Rt. 113; that this is where the current fire station is located; that the other half of members are located on the west side of Rt.113; that this is where the Application substation is proposed to be located; that 30 members, approximately half of the fire company members, live on the western side of Rt. 113; that there is a State standard of an eight minute response time from the time a fire call comes in until a member must respond; that Millsboro Fire Company is doing very well with their response times; that weekend traffic adds difficult; that summer traffic adds difficult; that weekends in the summer are extremely difficult; that a substation on the western side of Rt. 113 is needed for the community; that the site plan for the proposed substation is currently under contract with the owners; that the proposed location does have sufficient onsite well water and sewage treatment; that the buildings currently on the property are in excellent shape; that no structural changes will be required; that the Applicant did submit photographs; that there is a building that was previously used as a garage for a mechanic; that the Millsboro Fire Company has applied with the State Fire Prevention Commission; that they were approved for a permit to operate a substation at the proposed site; that there is over 80 letters of support from neighbors; that the letters of support include two letters from neighboring Dagsboro Volunteer Fire Company and Georgetown Fire Company; that under Sussex County Code public or governmental buildings and uses, including schools, parks, playgrounds and public boat lands are permitted Conditional Uses within the AR-1 Agricultural Residential Zoning District, that Planning & Zoning Planner, Ms. Christin Scott constructed a very articulate memorandum which stated under the Comprehensive Plan the proposed site is designated a developing area; that the surrounding properties are also located in developing areas; that Ms. Scott stated a careful mixtures of homes with light commercial and industrial uses can be appropriate to provide convenient services to allow people to work close to home; that Ms. Scott also mentioned there is a property located to the west side of Millsboro Hwy that is zoned Light Industrial; that since 2011 a Conditional Use Application, within a one mile radius, was approved to perform a trucking business and parking of vehicles; that if this Application should be approved, the Conditional Use would serve the health and wellbeing of the general public of the Town of Millsboro; that the proposed site is a convenient located for fire prevention coverage and the property already had existing structures which can be utilized for the purpose.

Ms. Stevenson questioned if there will be a siren on the property and how many firetrucks will be parked on site.

Mr. Matt Warrington stated there will not be a fire siren at the location of the substation and three firetrucks are proposed to be housed on the site.

The Commission found there was no one present in the room or by teleconference that wished to speak in support or opposition to the Application.

The Commission found in the room, there was a raise of 16 hands in support of the Application.

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

At the conclusion of the Public Hearing, the Commission discussed the Application.

Ms. Stevenson moved that the Commission recommend approval of C/U 2314 for The Millsboro Fire Company based on the record and for the following reasons:

1. The Conditional Use for a fire station is of a public nature, and it will promote the health, safety, and welfare of the residents of Sussex County.
2. The Fire Company has stated that many of its members live on the west side of Millsboro, which makes this location much closer to their homes. That will reduce fire company response times for emergency calls.
3. The Fire Company has stated that the substation is necessary to maintain and improve its fire protection and emergency service to current and future residents of this area of Sussex County.
4. No parties appeared in opposition to this application, and there are many letters in the record in support of this application.
5. This Conditional Use is subject to the following conditions:
 - A. Any security lighting shall be screened away from neighboring properties and County Roads.
 - B. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to recommend approval for C/U 2314 Millsboro Fire Company for the reasons and conditions stated in the motion. Motion carried 4-0.

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, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: November 4th, 2021

Application: CU 2314 Millsboro Fire Company

Applicant: Millsboro Fire Company
P.O. Box 83
109 East State Street
Millsboro, DE 19966

Owner: Michael H. Nauman
29 Blairs Pond Road
Houston, DE 19954

Site Location: 30134 Millsboro Highway, Millsboro

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

Proposed Use: Fire Department Substation

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Millsboro Fire Department

Sewer: Septic (Private, On-Site)

Water: Well (Private, On-Site)

Site Area: 1.54 acres +/-

Tax Map ID.: 133-20.00-17.16



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: October 28, 2021
RE: Staff Analysis for CU 2314 Millsboro Fire Company

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2314 Millsboro Fire Company to be reviewed during the November 4, 2021 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: 133-20.00-17.16 to allow for a fire department substation. The parcel is lying on the northeast corner of Lewis Road (S.C.R. 409) and Millsboro Highway (Rt. 24). The parcel consists of 0.154 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 parcel has a designation of "Developing Area." The surrounding and adjacent to the north, south, and east also contain the "Developing Area" land use designation. The properties on the opposite side of Lewis Road contain the "Low Density" land use designation. The property on the southwest side of Millsboro Highway contains the "Industrial" land use designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. – A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the north, south, east and west of the subject sites are also zoned Agricultural Residential (AR-1). A property further west on the south side of Millsboro Highway is zoned Light Industrial (LI-2).

