

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

AGENDA

April 30, 2024

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - April 16, 2024

[Draft Minutes 041624](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. **Use of Existing Wastewater Infrastructure Agreement – IUA-1140
Cattail Villas, West Rehoboth Area**
[Cattail Villas](#)
2. **Use of Existing Wastewater Infrastructure Agreement – IUA-18 02 352
Atlantic Auto Repair & Summer Salts 2, Millville Area**
[Atlantic Auto Repair & Summer Salts 2](#)
3. **Proclamation Request - National Safe Boating Week**

Todd Lawson, County Administrator

1. **Administrator's Report**



Karen Brewington, Human Resources Director

1. **First Quarter Employee Recognition Awards**
2. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 29, ARTICLE 1., § 29-3B. (1) OF THE CODE OF SUSSEX COUNTY TO ELIMINATE THE POSITIONS OF DEPARTMENT HEAD OF EMERGENCY OPERATIONS AND DEPARTMENT HEAD OF EMERGENCY MEDICAL SERVICES, AND TO CREATE THE NEW POSITION OF DEPARTMENT HEAD OF PUBLIC SAFETY”**

[Proposed Personnel Ordinance](#)

Hans Medlarz, County Engineer, Ret.

1. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,225,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE I PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**

[Proposed Ordinance Warwick Park](#)

2. **Cannon Road – Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05**

A. Change Order No. 5

[Cannon Rd CO 5 CP](#)

3. **Long Neck Communities, Project S21-10**

A. Change Order No. 2

[Long Neck Communities CO 2](#)

4. **Joy Beach Sewer Expansion, Phase I, Project S20-12**

A. Change Order No. 2

[Joy Beach Change Order 2 CP](#)

5. **Wolfe Neck Regional WWF Electrical Service & Switchgear Replacement**

A. Electrical Construction, Project S24-09 – Recommendation to Award

B. General Construction, Project S24-10 – Recommendation to Reject Bids

[Wolfe Neck Award and Rejection CP](#)

Old Business

1. [Change of Zone No. 1992 filed on behalf of Reed Properties, LLC](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS” (property lying on the west side of Gravel Hill Road [Rt. 30], approximately 300 feet south of Milton Ellendale Highway [Rt.16], and the south side of Milton Ellendale Highway [Rt. 16], approximately 300 ft. west of Gravel Hill Road [Rt. 30]) (911 Address: 14742 Gravel Hill Road, Milton) (Tax Map Parcel: 235-13.00-29.01)

[CZ1992](#)

Grant Requests

1. City of Seaford for their Kiwanis Park Memorial Renovation
[City of Seaford](#)
2. Champions for Children’s Mental Health, Inc. for this Community Resource and Training Center
[Champions for Childrens Mental Health Inc](#)
3. Town of Laurel for 4th of July fireworks display
[Town of Laurel](#)
4. Childrens Beach House, Inc. for their Youth Development program
[Childrens Beach House](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2431 CU2463](#)

Council Members' Comments

Executive Session - Land Acquisition, Personnel & Job Applicants' Qualifications pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. **[Conditional Use No. 2430 filed on behalf of Mark Baull](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.045 ACRES, MORE OR LESS” (property lying on the northeast side of the intersection of Armory Road [Rt. 20] and Murray Road [S.C.R. 355]) (911 Address: 30465 Armory Road, Frankford) (Tax Map Parcel: 433-1.00-7.00)

[CU2430](#)

2. **[Change of Zone No. 2013 filed on behalf of 4 Points Towing & Roadside, LLC](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.92 ACRES, MORE OR LESS” (property lying on the east side of Sussex Highway [Rt. 13], approximately 650 ft. south of Iron Hill Road [S.C.R. 454A]) (911 Address: 36671 Sussex Highway, Delmar) (Tax Map Parcel: 532-13.00-84.00 [p/o])

[CZ2013](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 23, 2024 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, APRIL 16, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 16, 2024, at 1:00 p.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 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 190 24
Approve
Agenda**

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

Motion Adopted: 5 Yeas

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

Minutes

The minutes from April 9, 2024, were approved by consensus.

Correspond.

Mr. Moore reported that there was no correspondence.

Comments

There were no public comments.

**Proclama-
tion/Fair
Housing
Month**

A Proclamation entitled "PROCLAIMING THE MONTH OF APRIL AS FAIR HOUSING MONTH IN SUSSEX COUNTY" was presented to members from the Sussex County Association of Realtors, Ms. Tyesia Dupont-Palmer, Community Development Program Specialist I and Mrs. Brandy Nauman, Community Development & Housing Director.

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Coastal Tide (aka

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

Arbors of Cottage Dale) effective March 28th ; Windswept at Lewes – Phase 4A (Construction Record) effective April 2; Windswept at Lewes – Pump Station and Forcemain effective April 2nd; Millville By The Sea – Seagull Village (FKA Millville By The Sea – Village 2) – Phase 2 effective April 4th; Patriots Glen – Phase 1C (Construction Record) effective April 5th and Milos Haven – Phase 2 (Construction Record) effective April 5th.

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

**Old
Business/
CU2365**

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

Mr. Moore reported that there was a litigation involving this application and on March 20, 2024, there was stipulated order of judgment. Under that order of judgment, it indicated that this land use application would come back to the County Council for reconsideration and that the Council would reconsider and render a new decision on this matter within 30 days of the date of this stipulation. In addition, the stipulation stated that the County shall base its decision solely upon the existing record including Planning & Zoning Commission existing unanimously recommendation for approval and shall not remand the matter to the Planning Commission or consider any other testimony or evidence.

The item was last considered by the County Council at its meeting on August 29, 2023.

**M 191 24
Adopt
Ordinance
No. 3000/
CU2365**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to Adopt Ordinance No. 3000 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 42.95 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. The proposed facility is a public utility use under the Sussex County Zoning Code, and it meets the purposes of a Conditional Use because it has a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**

**M 191 24
Adopt
Ordinance
No. 3000/
CU2365
(continued)**

2. **This is an adaptive use of farmland that will preserve it from more intensive development. The solar farm will be located on approximately 17.68 acres of a larger 42.95-acre tract.**
3. **The proposed facility promotes Goal 7.3 of the Sussex County Comprehensive Plan which encourages the use of renewable energy options such as solar farms. There was testimony that this solar farm will benefit residential, business, and municipal subscribers with lower power costs.**
4. **Although this Application was submitted prior to the adoption of Ordinance No. 2920 regarding solar farms, this proposed conditional use complies with the buffer and setback requirements of that Ordinance.**
5. **With the conditions imposed in this recommendation, the proposed use will not have any adverse impact on the neighborhood.**
6. **The proposed solar generation facility will not result in any noticeable increase in traffic on area roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance, or repair of the solar panels.**
7. **The Applicant has included a Decommissioning Plan in the record for when their solar farm is no longer in use.**
8. **Based on the record there is no significant noise, glare, dust, or odor that will be generated by the facility.**
9. **There will be a buffer of planted vegetation along the boundary of this site facing Route 113 to screen it from view from the highway. In addition, there will be a 100-foot-wide cleared area beyond the perimeter fence that will remain in a natural state once trees are removed from this open space to allow the solar panels to function.**
10. **The proposed use provides a renewable energy source that is a benefit to the residents and businesses of Sussex County.**
11. **There was no opposition to this Application.**
12. **This recommendation is subject to the following conditions:**
 - a. **The use shall be for a ground-mounted solar farm. No other types of electric generation shall be permitted at the site.**
 - b. **The Final Site Plan shall clearly show the limits of the Conditional Use area for this solar farm as well as the remaining acreage that is not part of this Conditional Use. The site plan shall also clearly show the forested areas within the entire property that will remain undisturbed.**
 - c. **Any lighting on the facility shall only consist of perimeter lighting needed for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
 - d. **One unlit sign, not to exceed 32 square feet in size, shall be permitted. The sign shall identify the operator of the solar farm and shall provide contact information in case of emergency.**
 - e. **The site shall be secured by gated fencing with interwoven screening with a “Knox Box” or similar device to accommodate emergency access by the local fire company or other emergency responders. The fence line shall be shown on the Final Site Plan.**

**M 191 24
Adopt
Ordinance
No. 3000/
CU2365
(continued)**

- f. The location of all transformers or similar equipment or structures shall be shown on the Final Site Plan.**
- g. The entire site, including the area outside the fence, shall be maintained so that it does not become overgrown.**
- h. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated using Best Management Practices.**
- i. There shall be a 25-foot-wide buffer of planted vegetation along the boundary of this site facing Route 113. These areas shall be clearly shown on the Final Site Plan. The Final Site Plan shall include a landscape plan showing the proposed tree and shrub landscape design in the buffer area.**
- j. In addition, there shall be a 100-foot-wide cleared area around the fenced perimeter of the site.**
- k. The Final Site Plan shall identify a Decommissioning Plan that includes a financial security to ensure that funds are available for decommissioning and removal of the solar farm in its entirety throughout the life of the Conditional Use.**
- l. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent

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

**Grant
Request**

Mrs. Jennings presented a grant request for Council's consideration.

**M 192 24
Nicmar
Youth
Connection
Enterprises,
Inc.**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give \$1,000 (\$1,000 from Mrs. Green's Councilmanic Grant Account) to Nicmar Youth Connection Enterprises, LLC for their performing arts gala.

Motion Adopted: 5 Yeas

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

**Proposed
Ordinance
Introductions**

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.72 ACRES MORE OR LESS" filed on behalf of Justice Boyz Properties, LLC.

Mrs. Green introduced a Proposed Ordinance entitled "AN ORDINANCE

Proposed Ordinance Introductions (continued)

TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE AND AGRICULTURAL EDUCATION CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 70 ACRES, MORE OR LESS” filed on behalf of Jody Vasey.

Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS” filed on behalf of Bethany Court Ventures, LLC.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL ENGINE & LAWN MOWER REPAIR BUSINESS AND SALES SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 42,961 SQUARE FEET, MORE OR LESS” filed on behalf of Bruce Sentman, Jr.

The Proposed Ordinances will be advertised for a Public Hearing.

CC Member Comments

There were no Council Member comments.

M 193 24 Go Into Executive Session

At 1:11 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to go into Executive Session for the purpose of discussing matters related to land acquisition.

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 1:15 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session concluded at 1:55 p.m.

M 194 24 Reconvene

At 2:00 p.m., a Motion was made by Mr. Hudson, seconded Mrs. Green to come out of Executive Session back into Regular Session.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 195 24
Authorize
Parcel
2024-B**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to authorize the County Administrator to negotiate, enter into a contract and close on parcel 2024-B.

Motion Adopted: 4 Yeas, 1 Absent

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

**Public
Hearing/
Leeward
Chase into
SCUSSD**

A Public Hearing was held for the Leeward Chase Annexation of the Sussex County Unified Sanitary Sewer District (Airpark Area).

John Ashman, Director of Utility Planning & Design Review reported that County Council granted permission to prepare and post notices on January 23, 2024, for an expansion. The Engineering Department received a request from Solutions IPEM on behalf of their client Leeward Chase DE, LLC the owners/developers of a project known as Leeward Chase for parcels 135-15.00-98.00 & 98.01, otherwise known as Moore's Meadow Farm. The project is proposed at 106.00 units and will be responsible for System Connection Charges at the time of connection. The Engineering Department added to the County website, posted notices on March 6, 2024, and advertised the week of April 3rd and 10th. To date, there has been no correspondence either in support or opposition to this proposed annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 196 24
Adopt
Resolution
No. R 008
24/Leeward
Chase**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Resolution No. R 008 24 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) DELAWARE COASTAL AIRPORT AREA, TO INCLUDE THE LEEWARD CHASE SUBDIVISION AREA, ON THE SOUTH SIDE OF LEWES-GEORGETOWN HIGHWAY LOCATED IN THE GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas

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

**Public
Hearing/**

A Public Hearing was held for the Bosch Berries annexation of the Sussex County Unified Sanitary Sewer District (Western Sussex Area).

**Bosch
Berries into
SCUSSD**

John Ashman, Director of Utility Planning & Design Review reported that County Council granted permission to prepare and post notices on February 20, 2024, for an expansion of the Sussex County Unified Sanitary Sewer District (Western Sussex Area). The Engineering Department received a request from Davis, Bown & Friedel, Inc. (DBF) on behalf of their client Tijmen & Wouter Van Den Bosch the owners/developers of a project known as Bosch Berries for parcel 131-6.00-1.00.

The parcel is zoned AR-1, Agricultural Residential and adjacent to the existing town boundary and the Sussex County Unified Sanitary Sewer District. The project will be required to annex into the Town of Bridgeville. The project will be responsible for System Connection Charges in place at the time of connection. The Engineering Department added to the County website, posted notices on March 19, 2024, and advertised the week of March 27th and April 3rd. To date, there has been no correspondence either in support or opposition to this proposed annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 197 24
Adopt
Resolution
No. R 009
24/Bosch
Berries**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Resolution No. R 009 24 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCEL 131-6.00-1.00 ON THE WEST SIDE OF ADAMS ROAD. THE PARCEL IS LOCATED IN THE NORTHWEST FORK HUNDRED, SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

Motion Adopted: 5 Yeas

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

Rules

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

**Public
Hearing/
CU2413**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OUTDOOR VENUE FOR SEASONAL VENDORS AND SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.84 ACRES MORE OR LESS” (property lying on the north side of Line Road [Rt. 54] and the east side of Old Stage Road

**Public
Hearing/
CU2413
(continued)**

[S.C.R. 68], at the intersection of Line Road [Rt. 54] and Old Stage Road [S.C.R. 68] (911 Address: 38397 Old Stage Road, Delmar) (Tax Map Parcel: 532-20.00-107.01) filed on behalf of Blue Hen Rental Company, LLC.

The Planning & Zoning Commission held a Public Hearing on the application on February 21, 2024. At the meeting of March 20, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 10 recommended conditions as outlined.

The Council found that Mr. Chad Lingenfelder, Esq., from the Smith Firm spoke on behalf of the Applicant, Blue Hen Rental Company, LLC; that also present was Mr. Doug Marshall, a managing member of Blue Hen Rental Company, LLC. Mr. Lingenfelder stated that the property is located just outside the Delmar town limits on Line Road and Stage Road; that the applicant requested that DelDOT use the current entrance that is located on Old State Road; that Mr. Marshall has been involved with Representative Dukes and other State legislators and DelDOT regarding some concerns he and the community has had relating to Route 54 and the intersection; that Mr. Marshall and Representative Dukes have been involved about lowering the speed limit on that road; that there is a hope to put in a round about there to relieve some of the traffic congestion; that Mr. Marshall is in support of the entrance being on Old Stage Road; that another recommendation is that there be no parking on Old Stage Road; that Mr. Marshall supports P&Z placing signs on Old Stage Road to inform the community and vendors that there will be parking; that the vision of this area is to have it as a year-round open space; that the hope is for a farmers market, outdoor venue services and seasonal vendors; that Mr. Marshall is open to allowing the year round provision to be enacted; that he believes that the Town of Delmar concerns related to parking have and will be addressed; that Mr. Marshall was involved in getting DelDOT to do a traffic study on Line Road; that the speed limit is being reduced from 50 mph to 35 mph.

Mr. Marshall stated that he lives in the area; that he developed a nearby community, Yorkshire Estates that was supposed to be 250 homes; that he did not think that was the right fit for the town so he eliminated about 80 lots; that he also did Heron Ponds that was supposed to be 301 homes and he eliminated 200 homes; that he thought it was too condense for a little town so he eliminated those homes that were previously approved; that he lives here and cares about the Town; that he has been working to get his licensing.

Mr. Hudson questioned the approval of live music. Mr. Lingenfelder stated that there was a concern that this would be like a Hudson Fields or Schellville; that in such a small condense area, that is not the applicant's position; that the intent is do events with music on a smaller scale; that it is not intended to do a for pay and buy a ticket type of events.

There were no public comments.

The Public Hearing and public record were closed.

**M 198 24
Defer
Action/
CU2413**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OUTDOOR VENUE FOR SEASONAL VENDORS AND SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.84 ACRES MORE OR LESS”.

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2445**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRUCK PARKING, STORAGE, & MAINTENANCE AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.06 ACRES, MORE OR LESS” (property lying on the west side of Old Hickory Road [S.C.R. 497], at the intersection of Old Hickory Road [S.C.R. 497] and White Pines Lane, approximately 250 ft. northwest of Sharptown Road [Rt. 24]) (911 Address: 33124, 7496 & 7506 Old Hickory Road, Laurel) (Tax Map Parcel: 432-11.00-40.03) filed on behalf of Deihm’s Trucking, Inc.

The Planning & Zoning Commission held a Public Hearing on the application on February 21, 2024. At the meeting of March 20, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 13 recommended conditions as outlined.

The Council found that Mr. Bryan Deihm spoke on behalf of his application. Mr. Deihm stated he is looking for a conditional use for his property as he runs a trash disposal company and needs to store his trucks and dumpsters here: that there is a single wide trailer on the site that is used as an office; that he has been there for a little over a year; that there were four letters from surrounding neighbors that were submitted in support; that there is really no loud noise; that there is a garage that he may occasionally do an oil change; that most of his shop work or maintenance is contracted out; that he has 7 employees; that he owns six trucks that run 3 daily and one is a roll off that runs as needed; that he has two separate trash trucks; that he has been operating for 7

**Public
Hearing/
CU2445
(continued)**

years; that the business is growing at a decent rate; that they are a small company that is trying to give back to Laurel; that when they purchased the property the realtor told them that there was a Conditional Use on the property and that they would need to reapply because once the conditions change (i.e.; sale or business change) it is required that a new conditional use application is applied for if they want to continue operating outside of the means of the current zone; that when they bought the property their real estate agent told them that the whole property was zoned commercial; that there are two driveways that can be used to access the property; that the property consists of three addresses, one which is 33124 Old Hickory Lane is a rental property, and the other two in the back are where they are operating the Diehm's Disposal Company; that it is signed on the plot plan by the neighboring property owner for a creation of an 30-foot easement; that he is willing to plant a shrubbery buffer around the whole perimeter of the property if necessary.

There were no public comments.

The Public Hearing and public record were closed.

**M 199 24
Defer
Action/
CU2445**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR TRUCK PARKING, STORAGE, & MAINTENANCE AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.06 ACRES, MORE OR LESS".

Motion Adopted: 5 Yeas

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

**M 200 24
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to adjourn at 2:39 p.m.

Motion Adopted: 5 Yeas

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

Respectfully submitted,

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

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

Consent Agenda 04-30-2024

Cattail Villas - IUA-1140

Existing Wastewater Infrastructure Use Agreement

Christopher at Cattail Villas, LLC to pay \$34,145.00 for 22.00 EDUs.

West Rehoboth Area

Atlantic Auto Repair & Summer Salts 2 - IUA-18 02 352

Existing Wastewater Infrastructure Use Agreement

Timbuktu, LLC to pay \$9,259.00 for 7.01 EDUs.

Millville Area

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

MIKE HARMER, P.E.
SUSSEX 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: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement
Cattail Villas IUA 1140
File: OM 9.01*

DATE: April 30, 2024

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Christopher at Cattail Villas, LLC** for **Cattail Villas** project in the **West Rehoboth Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Cattail Villas** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **Christopher at Cattail Villas, LLC** will contribute **\$34,145.00** for the financial catch-up contribution of the existing infrastructure to serve **22.00** Equivalent Dwelling Units. Payments of the contribution will be submitted prior to connection to the county infrastructure.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

CATTAIL VILLAS (WARRINGTON MULTIFAMILY TOWNHOMES) – IUA1140

THIS AGREEMENT (“Agreement”), made this 27 day of March 2024, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

CHRISTOPHER AT CATTAIL VILLAS, LLC a limited liability corporation and developers of a project known as **Cattail Villas (Warrington Multifamily Townhomes)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcels 334-19.00-1.00 to be known as **Cattail Villas (Warrington Multifamily Townhomes)** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **22.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$34,145.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to connection to the County Infrastructure.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.

Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **10461 White Granite Drive, Suite 250, Oakton, VA 22124.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Tracy Torbert
Clerk of the County Council

FOR CHRISTOPER AT CATTAIL VILLAS, LLC

By: Christopher Management Inc., its manager

By: *EJR* (Seal)
E. John Regan, Jr. Authorized Signatory

3/27/24 (DATE)

WITNESS: *Brittany R. Hearn*

Consent Agenda 04-30-2024

Cattail Villas - IUA-1140

Existing Wastewater Infrastructure Use Agreement

Christopher at Cattail Villas, LLC to pay \$34,145.00 for 22.00 EDUs.

West Rehoboth Area

Atlantic Auto Repair & Summer Salts 2 - IUA-18 02 352

Existing Wastewater Infrastructure Use Agreement

Timbuktu, LLC to pay \$9,259.00 for 7.01 EDUs.