Since 2011, there has been one (1) Conditional Use application within a 1-mile radius of the application site. Conditional Use No. 2008 was approved by the Sussex County Council on



Tuesday, April 21, 2015, through Ordinance No. 2395, to allow for a trucking business and parking of vehicles.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for a fire department substation, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



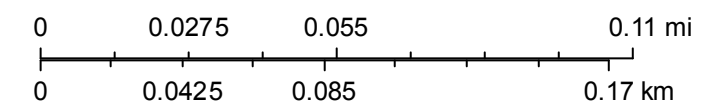
Sussex County



PIN:	133-20.00-17.16
Owner Name	NAUMAN MICHAEL H
Book	4994
Mailing Address	29 BLAIRS POND RD
City	HOUSTON
State	DE
Description	G DONAWAY LANDS
Description 2	LOTS 1 2 NW INT
Description 3	RT 24 RD 409
Land Code	

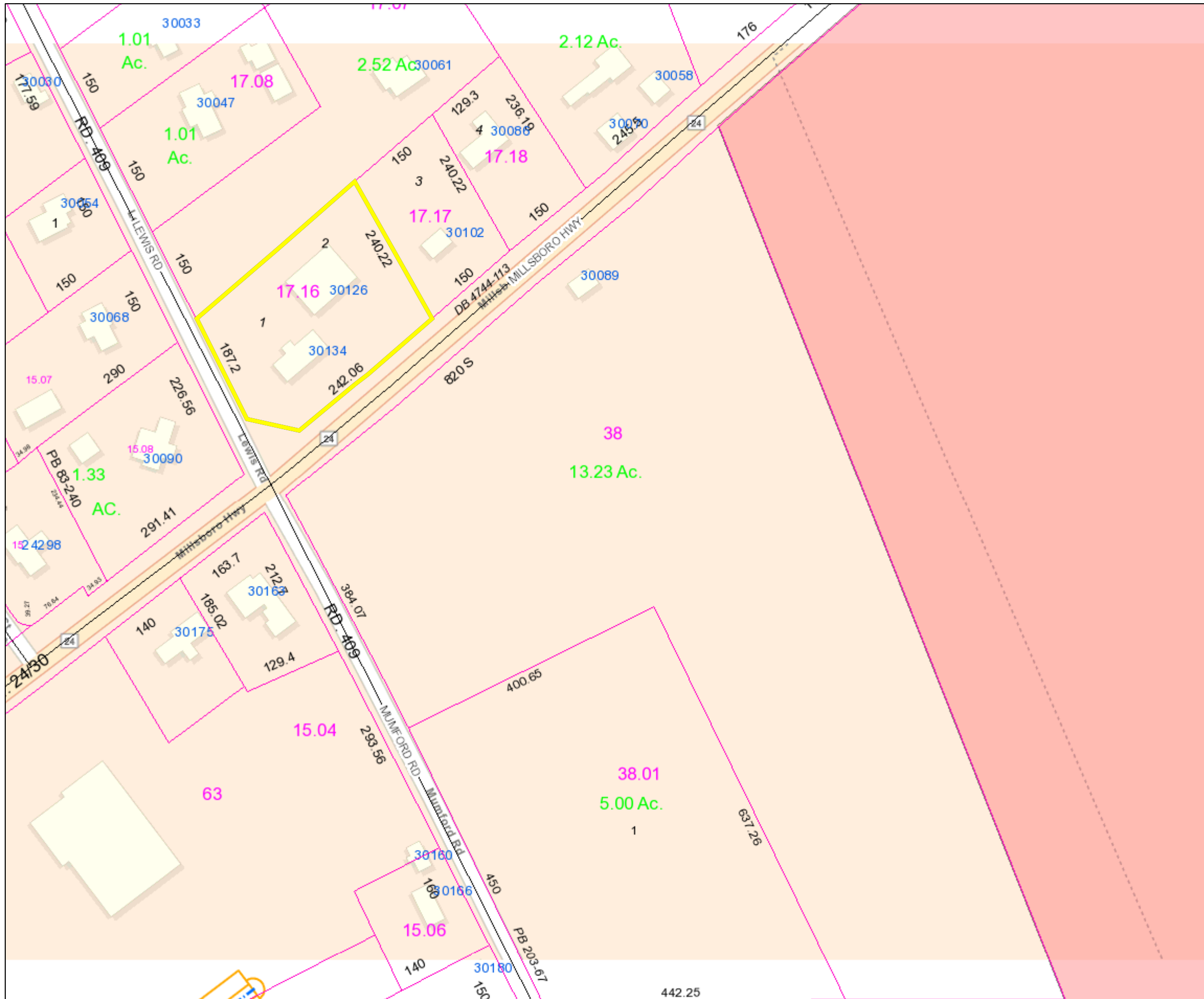
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- Tax Parcels
- 911 Address
- Streets