Millville Area

ENGINEERING DEPARTMENT

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Sussex County

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MIKE HARMER, P.E.
SUSSEX 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: John J. Ashman 
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement*
Atlantic Auto Repair & Summer Salts 2 IUA 18 02 352
File: OM 9.01

DATE: April 30, 2024

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of “oversizing” credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Timbuktu, LLC** for **Atlantic Auto Repair & Summer Salts 2** project in the **Millville Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Atlantic Auto Repair & Summer Salts 2** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **Timbuktu, LLC** will contribute **\$9,259.00** for the financial catch-up contribution of the existing infrastructure to serve **7.01** Equivalent Dwelling Units. Payments of the contribution will required at the time of execution of this agreement.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Atlantic Auto Repair & Summer Salts 2 Restaurant – IUA 18 02 352

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2024, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

TIMBUKTU, LLC, a Delaware Limited Liability Company and developer of a project known as **Atlantic Auto Repair & Summer Salts 2 Restaurant**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcel 134-12.00-352.00 to be known as **Atlantic Auto Repair & Summer Salts 2 Restaurant** (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Millville Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **7.01** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$9,259.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted at the time of execution of the agreement.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **38853 Bayview West, Selbyville DE 19975.**

KAREN BREWINGTON
DIRECTOR OF HUMAN RESOURCES
(302) 855-7711 T
(302) 855-7715 F
kbrewington@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: Karen Brewington
Director Human Resources

DATE: April 15, 2024

SUBJECT: Sussex County Personnel Code – Chapter 29

During the April 30th meeting, I will be discussing the introduction of the attached ordinance to amend Sussex County Code, Chapter 29, Article I, § 29-3B(1), entitled “Unclassified services” by deleting the positions of Department Head of Emergency Operations and Department Head of Emergency Medical Services and replacing both with the new position of Department Head of Public Safety. Once this ordinance is introduced, a Personnel Board Meeting will be held to discuss and make a recommendation to Council at the public hearing.

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

1 **AN ORDINANCE TO AMEND CHAPTER 29, ARTICLE I., § 29-3B.(1) OF THE CODE**
2 **OF SUSSEX COUNTY TO ELIMINATE THE POSITIONS OF DEPARTMENT HEAD OF**
3 **EMERGENCY OPERATIONS AND DEPARTMENT HEAD OF EMERGENCY**
4 **MEDICAL SERVICES, AND TO CREATE THE NEW POSITION OF DEPARTMENT**
5 **HEAD OF PUBLIC SAFETY.**

6
7 WHEREAS, Sussex County Code, Chapter 29, Article I, § 29-3 of the Personnel
8 Code establishes the service positions for Sussex County employees and officials; and
9

10 WHEREAS, Sussex County desires to amend Sussex County Code, Chapter 29,
11 Article I, § 29-3B.(1), entitled "Unclassified services" to eliminate the positions of
12 Department Head of Emergency Operations and Department Head of Emergency
13 Medical Services, which shall be replaced with the new position of Department Head of
14 Public Safety.

15
16 NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:
17

18 Section 1. Sussex County Code, Chapter 29, Article I, § 29-3B.(1).,
19 "Unclassified service", is hereby amended by inserting the italicized and underlined
20 language and by deleting the bracketed language as follows:
21

22 B. Unclassified service.

23
24 (1) The unclassified service shall include the following:
25

26 (a) The County Administrator.
27

28 (b) The Director of Finance.
29

30 (c) The County Engineer.
31

32 (d) The Deputy Administrator.
33

34 (e) The Department Head of Planning and Zoning.
35

36 (f) The Department Head of Assessment.
37

38 (g) Chief Deputies of Recorder of Deeds, Marriage Bureau, Register of Wills and
39 Sheriff.
40

41 (h) The Clerk of the County Council.
42

43 (i) The Department Head of [Emergency Operations] Public Safety.
44

45 (j) The Department Head of Human Resources.
46

47 (k) The Department Head of Economic Development.

48

49 (l) The County Librarian.

50

51 [(m) The Department Head of Emergency Medical Services.]

52

53 Section 2. Effective Date. This Ordinance shall become effective immediately
54 upon adoption.

55

56

57

Synopsis

58

59 This Ordinance amends Sussex County Code, Chapter 29, Article I, § 29-3B(1),
60 entitled "Unclassified services" by deleting the positions of Department Head of
61 Emergency Operations and Department Head of Emergency Medical Services previously
62 identified in §§ 29-3B(1)(i) and (m), respectively, and replacing both with the new position
63 of Department Head of Public Safety now found in §29-3B.(1)(i).

64

65 Deleted text is shown in brackets. Additional text is italicized and underlined.

66

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

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

FROM: Hans Medlarz, County Engineer, Ret.

RE: ***Warwick Park Area of Unified Sewer District
Introduction of Borrowing Ordinance – Phase 1***

DATE: April 30, 2024

In August of 2022, County Council granted Permission to Prepare and Post Notices for an expansion of the Sussex County Unified Sanitary Sewer District (Oak Orchard Area) to include Warwick Cove, and Gull Point considered Phase 1 and Warwick Park moving forward as Phase 2. The Engineering Department distributed polling letters to all residents of the communities. The Public Hearing was held on October 29, 2022, and the vast majority of the property owners present supported the project.

On January 10, 2023, County Council adopted Resolution No. R 004 23 approving the expansion of the Sanitary Sewer District Boundary to include the Warwick Park Area.

On September 12, 2023, County Council approved George, Miles & Buhr, one of the County's five (5) selected consultants for miscellaneous engineering services, to provide design and bid phase services for Warwick Park – Phase 1 in the amount of \$108,495.00.

In June of 2023, the Engineering and Finance Departments submitted the project to DNREC for funding consideration under the Clean Water State Revolving Fund and on March 26, 2024, the State issued a binding commitment offer in the amount of \$1,225,000.00 to be repaid within 20-years with 2.0% interest.

In January of 2024, the Engineering Department submitted a Notice of Intent to DNREC for Phase 2 of the Warwick Park Area project in the amount of \$9,474,700.00. The Delaware Water Pollution Control Revolving Loan Fund 2024 Intended Use Plan included the project and therefore DNREC solicited a loan application. Phase 2 is expected to receive significant



loan forgiveness, reducing the overall borrowing and hence making the entire project more affordable.

Pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds financing projects. Acting under said authority, the County must issue general obligation bonds as collateral. Therefore, the Engineering & Finance Departments are now seeking Council's positive consideration for introduction of the associated Phase 1 Borrowing Ordinance.



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

OFFICE OF THE SECRETARY
ENTERPRISE BUSINESS PARK
97 COMMERCE WAY, SUITE 106
DOVER, DELAWARE 19904

ENVIRONMENTAL
FINANCE

PHONE: (302) 739-9941

FAX: (302) 739-2137

March 26, 2024

Ms. Gina Jennings
Finance Director
Sussex County Council
P.O. Box 589
Georgetown, DE 19947

RE: Delaware Water Pollution Control Revolving Fund Binding Commitment Offer for
Sussex County Council ("the County") – Warwick Park Phase I Project

Dear Ms. Jennings:

On behalf of the Delaware Water Pollution Control Revolving Fund ("Fund"), the Delaware Department of Natural Resources and Environmental Control ("Department") is pleased to advise you that a Loan ("Loan") has been authorized from the Fund to the County in the amount of **\$1,225,000** for a term of **twenty (20) years**. The Loan will be used to finance the installation of a central sanitary sewer system to serve the existing Gull Point (165 lots) and Warwick Cove (14 lots) subdivisions as part of phase one of an overall two-phase project, that will additionally serve the Warwick Park community (182 lots) in phase two. During phase one construction, gravity sewer is proposed from Gull Point to the existing Warwick Cove gravity sewer infrastructure and will be extended to a proposed pump station next to Warwick Cove. This new pump station will discharge via a proposed force main to an existing Sussex County manhole in River Road.

The loan interest rate shall be **2%** for a term of 20 years. The County will pay semi-annual interest only payments during the period commencing with the date of Closing ("Closing") on the Loan through and including the payment date following the date on which the Project is actually completed based on cumulative loan draws. After the Project has been completed, principal and interest payments shall be paid semi-annually in an amount sufficient to amortize the outstanding balance over twenty years.

It is understood that a General Obligation Bond from the County will secure the Loan. All legal costs, incurred by the Fund, associated with loan closing shall be borne by the County and will become a part of loan proceeds.

The Fund reserves the right to withdraw or alter the terms of this commitment if, between the date of the County’s loan application and the date of the closing, the County incurs any debt or its financial condition changes in any way deemed material by the Fund at its sole discretion. Loan closing and the disbursement of funds shall remain subject to the satisfaction of any conditions established by the Fund.

The County shall comply in all respects with all applicable Fund requirements and reporting, federal laws, regulations, and other requirements related to or arising out of, or in connection with funding by the Fund. The County shall also comply in all respects with the Federal Single Audit Act, 2 CFR 200 Subpart F, as a sub-recipient of Federal funds. The Catalog of Federal Domestic Assistance (CFDA) number for the Fund is 66.458. Where noncompliance of such requirements is determined by the Fund or the Department, the issue shall be referred to the proper federal authority and/or agency for consultation and/or enforcement action.

If you have any questions concerning the foregoing, please contact this office at (302) 739-9941. If you concur with the terms and conditions stated above, please acknowledge your acceptance by signing below and returning the original to this office no later than April 26, 2024.

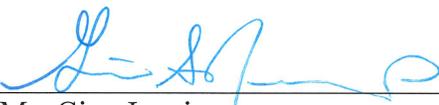
If Loan closing shall not have occurred within 120 days of receipt of this letter, the Fund reserves the right to discontinue processing the County’s application.

Sincerely,
FOR THE DELAWARE WATER POLLUTION
CONTROL REVOLVING FUND

Laura Robbins

Laura Robbins
Chief of Administration
Environmental Finance
DNREC- Office of the Secretary

The foregoing terms and conditions are hereby acknowledged and accepted this 26 day of March, 2024.

By: 

Ms. Gina Jennings
Finance Director, Sussex County

(COUNTY SEAL)

cc: Keith Kooker, DNREC EF

ORDINANCE NO. [_____]

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,225,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE I PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the “County”) has “all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute” (the “Home Rule Power”);

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Warwick Park Phase I Project, which will finance the installation of a central sanitary sewer system to serve the existing Gull Point (165 Lots) and Warwick Cove (14 lots) subdivisions as part of phase one of an overall two-phase project, that will additionally serve the Warwick Park community (182 lots) in phase two. During phase one construction, gravity sewer is proposed from Gull Point to the existing Warwick Cove gravity sewer infrastructure and will be extended to a proposed pump station next to Warwick Cove. This new pump station will discharge via a proposed force main to an existing Sussex County manhole in River Road (collectively, the “Project”);

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$1,225,000 (the “Bonds”) to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year

following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. The Bonds are backed by the County's full faith and credit.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding twenty (20) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

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

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

ADOPTED this ____ day of April, 2024.

SUSSEX COUNTY, DELAWARE

Tracy Torbert
Clerk of the Council

SYNOPSIS: This Ordinance provides for the issuance of up to \$1,225,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Warwick Park Phase I Project, which will finance the installation of a central sanitary sewer system to serve the existing Gull Point (165 Lots) and Warwick Cove (14 lots) subdivisions as part of phase one of an overall two-phase project, that will additionally serve the Warwick Park community (182 lots) in phase two. During phase one construction, gravity sewer is proposed from Gull Point to the existing Warwick Cove gravity sewer infrastructure and will be extended to a proposed pump station next to Warwick Cove. This new pump station will discharge via a proposed force main to an existing Sussex County manhole in River Road (collectively, the “Project”).

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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

mike.harmer@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

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

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

RE: ***Cannon Road –Inland Bays Road Drainage Improvements and
Constructed Wetlands, Project S22-05
A. Change Orders No. 5A & 5B***

DATE: April 30, 2024

The County's five (5) year capital plan, as approved in the FY 23 Capital Budget, contains several projects at the Inland Bays Regional Wastewater Facility. The Cannon Road –Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05 will reduce runoff discharges to Guinea Creek as well as reduce nuisance flooding in the Cannon Road area and within the spray fields. This project is creating a significant water quality credit which can be used as a stormwater management offset for future projects including the upcoming treatment plant expansion.

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

The wetland was designed in coordination with DNREC under a 5-year "operational-testing" program. Once wetland dosing commences spray irrigation on the North Burton Field will cease and the center pivot equipment removed. This project utilizes a portion of the Council approved American Rescue Plan Act (ARPA) funding.



On November 17, 2022, invitations to bid for the Cannon Road/Inland Bays Road Drainage Improvements and Constructed Wetlands, Project S22-05 were publicly advertised and on December 21, 2022, six (6) bids were received.

The bid review revealed imbalances and mathematical errors in the apparent low bid and considering these errors and irregularities the bid was withdrawn. Kinsley Construction, Inc. of Dagsboro, Delaware submitted the lowest, responsive base bid and on January 10, 2023, Council awarded the project to Kinsley Construction, Inc. in the amount of \$11,467,000.00.

During the initial stages of the project the Environmental Services staff gained a better understanding of the objectives and made three improvement (3) requests associated with the South Field irrigation area. The first one involved an expanded hydroseeded buffer area on the downstream southern end of the field; the second one an additional drainage structure and piping next to Wetland 1 for an adjacent area ponding along the wetland maintenance access area; the third one was associated with the stabilization of the irrigation rig ruts. On June 6, 2023 County Council approved Change Order No.1 in the aggregate amount of \$34,953.00.

In October the Engineering Department requested pricing for the following objectives:

- The South Hettie irrigation field had initially been left out of the grading and replanting scope for cost considerations. However, it was beneficial to complete all the grading, eliminate the remaining ponding which poses permit challenges plant the area in meadow mix.
- During the construction of the submerged gravel wetland stone chimneys were deleted but subsequently more aquatic plants in the wetland itself as well as the outfall swale were added.
- The DNREC required four (4) two-inch monitoring wells around the submerged gravel wetland were added.
- A supplemental feed line essential for the initial hydration stages and during subsequent mid-summer months for aquatic plants survival was added.
- The bid included a \$200,000 allowance for two (2) suction lift pump systems. In cooperation with Kinsley's subcontractor the Department was able to value engineer the approach by switching to a system of wells with submersible pumps more than offsetting the cost by a reduction of the allowance.

October 10, 2023, County Council approved Change Order No. 2 in the aggregate amount of \$847,134.56 and the associated 55 calendar days extension.

The project is still on schedule despite several weather-related impacts. Even in the partially completed stage did the project prevent overtopping of Cannon Road during the most intense storm event.

The Department had previously advised Council of one last grading modification to eliminate an off-field ponding between the lagoon perimeter road and the North Spray Field. In addition to this known item listed under item 1 below several other issues arose.

1. Lagoon perimeter road and swale modifications (T&M) -- estimated at \$44,000.00.
2. Stormwater wetland 1 pilot channel repairs- completed for \$10,526.71.
3. North Spray Field electrical conduit test pitting- completed for \$7,776.50.
4. East Hettie Spray Field electric conduit and effluent lines test pitting (T&M) – estimated at \$7,800.00.
5. Assistance for consultants RK&K to expose restrictive layer for infiltration testing- completed for \$18,660.00.
6. Goose damage repair to wetland replanting- three-way cost split between contractor, subcontractor, and County – lump sum \$65,000.00.
7. Hydro-mulch hardening of wetland bypass swale and northern portion of Cannon Road swale – completed based on unit pricing \$104,885.20.
8. Bypass swale repairs after damage by County’s inappropriate irrigation techniques, since then corrected (T&M) – estimated at \$52,000.00.
9. Lower electric conduits and effluent main in North Spray Field in conflict with grading to be completed in January (T&M) – estimated at 58,000.00.

On December 5, 2023, Council approved Change Order No. 3 in the aggregate not to exceed amount of \$375,000.00.

The project site experienced a five-inch rain event between December 17th - 18th. The resulting run-off overtopped Cannon Road and washed-out part of the eastern shoulder as and undermined the road bed. Temporary repairs were completed allowing the road to reopen for vehicular travel. The permanent repair to the road surface scheduled to occur in the spring and will be covered in a future change order. To further improve drainage runoff from stormwater management pond 1, riprap armor was added to the low flow outfall.

To meet a DNREC requirement preliminary PFAS testing on the submerged gravel wetland sand and biomass was initiated. Erosion has continued to plague the constructed wetland bypass swale and the contractor was directed and has completed the installation of stone level spreaders plus riprap swales and slopes to prevent erosion by capturing the runoff and slowing its discharge rate into the bypass swale.

Change Order No. 4a (items 1-4 below) covering the following issues:

1. Bypass Swale stone channels and level spreaders completed PCO 19 for \$72,834.48.
2. Additional riprap at the Wet Pond 1 outfall weir under PCO 20 for \$12,434.15.
3. Initial Cannon Road repairs under PCO 21 for \$30,410.62 caused by the December 18th storm.
4. PFAS testing on the submerged gravel wetlands PCO 22 for \$1,012.12

It was determined that additional erosion control measures were need including but not limited to riprap bleeder swales and armoring of slopes along the constructed wetland bypass channel to halt erosion. Kinsley Construction, Inc. proffered PCO 23 however the Department recommends a not to exceed approach for up to \$95,800.00 based upon confirmed breakdown of labor and material.

On March 5, 2024, Council approved issuance of Change Order No. 4A in the amount of \$116,691.37 and Change Order No. 4B in the not to exceed amount of \$95,800.00 to be reconciled based on confirmed quantities.

A series of previously stabilized areas within the constructed wetland by-pass swale, the Cannon Road swale north of the facility entrance and the swale along Inland Bays Road were repeatedly compromised in subsequent storms. The Department in conjunction with Kinsley developed PCO 24 summarizing the additional erosion control effort to this point at a cost of \$138,576.08.

In addition, Environmental Services requested the assistance of Kinsley's subcontractor, ARRC, to "No-Till Drill" a new sand-tolerant seed mixture into fields that have established vegetation limiting erosion and reducing soil moisture loss. PCO 25 establishes a \$0.12/SY unit price for no-till meadow seed drilling of up to 95,000 SY at a not to exceed cost of \$11,400.00.

In summary, the Engineering Department requests Council's concurrence in issuance of Change Order No. 5A based on unit pricing in the not to exceed amount of \$11,400.00 and Change Order No. 5B in the amount of \$138,576.08 to Kinsley Construction, Inc.

The Department believes that Change Order No. 5 constitutes all known remedial storm damage expenses. However, the following open scope changes are actively being tracked and priced:

1. During the work associated with the North Pivot electrical feed covered under change order no. 3 broken & mis-matched electrical conduit sections as well as damaged existing hand holes were encountered. The additional repairs will be handled on a time & material basis.
2. A portion of the constructed wetland by-pass swale is subject to storm runoff sheet flows concentrating in several locations along a 700 feet long section. In order to prevent future wash outs in these limited swale segments the Department developed the attached revised living wall cross section which is being priced by Kinsly.
3. The South Field irrigation had been graded by JJID, Inc. under the General Labor & Equipment contract. The recent storm events combined with higher-than-normal spray irrigation activities revealed some remaining grading deficiencies in the most southern 20-acres. It will be beneficial to complete all the grading, eliminate the remaining ponding which poses permit challenges. The associated regrading will be using on-site material and is being priced by Kinsley.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Cannon Rd/Inland Bays Rd Drainage Improvements**
2. Sussex County Project No. S22-05
3. Change Order No. 5A
4. Date Change Order Initiated - 4/23/24
5.
 - a. Original Contract Sum \$11,467,000.00
 - b. Net Change by Previous Change Orders \$1,469,578.93
 - c. Contract Sum Prior to Change Order \$12,936,578.93
 - d. Requested Change \$ 11,400.00
 - e. Net Change (No. of days) 5
 - f. New Contract Amount \$12,947,978.93
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7728

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:

Use the No-Till Drill method of planting a sand-resistant seed mix on areas that have previously been permanently seeded. This method reduces soil moisture loss and the chances for erosion.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Kinsley Construction, Inc., Contractor

 04/26/2024

Signature Date



Representative's Name in Block Letters

- 2. Sussex County Engineer

Signature Date

- 3. Sussex County Council President

Signature Date



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 25

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 04/18/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Drill Seed Only For Sussex
Priority: High
Req Return Date: 05/03/2024

We propose to modify our contract for the above referenced project as follows :

70000-034 Unit Price

	Item	Amount
1	No-Till Drilling Only 95,000 SY @ \$0.12/SY	\$11,400.00

95,000SY is an estimated quantity, this change order will be billed on a unit rate basis reflecting the actual installed quantities. Should Kinsley need to exceed this quantity significantly, we will request approval in writing from Sussex County.

****Exclusions****

- Invasive species control/removal
- Warranty work
- Soil amendments
- Seed
- Site preparation
- Grading

TOTAL CHANGE ORDER FOR THIS REQUEST	\$11,400.00
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We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 5 calendar days.