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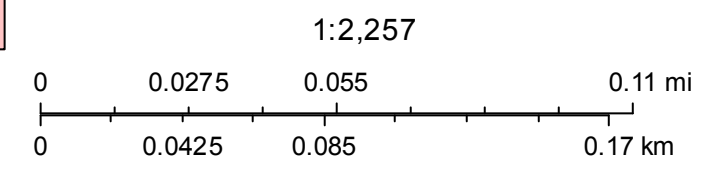


Sussex County



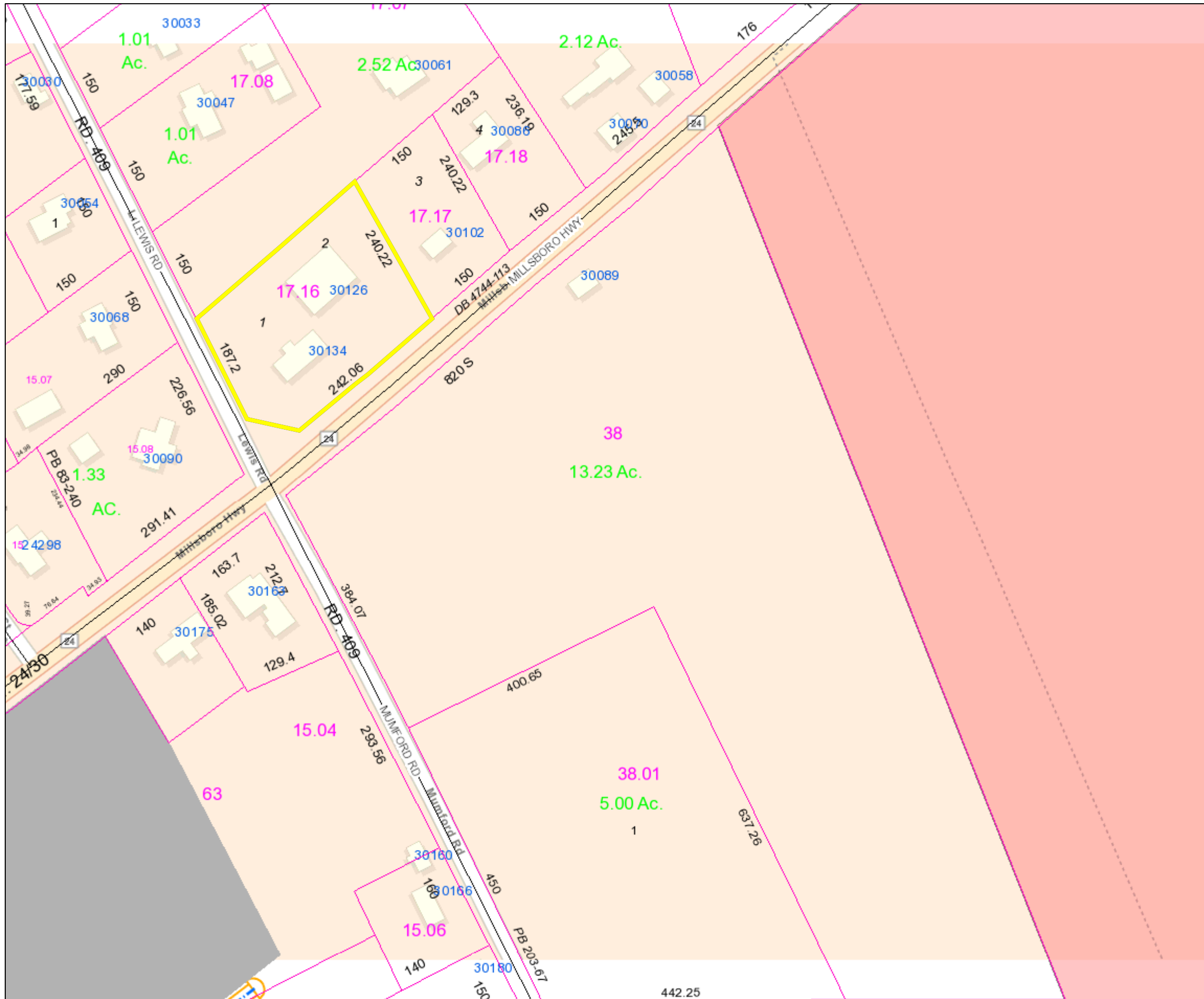
PIN:	133-20.00-17.16
Owner Name	NAUMAN MICHAEL H
Book	4994
Mailing Address	29 BLAIRS POND RD
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- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID





Sussex County



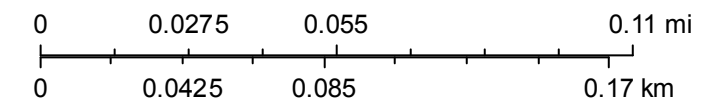
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City	HOUSTON
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Description	G DONAWAY LANDS
Description 2	LOTS 1 2 NW INT
Description 3	RT 24 RD 409
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets

1:2,257



Introduced 10/12/21

**Council District 5 - Rieley
Tax I.D. No. 133-20.00-17.16
911 Address: 30134 Millsboro Highway, Millsboro.**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of September 2021, a conditional use application, denominated Conditional Use No. 2314 was filed on behalf of Millsboro Fire Company; 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. 2314 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. 2314 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the northeast corner of Millsboro Highway (Rt. 24) and Lewis Road (S.C.R. 409) and being more particularly described in the attached legal description prepared by Moore & Rutt, P.A., said parcel containing 1.54 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.

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: November 24, 2021

RE: County Council Report for CZ 1936 filed on behalf of OA-BP Marina Bay-Lakeside, LLC

The Planning and Zoning Department received an application (CZ 1936 filed on behalf of OA-BP Marina Bay-Lakeside, LLC) to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC Medium Density Residential District – Residential Planned Community to a MR-RPC Medium Density Residential District – Residential Planned Community to amend conditions of approval of Change of Zoning No. 1883 (Ordinance 2690) and Change of Zone No. 1475 (Ordinance No. 1573) relating to the maximum number and types of housing permitted. The property is lying on the south end of Bay Farm Road (SCR 299) and the south side of Trinity Road (SCR 299A). The Change of Zone is for 778.39 acres, more or less.

The Planning and Zoning Commission held a public hearing on November 4, 2021. At the meeting of November 18, 2021, the Commission recommended approval of the application for the 7 reasons as outlined within the motion (included below).

Below are the draft minutes from the Planning & Zoning Commission meeting of November 4, 2021 and the draft minutes of the Planning & Zoning Commission meeting of November 18, 2021.

Draft Minutes of the November 4, 2021 Planning & Zoning Commission Meeting

C/Z 1936 OA-BP Marina Bay-Lakeside, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1883 (ORDINANCE NO.



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

2690) AND CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) RELATING TO THE MAXIMUM NUMBER AND TYPES OF HOUSING PERMITTED FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 778.39 ACRES, MORE OR LESS. The property is lying on the south end of Bay Farm Road (S.C.R. 299) and the south side of Trinity Road (S.C.R. 299A). 911 Address: N/A. Tax Parcels: 234-30.00-1.00 thru 430.00.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the staff analysis, a copy of the Applicant's revised Master Plan showing the breakdown in units, a copy of the Planning and Zoning Commission meeting minutes from June 27, 2019, a copy of Ordinance 2690, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, and a copy of a letter from the Applicant. Mr. Whitehouse noted that Staff has received two letters in opposition to the Application.

The Commission found that Mr. Zach Crouch was present on behalf of the Applicant. Mr. Crouch stated that in 2019 the Applicant requested a reduction in the number of single-family units and increase the number of multi-family units but keeping the total number at 1394; that change was recommended for approval by the Commission and approved by Council; and that the current request is to decrease the number of multi-family units from 378 to 295 and to increase the single-family detached condominiums from 388 to 471 which will keep the total amount at 1394 based on the previous approval.

Ms. Stevenson asked about the square footage of proposed condos?

Mr. Greg Tobias stated that the condos will be 36 ft. in width and range from 1,400 sf. to 3,500 sf.

Mr. Hopkins asked about the number of parking spaces per unit.

Mr. Crouch stated that the Applicant will come before the Commission with a site plan, should this Change of Zone Application be approved.

The Commission found that there was no one who wished to speak in support of and three people who spoke in opposition to the Application.

The Commission found that Mr. Stephen Dulin spoke in opposition to the Application.

Mr. Dulin stated that the original Windswept totaled 11 units; that when it was approved it was for a total build-out of 1404 homes which was one of the reasons to buy in this development; that money was put into an escrow fund to ensure that the build-out would take place at The Peninsula; that a clubhouse was included; that a nature center was promised; that there is a discrepancy in the Applicant's numbers; and that he opposes the Application based on the fact that the Application is incorrect.

The Commission found that Ms. Mary Lucente spoke in opposition to the Application.

Ms. Lucente asked if an impact study has been completed since the 20 ft. wide roads will not change within the development.

Chairman Wheatley explained that the number of units is not changing just the ratio of multi-family to single-family will change if this is approved.

Ms. Lucente stated that larger homes will accommodate larger vacationing families which in turn will have more cars and impact traffic and parking within The Peninsula; and that there is no overflow parking.

The Commission found that Mr. Mike Edison spoke in opposition to the Application.

Mr. Edison stated that his concerns are not about the building but what the building of these units is doing to the watershed; that there are drainage and flooding issues; and he asks how these issues are going to be addressed and if can it be done before the building starts.

Mr. Robertson stated that this is a Residential Planned Community and any changes to the Site Plan will have to get approval from the Sussex Conservation District for the alterations to the Stormwater Management System.

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

In relation to Application C/Z 1936 - OA-BP Marina Bay-Lakeside, LLC. Motion by Mr. Mears, to defer action for further consideration, seconded by Ms. Stevenson and carried unanimously. Motion carried 4-0.

Draft Minutes of the November 18, 2021 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since November 4, 2021.

Mr. Mears moved that the Commission recommend approval of Change in Zone # 1936 for OA-BP Marina Bay Lakeside, LLC for an amendment to CZ # 1883 and CZ # 1475, being ordinances 2690 and 1573 respectively, based upon the record made during the public hearing and for the following reasons:

1. This application merely seeks to amend the breakdown of home types within the existing Peninsula MR-RPC development. It does not affect the total number of units permitted within the MR-RPC.
2. Currently, Ordinance # 2690 permits the following:
 - 358 Single – Family Lots
 - 388 Single – Family Detached Condominium Units
 - 270 Single – Family Attached Townhouses
 - 378 Multi – Family Condominium Units
3. This proposed revision seeks to amend the breakdown of unit types, while keeping the maximum number of units at 1,394, as follows:
 - 358 Single – Family Lots
 - 471 Single – Family Detached Condominium Units
 - 270 Single – Family Attached Townhouses
 - 295 Multi – Family Condominium Units

4. The revision does not affect the density of the MR-RPC, and it will not create any additional traffic or impacts upon roadways.
5. As an MR-RPC, this revision will trigger amendments to the approved site plans for the development. As part of that process, various agencies will still review and approve the changed site plans. This will include the Sussex Conservation District's review of how the changes may affect the stormwater management system's design, construction, and operation within the development.
6. This recommendation is subject to all of the conditions of approval of ordinances 2690 and 1573 that are not affected by this revision to the number of housing types permitted within the MR-RPC.
7. For all of these reasons, it is my recommendation that this Application should be approved, but with the condition that a revised Master Plan shall be submitted to the Planning & Zoning Commission within 6 months of approval of this Ordinance by County Council showing the distribution of the approved housing mix across the entire MR-RPC in Table Form.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval for C/Z 1936 OA-BP Marina Bay Lakeside, LLC for the reasons 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

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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: November 4th, 2021

Application: CZ 1936 OA-BP Marina Bay-Lakeside, LLC

Applicant: OA-BP Marina Bay-Lakeside, LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

Owner: OA-BP Marina Bay-Lakeside, LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

Site Location: The property is lying on the south end of Bay Farm Road (S.C.R. 299) and the south side of Trinity Road (S.C.R. 299A).

Current Zoning: Medium Density Residential - Residential Planned Community (MR-RPC)

Proposed Zoning: Medium Density Residential – Residential Planned Community (MR-RPC)

Proposed Use: Increase the number of Single-Family Detached Condominiums permitted under Condition “1” of Ordinance No. 2690 from 388 to 471 (83 units) and decrease the number of Multi-Family Units from 378 to 295 (83 units).

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

Sewer: Sussex County Sewer District

Water: Tidewater Utilities

Site Area: 778.39 +/- acres

Tax Map ID.: 234-30.00-1.00 thru 430.00



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 29th, 2021
RE: Staff Analysis for CZ 1936 OA-BP Marina Bay – Lakeside, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1936 OA-BP Marina Bay – Lakeside, LLC to be reviewed during the November 4, 2021, 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 Parcels 234-30.00-1.00 thru 430.00 to allow for a change of zone from a Medium Density Residential, Residential Planned Community (MR-RPC) to a Medium Density Residential, Residential Planned Community (MR-RPC). The parcels are located on the south end of Bay Farm Road (S.C.R. 299) and the south side of Trinity Road (S.C.R. 299A). The parcels to be rezoned contains 778.39 acres +/-.