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 25

APPROVALS

Contractor

Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner

Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____

Signed: _____

Printed: **Mitch Seitz** _____

Printed: _____

Date: 4/24/2024 _____

Date: _____



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 24

To: Sussex County Delaware
Attn: Helen Naylor
Phone: 302-381-8181
Email: helen.naylor@sussexcountyde.gov
From: Mitch Seitz
Phone: 3022332165
Email: mseitz@kinsleyconstruction.com

Date: 02/27/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Repeated Storm Damage Repairs
Priority: High
Req Return Date: 05/02/2024

We propose to modify our contract for the above referenced project as follows :

70000-028 T&M

Item	Amount
1 Repeated Storm Damage Repairs	\$138,576.08
-T&M Work performed as directed from 02.01.24 to 02.21.24	
-Reference attached T&M spreadsheet and backup	
TOTAL CHANGE ORDER FOR THIS REQUEST	\$138,576.08

We reserve the right to revise or withdraw this quotation if not accepted within 7 days. Estimated additional time required to complete job due to this change is 0 calendar days.

APPROVALS

Contractor
Kinsley Construction Site Division
30512 Thorogoods Road
Dagsboro, DE 19939

Owner
Sussex County Delaware
2 The Circle
Georgetown, DE 19947

Signed: _____

Signed: _____

Printed: Mitch Seitz

Printed: _____

Date: 4/25/2024

Date: _____

Cannon (234701)

Repeated Storm Damage Repairs

70000-028

<u>Labor & Equipment @ T&M Rates:</u>	2/1	2/2	2/5	2/8	2/9	2/12	2/15	2/16	2/19	2/20	2/21	TOTAL HOURS	HOURLY RATE	TOTAL COST
Foreman	7.0	7.0		10.0	15.0					9.0	4.0	52.00	\$ 90.00	\$ 4,680.00
Laborer			4.0	18.5	11.0					2.0	2.0	37.50	\$ 52.00	\$ 1,950.00
F250/350 Truck w/Tools				10.0	8.0							18.00	\$ 18.00	\$ 324.00
CAT 315 Excavator GPS w/ Operator	6.0	8.0	9.0		7.5	9.0	9.0	2.0	9.0	9.0	5.0	73.50	\$ 175.00	\$ 12,862.50
INGERSOLL RAND SD70D SMOOTH 66											1.0	1.00	\$ 163.00	\$ 163.00
VOLVO A40G/A45G Artic Truck w/ Operator	14.0	9.0	12.0	4.0	11.0	14.0	8.0	2.0	9.0	8.0	4.0	95.00	\$ 290.00	\$ 27,550.00
CAT 953D Track Loader w/ Operator	7.0	8.0	8.0	4.0			1.0		5.0	6.0		39.00	\$ 213.00	\$ 8,307.00
CASE TR270 Compact Track Loader w/ Operator									4.0	2.0	2.0	8.00	\$ 132.00	\$ 1,056.00
CAT 336FL Excavator w/ Operator	8.0			5.0	9.0	7.0	4.0	2.0				35.00	\$ 215.00	\$ 7,525.00
CAT D6 Dozer w/ Operator	4.0	4.0		4.0	9.0	9.0		1.0			1.0	32.00	\$ 232.00	\$ 7,424.00
CAT 930M Wheel Roller w/ Operator				9.0	7.5							16.50	\$ 163.00	\$ 2,689.50
John Deere 850L WLT Dozer w/ Operator						8.0						8.00	\$ 232.00	\$ 1,856.00
2023 Peterbilt Tri-axle Dump w/ Operator										4.0		4.00	\$ 125.00	\$ 500.00
Case CX160D Track Excavator w/ Operator				9.0								9.00	\$ 175.00	\$ 1,575.00
														\$ 78,462.00

Materials @ Cost Plus 15% OH&P

Ferguson INV#670111 -S200 WOV 600SY														\$ 882.00
Martin Marietta INV#41622512 - Rip Rap 224.06TN														\$ 10,123.05
Martin Marietta INV#41633487 - Rip Rap 140.82TN														\$ 6,362.28
Martin Marietta INV#41653549 - Rip Rap 40.26TN														\$ 1,825.80
Martin Marietta INV#41653550 - #3's 39.78TN														\$ 1,404.23
Martin Marietta INV#41684879 - #3's 64.25TN														\$ 2,268.00
Ferguson INV#672133 - Filter Socks														\$ 470.00
Dagsboro Stone Depot INV#B-110M-0010566 - Rip Rap 87.17TN														\$ 4,299.48
Martin Marietta INV#41703673 - #3's 41.70TN														\$ 1,472.02
Dagsboro Stone Depot INV#B-110M-0010663 - Rip Rap 87.24TN														\$ 4,286.10
Dagsboro Stone Depot INV#B-110M-0010616 - #57's 154.8TN / #3's 59.2TN														\$ 5,603.75
Dagsboro Stone Depot INV#B-110M-0010614 - Rip Rap 153.55TN														\$ 7,583.40
Ferguson INV#672824 - S200 WOV 600SY														\$ 588.00
Vulcan Materials INV#42536050 - Rip Rap 87.72TN														\$ 4,895.00
Ferguson INV#676346 - Bio Net Straw 100 SY														\$ 210.00
														\$ 52,273.11
15% OH&P														\$ 7,840.97
														\$ 60,114.08

TOTAL: \$ 138,576.08

Daily Time and Materials (T&M) Report

Date: 2/1/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

2196-10-01 - EW Site Rough Grading

Quantity: 0

Labor

Hours

17104 - ASA IRWIN	9
31153 - WILLIAM P PLUMMER	7
31158 - ARNOLD PARRECO	10
3407 - ROBERT M BALDERSON	4
47245 - LUKE D WORKMAN	7
5724 - BRAYAN E CANSECO	9

Total Labor Hours: 46

Equipment

Hours

159045 - VOLVO A40G ARTIC TRUCK	7
159102 - VOLVO A45G ARTIC TRUCK	7
351063 - CAT 953D TRACK LOADER	7
402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE	6
403065 - CAT 336FL EX/HYD/SCREEN	8
502042 - CAT D6N LGP DOZER/GPS	4

Total Equipment Hours: 39

Daily Time and Materials (T&M) Report

Date: 2/2/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

31153 - WILLIAM P PLUMMER

8

31158 - ARNOLD PARRECO

8

3407 - ROBERT M BALDERSON

4

37512 - TYLER C SEAVER

8

47245 - LUKE D WORKMAN

8

Total Labor Hours: 36

Equipment

Hours

159045 - VOLVO A40G ARTIC TRUCK

8

159102 - VOLVO A45G ARTIC TRUCK

1

351063 - CAT 953D TRACK LOADER

8

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

8

502042 - CAT D6N LGP DOZER/GPS

4

Total Equipment Hours: 29

Daily Time and Materials (T&M) Report

Date: 2/5/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

31153 - WILLIAM P PLUMMER

6

37512 - TYLER C SEAVER

9

47245 - LUKE D WORKMAN

9

5724 - BRAYAN E CANSECO

9

Total Labor Hours: 33

Equipment

Hours

159045 - VOLVO A40G ARTIC TRUCK

8

159102 - VOLVO A45G ARTIC TRUCK

4

351063 - CAT 953D TRACK LOADER

8

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

9

Total Equipment Hours: 29

Daily Time and Materials (T&M) Report

Date: 2/8/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

31153 - WILLIAM P PLUMMER

4

3407 - ROBERT M BALDERSON

4

37512 - TYLER C SEAVER

5

47245 - LUKE D WORKMAN

4

Total Labor Hours: 17

Equipment

Hours

159102 - VOLVO A45G ARTIC TRUCK

4

351063 - CAT 953D TRACK LOADER

4

403065 - CAT 336FL EX/HYD/SCREEN

5

502042 - CAT D6N LGP DOZER/GPS

4

Total Equipment Hours: 17

Daily Time and Materials (T&M) Report

Date: 2/8/2024

Foreman: TADD C FIBELKORN (11194)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 1

Labor

Hours

11194 - TADD C FIBELKORN

10

2570 - ROBERTO AVILEZ GALEANA

9

31166 - KERRY PEREZ-PEREZ

9

47068 - JARED O WOLFENBERGER

9.5

4804 - CLINTON BURROUGHS JR

9

Total Labor Hours: 46.5

Equipment

Hours

151396 - 2023 FORD F250 4X4 RC

10

301036 - CAT 930M WHEEL LOADER

9

402092 - CASE CX160D TRACK EXCAVATOR/HY

9

Total Equipment Hours: 28

Daily Time and Materials (T&M) Report

Date: 2/9/2024

Foreman: TADD C FIBELKORN (11194)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 1

Labor

Hours

11194 - TADD C FIBELKORN

8

2570 - ROBERTO AVILEZ GALEANA

7.5

31166 - KERRY PEREZ-PEREZ

7.5

47068 - JARED O WOLFENBERGER

7.5

4804 - CLINTON BURROUGHS JR

7.5

Total Labor Hours: 38

Equipment

Hours

151396 - 2023 FORD F250 4X4 RC

8

301036 - CAT 930M WHEEL LOADER

7.5

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

7.5

Total Equipment Hours: 23

Daily Time and Materials (T&M) Report

Date: 2/9/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

31158 - ARNOLD PARRECO

7

3407 - ROBERT M BALDERSON

7

37512 - TYLER C SEAVER

5

47245 - LUKE D WORKMAN

7

5724 - BRAYAN E CANSECO

7

Total Labor Hours: 33

Equipment

Hours

159045 - VOLVO A40G ARTIC TRUCK

2

159102 - VOLVO A45G ARTIC TRUCK

9

403065 - CAT 336FL EX/HYD/SCREEN

9

502042 - CAT D6N LGP DOZER/GPS

9

Total Equipment Hours: 29

Daily Time and Materials (T&M) Report

Date: 2/12/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

31153 - WILLIAM P PLUMMER

7

31158 - ARNOLD PARRECO

9

3407 - ROBERT M BALDERSON

9

37512 - TYLER C SEAVER

7

47245 - LUKE D WORKMAN

7

5724 - BRAYAN E CANSECO

7

Total Labor Hours: 46

Equipment

Hours

159045 - VOLVO A40G ARTIC TRUCK

7

159102 - VOLVO A45G ARTIC TRUCK

7

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

9

403065 - CAT 336FL EX/HYD/SCREEN

7

502042 - CAT D6N LGP DOZER/GPS

9

502097 - JOHN DEERE 850L WLT DOZER GPS

8

Total Equipment Hours: 47

Daily Time and Materials (T&M) Report

Date: 2/15/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

31153 - WILLIAM P PLUMMER

4

47245 - LUKE D WORKMAN

9

5724 - BRAYAN E CANSECO

9

Total Labor Hours: 22

Equipment

Hours

159102 - VOLVO A45G ARTIC TRUCK

8

351063 - CAT 953D TRACK LOADER

1

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

9

403065 - CAT 336FL EX/HYD/SCREEN

4

Total Equipment Hours: 22

Daily Time and Materials (T&M) Report

Date: 2/16/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

31153 - WILLIAM P PLUMMER

2

47245 - LUKE D WORKMAN

2

5724 - BRAYAN E CANSECO

2

Total Labor Hours: 6

Equipment

Hours

159045 - VOLVO A40G ARTIC TRUCK

2

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

2

403065 - CAT 336FL EX/HYD/SCREEN

2

502042 - CAT D6N LGP DOZER/GPS

1

Total Equipment Hours: 7

Daily Time and Materials (T&M) Report

Date: 2/19/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

31158 - ARNOLD PARRECO

9

37512 - TYLER C SEAVER

9

47245 - LUKE D WORKMAN

9

Total Labor Hours: 27

Equipment

Hours

159102 - VOLVO A45G ARTIC TRUCK

9

308054 - CASE TR270 HF COMPACT TRACK LO

4

351063 - CAT 953D TRACK LOADER

5

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

9

Total Equipment Hours: 27

Daily Time and Materials (T&M) Report

Date: 2/20/2024

Foreman: SARAH HARRIS (15396)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