Specifically, the proposal is to amend Condition #1 of Ordinance No. 2690 by increasing the number of Single-Family Detached Condominiums permitted from 388 to 471 (83 units) and decrease the number of Multi-Family Units from 378 to 295 (83 units).

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 properties have a land use designation of “Coastal Area.” The properties to the north, south, east and west also have the land use designation of Coastal Area with four (4) parcels to the west and one parcel to the north having a Future Land Use designation of Commercial Area.

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed.

The properties are zoned Medium Density Residential, Residential Planned Community (MR-RPC). The adjacent parcels to the north of the subject properties are zoned General Residential (GR) Zoning District and consist of the Pot Nets Lakeside and Oak Forest Manufactured Home Parks. The properties to the southwest of the subject properties are zoned General Residential (GR) Zoning District and are comprised of the Captain’s Way Residential Planned Community



(RPC) and Oak Landing Subdivision. The properties to the northeast, which border the Indian River Bay are zoned Agricultural Residential (AR-1) Zoning District and are included as part of the Pot Nets Bayside and White House Beach Manufactured Home Parks.

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 Density Residential Zoning District is listed as an applicable zoning district in the “Coastal Area.”

Since 2011, there have been three (3) Change of Zone applications within a 2-mile radius of the application site. The first application is for Change of Zone No. 1801 for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Commercial Residential (CR-1) Zoning District. The application was approved by the Sussex County Council on July 26, 2016 and the change was adopted through Ordinance No. 2459. The second application is for Change of Zone No. 1880 for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The application was approved by the Sussex County Council on July 16, 2019 and adopted through Ordinance No. 2669. The last application is for Change of Zone No. 1791 for a change of zone from an Agricultural Residential (AR-1) Zoning District to a General Commercial (C-1) Zoning District. The application was approved by the Sussex County Council on April 12, 2016 and adopted through Ordinance No. 2444.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a Medium Density Residential, Residential Planned Community (MR-RPC) Zoning District to a Medium Density Residential, Residential Planned Community (MR-RPC) for the sole purpose of increasing the number of Single-Family Detached Condominiums permitted under Condition #1 of Ordinance No. 2690 could be considered as being consistent with the land use, area zoning and surrounding uses.



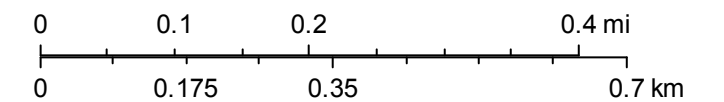
Sussex County



PIN:	234-30.00-1.08
Owner Name	OA-BP MARINA BAY-LAKESIDE LLC
Book	4320
Mailing Address	18949 COASTAL HWY
City	REHOBOTH BEACH
State	DE
Description	THE PENINSULA
Description 2	GOLF COURSE
Description 3	PARCELS 1 THRU 6
Land Code	

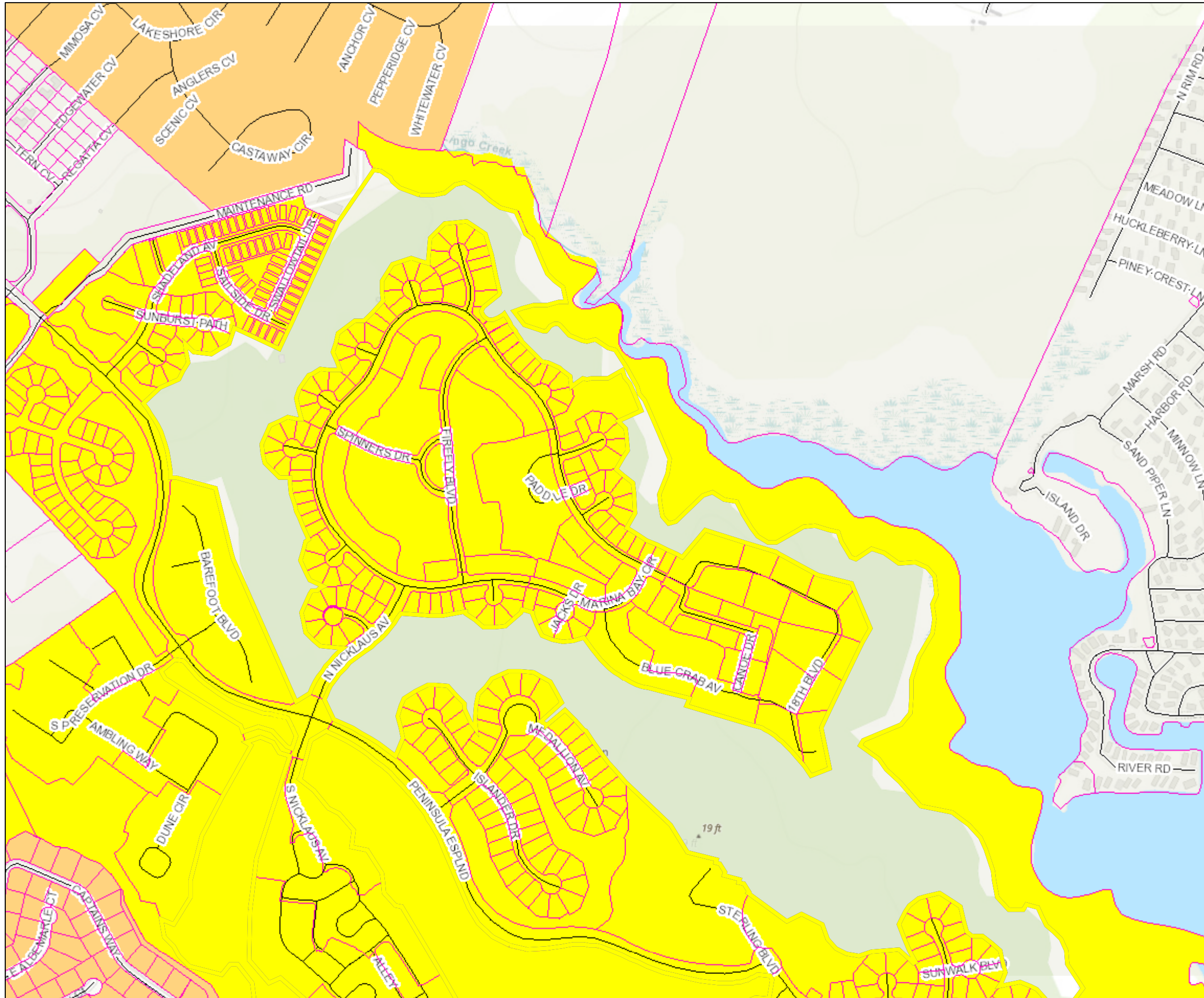
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- Tax Parcels
- Streets
- County Boundaries