13262 - DAVID J GEARS

4

Total Labor Hours: 4

Equipment

Hours

155135 - 2023 PETERBILT 567 TRI AXLE DU

4

Total Equipment Hours: 4

Daily Time and Materials (T&M) Report

Date: 2/20/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

31153 - WILLIAM P PLUMMER

0

31158 - ARNOLD PARRECO

9

37512 - TYLER C SEAVER

9

47245 - LUKE D WORKMAN

9

5724 - BRAYAN E CANSECO

9

Total Labor Hours: 36

Equipment

Hours

159102 - VOLVO A45G ARTIC TRUCK

8

308054 - CASE TR270 HF COMPACT TRACK LO

2

351063 - CAT 953D TRACK LOADER

6

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

9

Total Equipment Hours: 25

Daily Time and Materials (T&M) Report

Date: 2/21/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-028 - Additional E&S per Jan 31 Meeting - Billable

Quantity: 0

Labor

Hours

31158 - ARNOLD PARRECO

4

37512 - TYLER C SEAVER

5

47245 - LUKE D WORKMAN

5

5724 - BRAYAN E CANSECO

5

Total Labor Hours: 19

Equipment

Hours

159102 - VOLVO A45G ARTIC TRUCK

4

308054 - CASE TR270 HF COMPACT TRACK LO

2

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

5

502042 - CAT D6N LGP DOZER/GPS

1

604072 - INGERSOLL RAND SD70D SMOOTH 66

1

Total Equipment Hours: 13



INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0670111	\$882.00	27830	1 of 1

PLEASE REFER TO INVOICE NUMBER WHEN MAKING PAYMENT AND REMIT TO:

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

MASTER ACCOUNT NUMBER: 174640

SHIP TO:

COUNTER PICK UP
 25131 DUPONT BOULEVARD
 GEORGETOWN, DE 19947-0000

Please contact with Questions: 610-384-2600

KINSLEY CONSTRUCTION INC
 PO BOX 2886
 (CRH)
 YORK, PA 17405

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
1780	1780	DEONLY	CANNON RD	CRH	S200	02/01/24	IO 70232

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
3	3	ACFS20012432	12-1/2X432 FT S200 WOV 600 SY	294.000	RL	882.00
INVOICE SUB-TOTAL						882.00
***** LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION. PRODUCTS WITH *NP IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION.						

02/02/2024

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 Log in to **Ferguson.com** and request access to Online Bill Pay.

TERMS: NET 10TH PROX	ORIGINAL INVOICE	TOTAL DUE	\$882.00
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All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.



SPECIAL

**FOR BILLING QUESTIONS PLEASE CALL
410-683-1250**

JOB NAME: (D) CANNON AND INLAND BAYS RD

P.O. Box 30013
Raleigh, NC 27622-0013
Visit eRocks™ at www.martinmarietta.com

SOLD TO:

**KINSLEY CONSTRUCTION INC
PO BOX 2886
YORK PA 17405**

SHIP TO:

**KINSLEY CONSTRUCTION INC
29445 Inland Bay Rd
Millsboro DE 19966**

PAYMENT TERMS: NET 30 DAYS- A/R

Order No.	Customer PO No.	Dest. No.	Job No.	Dist	Business Unit	Business Unit Name	Cust. No.	Invoice Date	Invoice No.	
20974181 SO	234701-006	82380	60292018	12	31111	North East Quarry	470287	2/05/24	41622512	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
02/02/24	7382	R4 RIP RAP								
		12120629	20.59	TN	27.50	566.23	17.00	350.03		916.26
		FUEL SURCHARGE TRUCK					14.00	14.00		14.00
		12120630	19.82	TN	27.50	545.05	17.00	336.94		881.99
		FUEL SURCHARGE TRUCK					13.48	13.48		13.48
		12120631	20.61	TN	27.50	566.78	17.00	350.37		917.15
		FUEL SURCHARGE TRUCK					14.01	14.01		14.01
		12120632	20.12	TN	27.50	553.30	17.00	342.04		895.34
		FUEL SURCHARGE TRUCK					13.68	13.68		13.68
		12120633	20.62	TN	27.50	567.05	17.00	350.54		917.59
		FUEL SURCHARGE TRUCK					14.02	14.02		14.02
		12120636	20.41	TN	27.50	561.28	17.00	346.97		908.25
		FUEL SURCHARGE TRUCK					13.88	13.88		13.88
		12120651	19.62	TN	27.50	539.55	17.00	333.54		873.09
		FUEL SURCHARGE TRUCK					13.34	13.34		13.34
		12120653	21.77	TN	27.50	598.68	17.00	370.09		968.77
		FUEL SURCHARGE TRUCK					14.80	14.80		14.80
		12120696	20.69	TN	27.50	568.98	17.00	351.73		920.71
		FUEL SURCHARGE TRUCK					14.07	14.07		14.07
		12120697	20.55	TN	27.50	565.13	17.00	349.35		914.48
		FUEL SURCHARGE TRUCK					13.97	13.97		13.97
		12120698	19.26	TN	27.50	529.65	17.00	327.42		857.07
		FUEL SURCHARGE TRUCK					13.10	13.10		13.10
		SUBTOTAL	224.06			6,161.68		3,961.37		10,123.05
		TOTAL	224.06			6,161.68		3,961.37		10,123.05
INVOICE TOTAL								\$10,123.05		

DETACH and Include this Return Portion with Payment



REMIT TO:

**MARTIN MARIETTA MATERIALS
PO BOX 935043
ATLANTA GA 31193-5043**

CUSTOMER NUMBER: 470287 KINSLEY CONSTRUCTION
INVOICE NUMBER: 41622512

PAYMENT DUE \$10,123.05

02/07/2024

Call or go online to report possible wrongdoing or to obtain clarification on ethical matter 1-800-209-4508 www.martinmarietta.alertline.com.
For all other questions call the billing number above.

PLEASE NOTIFY US OF ANY ALTERATIONS YOU MAKE TOWARDS THE INVOICE AMOUNT



SPECIAL

**FOR BILLING QUESTIONS PLEASE CALL
410-683-1250**

JOB NAME: (D) CANNON AND INLAND BAYS RD

P.O. Box 30013
Raleigh, NC 27622-0013
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SOLD TO:

**KINSLEY CONSTRUCTION INC
PO BOX 2886
YORK PA 17405**

SHIP TO:

**KINSLEY CONSTRUCTION INC
29445 Inland Bay Rd
Millsboro DE 19966**

PAYMENT TERMS: NET 30 DAYS- A/R

Order No.	Customer PO No.	Dest. No.	Job No.	Dist	Business Unit	Business Unit Name	Cust. No.	Invoice Date	Invoice No.	
20980411 SO	234701-006	82481	60292018	12	31111	North East Quarry	470287	2/06/24	41633487	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
02/05/24	7382	R4 RIP RAP								
		12120748	20.61	TN	27.50	566.78	17.00	350.37		917.15
		FUEL SURCHARGE TRUCK					14.01	14.01		14.01
		12120749	19.14	TN	27.50	526.35	17.00	325.38		851.73
		FUEL SURCHARGE TRUCK					13.02	13.02		13.02
		12120750	20.64	TN	27.50	567.60	17.00	350.88		918.48
		FUEL SURCHARGE TRUCK					14.04	14.04		14.04
		12120751	19.91	TN	27.50	547.53	17.00	338.47		886.00
		FUEL SURCHARGE TRUCK					13.54	13.54		13.54
		12120753	20.48	TN	27.50	563.20	17.00	348.16		911.36
		FUEL SURCHARGE TRUCK					13.93	13.93		13.93
		12120754	19.37	TN	@ 27.50	532.68	17.00	329.29		861.97
		FUEL SURCHARGE TRUCK					13.17	13.17		13.17
		12120773	20.67	TN	27.50	568.43	17.00	351.39		919.82
		FUEL SURCHARGE TRUCK					14.06	14.06		14.06
		SUBTOTAL	140.82			3,872.57		2,489.71		6,362.28
								ft		
		TOTAL	140.82			3,872.57		2,489.71		6,362.28
								INVOICE TOTAL	\$6,362.28	

DETACH and Include this Return Portion with Payment



REMIT TO:

**MARTIN MARIETTA MATERIALS
PO BOX 935043
ATLANTA GA 31193-5043**

CUSTOMER NUMBER: 470287 KINSLEY CONSTRUCTION
INVOICE NUMBER: 41633487

PAYMENT DUE \$6,362.28

02/08/2024

Call or go online to report possible wrongdoing or to obtain clarification on ethical matter 1-800-209-4508 www.martinmarietta.alertline.com.
For all other questions call the billing number above.

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SPECIAL

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JOB NAME: (D) CANNON AND INLAND BAYS RD

P.O. Box 30013
Raleigh, NC 27622-0013
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SOLD TO:

**KINSLEY CONSTRUCTION INC
PO BOX 2886
YORK PA 17405**

SHIP TO:

**KINSLEY CONSTRUCTION INC
29445 Inland Bay Rd
Millsboro DE 19966**

PAYMENT TERMS: NET 30 DAYS- A/R

Order No.	Customer PO No.	Dest. No.	Job No.	Dist	Business Unit	Business Unit Name	Cust. No.	Invoice Date	Invoice No.	
20991289 SO	234701-006	82698	60292018	12	31111	North East Quarry	470287	2/08/24	41653549	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
02/07/24	7382	R4 RIP RAP	20.47	TN	27.50	562.93	17.00	347.99		910.92
		12121033 FUEL SURCHARGE TRUCK	19.79	TN @	27.50	544.23	17.40	17.40		17.40
		12121035 FUEL SURCHARGE TRUCK					17.00	336.43		880.66
		SUBTOTAL	40.26			1,107.16	16.82	16.82		16.82
								718.64		1,825.80
								FRT		
		TOTAL	40.26			1,107.16		718.64		1,825.80
								INVOICE TOTAL	\$1,825.80	

DETACH and Include this Return Portion with Payment



REMIT TO:

MARTIN MARIETTA MATERIALS
PO BOX 935043
ATLANTA GA 31193-5043

CUSTOMER NUMBER: 470287 KINSLEY CONSTRUCTION
INVOICE NUMBER: 41653549

PAYMENT DUE \$1,825.80

02/12/2024

Call or go online to report possible wrongdoing or to obtain clarification on ethical matter 1-800-209-4508 www.martinmarietta.alertline.com.
For all other questions call the billing number above.

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SPECIAL

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JOB NAME: (D) CANNON AND INLAND BAYS RD

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SOLD TO:

**KINSLEY CONSTRUCTION INC
PO BOX 2886
YORK PA 17405**

SHIP TO:

**KINSLEY CONSTRUCTION INC
29445 Inland Bay Rd
Millsboro DE 19966**

PAYMENT TERMS: NET 30 DAYS- A/R

Order No.	Customer PO No.	Dest. No.	Job No.	Dist	Business Unit	Business Unit Name	Cust. No.	Invoice Date	Invoice No.	
20991291 SO	234701-006	82722	60292018	12	31111	North East Quarry	470287	2/08/24	41653550	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
02/07/24	7401	WASHED ASTM #3	20.24	TN	18.50	374.44	16.00	323.84		698.28
		12121096					16.19	16.19		16.19
		FUEL SURCHARGE TRUCK	19.54	TN	@ 18.50	361.49	16.00	312.64		674.13
		12121111					15.63	15.63		15.63
		FUEL SURCHARGE TRUCK								
		SUBTOTAL	39.78			735.93		668.30		1,404.23
								FRT		
		TOTAL	39.78			735.93		668.30		1,404.23
INVOICE TOTAL									\$1,404.23	

DETACH and Include this Return Portion with Payment



REMIT TO:

MARTIN MARIETTA MATERIALS
PO BOX 935043
ATLANTA GA 31193-5043

CUSTOMER NUMBER: 470287 KINSLEY CONSTRUCTION

INVOICE NUMBER: 41653550

PAYMENT DUE \$1,404.23

02/12/2024

Call or go online to report possible wrongdoing or to obtain clarification on ethical matter 1-800-209-4508 www.martinmarietta.alertline.com.
For all other questions call the billing number above.

PLEASE NOTIFY US OF ANY ALTERATIONS YOU MAKE TOWARDS THE INVOICE AMOUNT



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SPECIAL

FOR BILLING QUESTIONS PLEASE CALL
 410-683-1250

JOB NAME: (D) CANNON AND INLAND BAYS RD

SOLD TO:

KINSLEY CONSTRUCTION INC
 PO BOX 2886
 YORK PA 17405

SHIP TO:

KINSLEY CONSTRUCTION INC
 29445 Inland Bay Rd
 Millsboro DE 19966

PAYMENT TERMS: NET 30 DAYS- A/R

Order No.	Customer PO No.	Dest. No.	Job No.	Dist	Business Unit	Business Unit Name	Cust. No.	Invoice Date	Invoice No.	
21009858 SO	234701-006	82954	60292018	12	31111	North East Quarry	470287	2/13/24	41684879	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
02/12/24	7401	WASHED ASTM #3								
		12121475	21.55	TN	18.50	398.68	16.00	344.80		743.48
		FUEL SURCHARGE TRUCK					17.24	17.24		17.24
		12121477	21.50	TN	@ 18.50	397.75	16.00	344.00		741.75
		FUEL SURCHARGE TRUCK					17.20	17.20		17.20
		12121479	21.20	TN	18.50	392.20	16.00	339.20		731.40
		FUEL SURCHARGE TRUCK					16.96	16.96		16.96
		SUBTOTAL	64.25			1,188.63		1,079.40		2,268.03
								FRT		
		TOTAL	64.25			1,188.63		1,079.40		2,268.03
INVOICE TOTAL								\$2,268.03		

DETACH and Include this Return Portion with Payment



REMIT TO:

MARTIN MARIETTA MATERIALS
 PO BOX 935043
 ATLANTA GA 31193-5043

CUSTOMER NUMBER: 470287 KINSLEY CONSTRUCTION

INVOICE NUMBER: 41684879

PAYMENT DUE \$2,268.03

02/15/2024

Call or go online to report possible wrongdoing or to obtain clarification on ethical matter 1-800-209-4508 www.martinmarietta.alertline.com.
 For all other questions call the billing number above.

PLEASE NOTIFY US OF ANY ALTERATIONS YOU MAKE TOWARDS THE INVOICE AMOUNT

FERGUSON
WATERWORKS
 25 WHISSELL DRIVE
 COATESVILLE, PA 19320-0000

SEH
234701

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0672133	\$470.00	27830	1 of 1

**PLEASE REFER TO INVOICE NUMBER WHEN
 MAKING PAYMENT AND REMIT TO:**

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

Please contact with Questions: 610-384-2600

MASTER ACCOUNT NUMBER: 174640

SHIP TO:

CANNON ROAD
 INLAND BAYS AND CANNON ROAD
 MILLSBORO, DE 19966

KINSLEY CONSTRUCTION INC
 PO BOX 2886
 (CRH)
 YORK, PA 17405

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
1883	1883	DEONLY	8" FILTER SOCK	CRH	CANNON ROAD	02/15/24	IO 70442

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
2	2	ACFFS8X200S	8X200 FLTR SOCK W/ STKS	235.000	EA	470.00
INVOICE SUB-TOTAL						470.00
***** LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION. PRODUCTS WITH *NP IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION.						

02/16/2024

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TERMS: NET 10TH PROX	ORIGINAL INVOICE	TOTAL DUE	\$470.00
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All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.



EIN 23-169 9847

AN EQUAL OPPORTUNITY EMPLOYER

Dagsboro Stone Depot

Division of H&K Group, Inc.

30548 Thoro-Good Road
Dagsboro, DE 19939

Phone: 302.934.7635 Fax: 302.934.8953

Invoice

001 B-110M-0010566

Bill To: 242833
Kinsley Construction Inc
P.O. Box 2886
York, PA - 17405

Job: REGION 3 DELIVERY
PO # 234701005

SEH

Date: Feb 15/24
Quote: D4D3

Remit to: PO Box 196
Skippack, PA 19474
Phone: 610.584.8500
Fax: 610.584.6410

Date	Ticket	Product	Unit	Quantity	Price Per Unit		Sales Tax	Amount
					Material	Haul		
Feb 14/24	00101335	R-4 RIP RAP	TN	21.56	42.70	6.43		1,059.24
Feb 15/24	00101452	R-4 RIP RAP	TN	21.54	42.70	6.43		1,058.26
Feb 15/24	00101480	R-4 RIP RAP	TN	22.02	42.70	6.43		1,081.84
Feb 15/24	00101495	Fuel Surcharge	EA	1.00		16.82		16.82
Feb 15/24	00101495	R-4 RIP RAP	TN	22.05	42.70	6.43		1,083.32
				87.17 tnc 42.70 = 3722.16				
Total Quantity				87.17				

Subtotal	3,722.16
Delivery	→ 577.32
Delaware	.00
Total	4,299.48

RECEIVED FEB 20 2024

WHITE COPY: CUSTOMER

TERMS: NET 30 DAYS

Service charge of 1 1/2% per month (18% per year) will be charged on all unpaid bills over 30 days. All payments will be credited to oldest billing.



P.O. Box 30013
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SOLD TO:

KINSLEY CONSTRUCTION INC
PO BOX 2886
YORK PA 17405

SEH**SPECIAL**

FOR BILLING QUESTIONS PLEASE CALL
410-683-1250

JOB NAME: (D) CANNON AND INLAND BAYS RD

SHIP TO:

KINSLEY CONSTRUCTION INC
29445 Inland Bay Rd
Millsboro DE 19966

PAYMENT TERMS: NET 30 DAYS- A/R

Order No.	Customer PO No.	Dest. No.	Job No.	Dist	Business Unit	Business Unit Name	Cust. No.	Invoice Date	Invoice No.	
21019212 SO	234701-006	83030	60292018	12	31111	North East Quarry	470287	2/15/24	41703673	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
02/14/24	7401	WASHED ASTM #3								
		12121685	20.11	TN	18.50	372.04	16.00	321.76		693.80
		FUEL SURCHARGE TRUCK					16.09	16.09		16.09
		12121688	21.59	TN	18.50	399.42	16.00	345.44		744.86
		FUEL SURCHARGE TRUCK					17.27	17.27		17.27
		SUBTOTAL	41.70			771.46		700.56		1,472.02
								frt		
		TOTAL	41.70			771.46		700.56		1,472.02
							INVOICE TOTAL	\$1,472.02		

02/19/2024

DETACH and Include this Return Portion with Payment



CUSTOMER NUMBER: 470287 KINSLEY CONSTRUCTION
INVOICE NUMBER: 41703673

REMIT TO:

MARTIN MARIETTA MATERIALS
PO BOX 935043
ATLANTA GA 31193-5043

PAYMENT DUE

Call or go online to report possible wrongdoing or to obtain clarification on ethical matter 1-800-209-4508 www.martinmarietta.alertline.com.
For all other questions call the billing number above.

PLEASE NOTIFY US OF ANY ALTERATIONS YOU MAKE TOWARDS THE INVOICE AMOUNT



EIN 23-169 9847

AN EQUAL OPPORTUNITY EMPLOYER

Dagsboro Stone Depot

Division of H&K Group, Inc.

30548 Thoro-Good Road
Dagsboro, DE 19939

Phone: 302.934.7635 Fax: 302.934.8953

Invoice

001 B-110M-0010663

Bill To: 242833
Kinsley Construction Inc
P.O. Box 2886
York, PA 17405

Job: REGION 3 DELIVERY
PO # 234701-005

SEH

Date: Feb 25/24
Quote: D4D3

Remit to: PO Box 196
Skippack, PA 19474
Phone: 610.584.8500
Fax: 610.584.6410

Date	Ticket	Product	Unit	Quantity	Price Per Unit		Sales Tax	Amount
					Material	Haul		
Feb 21/24	00102353	R-4 RIP RAP	TN	21.90	42.70	6.43		1,075.95
Feb 21/24	00102384	R-4 RIP RAP	TN	21.69	42.70	6.43		1,065.63
Feb 21/24	00102407	R-4 RIP RAP	TN	21.76	42.70	6.43		1,069.07
Feb 21/24	00102422	R-4 RIP RAP	TN	21.89	42.70	6.43		1,075.45

Total Quantity 87.24 *MC 42.70 =*

RECEIVED FEB 29 2024

WHITE COPY: CUSTOMER

Page: 1

TERMS: NET 30 DAYS

Service charge of 1 1/2% per month (18% per year) will be charged on all unpaid bills over 30 days. All payments will be credited to oldest billing.