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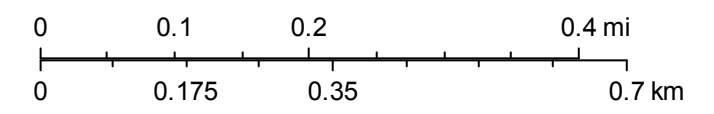
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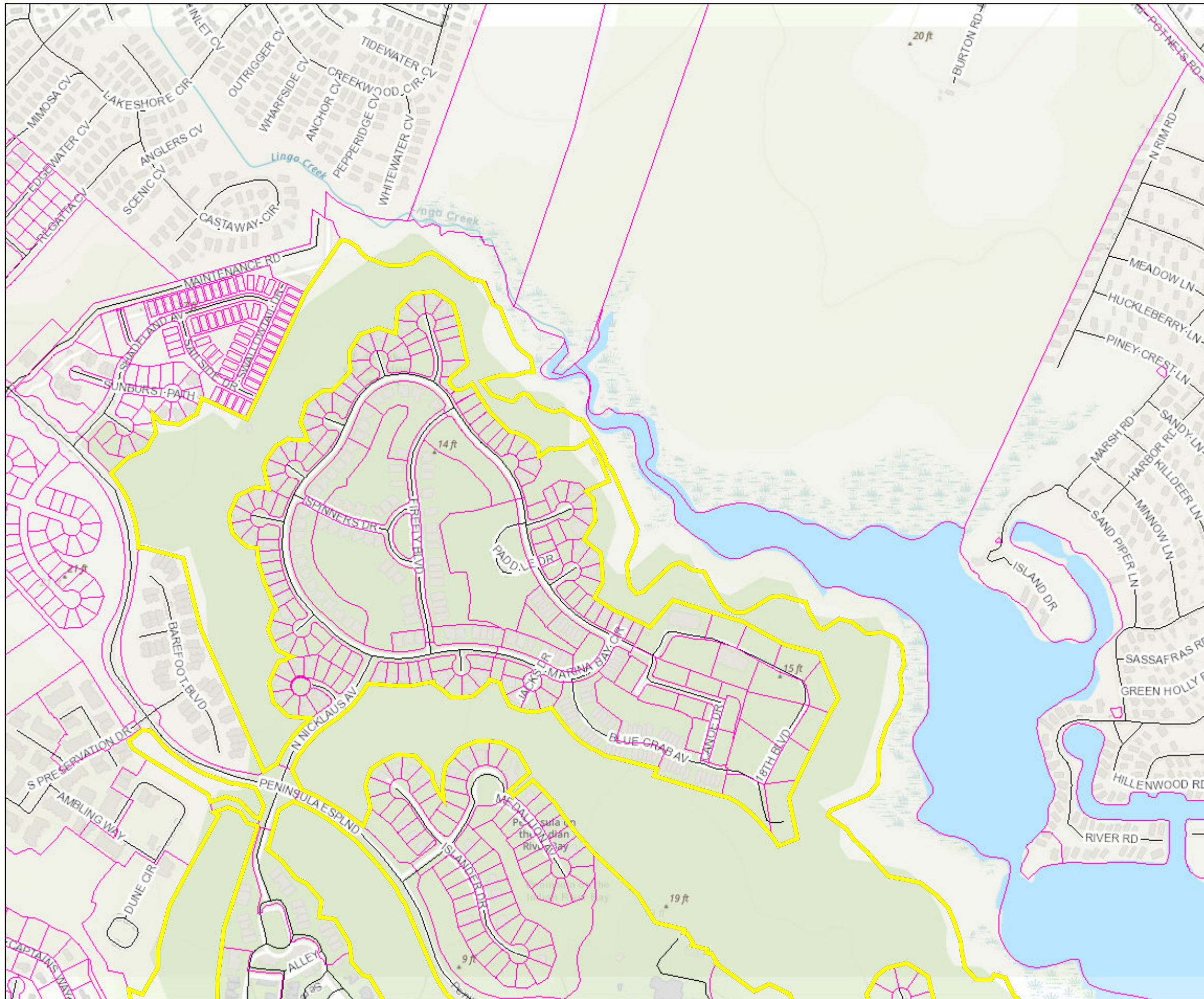
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Sussex County



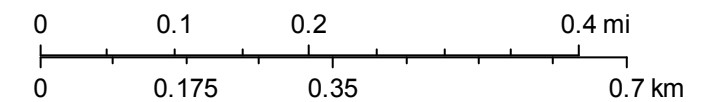
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- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- ⋯ Tax Parcels
- Streets
- ⋯ County Boundaries

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Introduced 09/14/21

Council District: Mr. Hudson
Tax I.D. Nos. 234-30.00-1.00 thru 430.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT- RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1883 (ORDINANCE NO. 2690) AND CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) RELATING TO THE MAXIMUM NUMBER AND TYPES OF HOUSING PERMITTED FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 778.39 ACRES, MORE OR LESS

WHEREAS, on the 30th day of August 2021, a zoning application, denominated Change of Zone No. 1936 was filed on behalf of OA-BP Marina Bay-Lakeside, 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 Change of Zone No. 1936 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 has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south end of Bay Farm Road (S.C.R. 299) and the south side of Trinity Road (S.C.R. 299A), and being more particularly described in the attached legal description prepared by McCrone, Inc., said parcel containing 778.39 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.

Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

November 24, 2021

BY HAND DELIVERY & EMAIL TO: jamie.whitehouse@sussexcountyde.gov

Jamie Whitehouse, Director
Sussex County Planning & Zoning Office
2 The Circle, P.O. Box 417
Georgetown, DE 19947

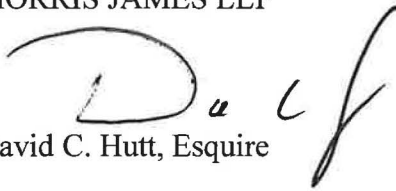
**RE: Change of Zone 1937
Double DB, LP
Wil King Station**

Dear Mr. Whitehouse:

After careful consideration of the comments from the public and Planning Commission members regarding the above-referenced change of zone application, my client has decided to withdraw the application. The public hearing before County Council is scheduled for Tuesday, November 30, 2021. My client respectfully requests that the application be removed from Council's Agenda since it is being withdrawn. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

MORRIS JAMES LLP


David C. Hutt, Esquire

cc: Double DB, LP
Jeff Clark, RLA