Subtotal	3,725.14
Delivery	<i>FA.</i> 560.96
Delaware	.00
Total	4,286.10



EIN 23-169 9847
AN EQUAL OPPORTUNITY
EMPLOYER

Dagsboro Stone Depot

Division of H&K Group, Inc.

30548 Thoro-Good Road
Dagsboro, DE 19939

Phone: 302.934.7635 Fax: 302.934.8953

Invoice

001 B-110M-
0010616

Bill To: 242833
Kinsley Construction Inc
P.O. Box 2886
York, PA 17405

Job: Customer Pick Up
PO # 234701005

SEH

Date: Feb 20/24
Quote: P4

Remit to: PO Box 196
Skippack, PA 19474
Phone: 610.584.8500
Fax: 610.584.6410

Date	Ticket	Product	Unit	Quantity	Price Per Unit		Sales Tax	Amount
					Material	Haul		
Feb 16/24	00101756	AASHTO #57	TN	21.87	36.20			791.69
Feb 16/24	00101783	AASHTO #57	TN	22.20	36.20			803.64
Feb 19/24	00101831	AASHTO #57	TN	21.87	36.20			791.69
Feb 20/24	00102045	AASHTO #57	TN	21.58	36.20			781.20
Feb 20/24	00102056	AASHTO #57	TN	21.84	36.20			790.61
Feb 20/24	00102088	AASHTO #57	TN	22.22	36.20			804.36
Feb 20/24	00102102	AASHTO #3	TN	18.23	34.55			629.85
Feb 20/24	00102131	AASHTO #3	TN	20.83	34.55			719.68
Feb 20/24	00102153	AASHTO #3	TN	20.14	34.55			695.84
Feb 20/24	00102243	AASHTO #57	TN	23.22	36.20			840.56

#3 - 59.2 tnc 34.55 = 2045.37
#57 - 154.8 tnc 36.20 = 5603.76

Total Quantity 214.00

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WHITE COPY: CUSTOMER

Subtotal	7,649.12
Delivery	.00
Delaware	.00
Total	7,649.12



EIN 23-169 9847
 AN EQUAL OPPORTUNITY
 EMPLOYER

Dagsboro Stone Depot

Division of H&K Group, Inc.

30548 Thoro-Good Road
 Dagsboro, DE 19939

Phone: 302.934.7635 Fax: 302.934.8953

Invoice

001 B-110M-
 0010614

Bill To: 242833
 Kinsley Construction Inc
 P.O. Box 2886
 York, PA 17405

Job: REGION 3 DELIVERY
 PO # 234701-005

SEH

Date: Feb 20/24
 Quote: D4D3

Remit to: PO Box 196
 Skippack, PA 19474
 Phone: 610.584.8500
 Fax: 610.584.6410

Date	Ticket	Product	Unit	Quantity	Price Per Unit		Sales Tax	Amount
					Material	Haul		
Feb 19/24	00101832	R-4 RIP RAP	TN	21.84	42.70	6.43		1,073.00
Feb 19/24	00101851	R-4 RIP RAP	TN	22.02	42.70	6.43		1,081.84
Feb 19/24	00101881	R-4 RIP RAP	TN	22.04	42.70	6.43		1,082.83
Feb 19/24	00101908	R-4 RIP RAP	TN	21.96	42.70	6.43		1,078.89
Feb 19/24	00101939	R-4 RIP RAP	TN	21.39	42.70	6.43		1,050.89
Feb 19/24	00101971	R-4 RIP RAP	TN	22.13	42.70	6.43		1,087.25
Feb 19/24	00101995	Fuel Surcharge	EA	1.00		39.49		39.49
Feb 19/24	00101995	R-4 RIP RAP	TN	22.17	42.70	6.43		1,089.21
				153.55 tnc 42.70 = 6556.58				
				FA - 1026.82				
				Total Quantity				153.55

RECEIVED FEB 26 2024

WHITE COPY: CUSTOMER

Page: 1

TERMS: NET 30 DAYS

Subtotal	6,556.58
Delivery	1,026.82
Delaware	.00
Total	7,583.40

Service charge of 1 1/2% per month (18% per year) will be charged on all unpaid bills over 30 days. All payments will be credited to oldest billing.

FERGUSON
WATERWORKS
 25 WHISSELL DRIVE
 COATESVILLE, PA 19320-0000

SEH
 234701

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0672824	\$588.00	27830	1 of 1

**PLEASE REFER TO INVOICE NUMBER WHEN
 MAKING PAYMENT AND REMIT TO:**

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

MASTER ACCOUNT NUMBER: 174640

SHIP TO:

CANNON ROAD
 INLAND BAYS AND CANNON ROAD
 MILLSBORO, DE 19966

Please contact with Questions: 610-384-2600

KINSLEY CONSTRUCTION INC
 PO BOX 2886
 (CRH)
 YORK, PA 17406

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
1883	1883	DEONLY	NICK 2.19.24	CRH	CANNON FABRIC	02/19/24	1070483

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
2	2	ACFS20012432	12-1/2X432 FT S200 WOV 600 SY	294.000	RL	588.00
INVOICE SUB-TOTAL						588.00

 LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION. PRODUCTS WITH *NP IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION.

02/21/2024

Looking for a more convenient way to pay your bill?

Log in to **Ferguson.com** and request access to Online Bill Pay.



TERMS: NET 10TH PROX	ORIGINAL INVOICE	TOTAL DUE	\$588.00
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All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.



SHIP TO:

CONNER RD
29945 Inland Bay Road
CONNER RD
29945 Inland Bay Road
MILLSBORO, DE 19966

SEH

To ensure proper credit, please include remittance or list invoice numbers on your check remittance and send to:

Vulcan Construction Materials, LLC
PO Box 75219
Charlotte, NC 28275-5219, US
Phone: 1-800-777-8752 or
help@vmcmail.com

CUSTOMER NO: 29853-89462
INVOICE NO: 42536050
INVOICE DATE: 02/21/2024
INVOICE AMT: 4,895.00
ORDER: 1791210
DUE DATE: 03/15/2024

INVOICE

SOLD TO:

KINSLEY CONSTRUCTION INC
PO BOX 2886
YORK, PA 17405-2886

87.72 TON @48.40=4245.65

Invoices not paid according to our credit terms will be assessed a Finance Charge. Customer shall pay all cost of collection including but not limited to a reasonable attorney's fee for services rendered by suit or otherwise in collecting past due invoices.		TAXES:		PERCENT:	AMOUNT:	SALES TAX:	TOTAL PRODUCT:		Pay this AMOUNT:						
TOTAL QUANTITY: 87.72		TOTAL LOADS: 4.00				0.00	4,245.65		\$4,895.00						
						FEEES:	618.43								
							TOTAL OTHER: FUEL SURCHARGE 30.92								
SALES REP		PO NUMBER		REF		CONTRACT NO.		TAX EXEMPT ID.		TERMS					
11325 Robert Althoff		234701								NET 15TH PROX - Payable in full by the 15th of each month following month of shipment					
INVOICE #	INVOICE DATE	CUSTOMER NUMBER	LOCATION	LOCATION	ORDER	BILL OF LADING		FOB							
42536050	02/21/2024	29853-89462	2441-141	SEAFORD	1791210			DELIVER							
TICKET DETAIL															
SHIP DATE	TICKET	VEHICLE	CLASS	PROD CODE	DESCRIPTION	PRODUCT			FREIGHT			ADDED CHARGES		AMOUNT	
						UOM	QTY	PRICE	UOM	QTY	PRICE	UOM	QTY		PRICE
02/16/2024	19756424	TRUX17269	STANDARD STANDARD	47083 MEDTRUCK	R-4 RIP RAP Fuel Surcharge Truck	T	20.87	48.40	T	20.87	7.05	%	147.13	5.00	1,157.24 7.36
	19756446	TRUX29708	STANDARD STANDARD	47083 MEDTRUCK	R-4 RIP RAP Fuel Surcharge Truck	T	22.50	48.40	T	22.50	7.05	%	158.63	5.00	1,247.63 7.93
	19756447	TRUX17269	STANDARD STANDARD	47083 MEDTRUCK	R-4 RIP RAP Fuel Surcharge Truck	T	22.14	48.40	T	22.14	7.05	%	156.09	5.00	1,227.67 7.80
	19756467	TRUX29708	STANDARD STANDARD	47083 MEDTRUCK	R-4 RIP RAP Fuel Surcharge Truck	T	22.21	48.40	T	22.21	7.05	%	156.58	5.00	1,231.54 7.83
SAVE TIME AND SAVE A TREE WITH EMAIL INVOICE DELIVERY!															
Receive your invoice faster and help save the environment by enrolling in our email invoicing service. With email, invoices are sent in one easy to open file directly to your inbox. To sign up, contact us at help@vmcmail.com or call us at 1-800-777-8752.															
02/22/2024															

Any freight charges stated, if applicable, are billed on behalf of the common carrier in accordance with our billing services agreement with the common carrier
VULCAN MATERIALS COMPANY AND SUBSIDIARIES, VULCAN CONSTRUCTION MATERIALS, LLC

FERGUSON
 25 WHISSELL DRIVE
 COATESVILLE, PA 19320-0000

SEH

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0676346	\$210.00	27830	1 of 1

PLEASE REFER TO INVOICE NUMBER WHEN
 MAKING PAYMENT AND REMIT TO:

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

Please contact with Questions: 610-384-2600

MASTER ACCOUNT NUMBER: 174640

SHIP TO:

KINSLEY CONSTRUCTION INC
 PO BOX 2886
 (CRH)
 YORK, PA 17405

COUNTER PICK UP
 25131 DUPONT BOULEVARD
 GEORGETOWN, DE 19947-0000

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
1780	1780	DEONLY	234701	CRH	CANNON RD DRANAGE	03/11/24	IO 70830
ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT	
3	3	ACFENS18112	8X112.5 FT SGL BIO NET STRAW 100 SY	70.000	RL	210.00	
			INVOICE SUB-TOTAL			210.00	
***** LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION. PRODUCTS WITH *NP IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION. *****							
03/12/2024							

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TERMS: NET 10TH PROX	ORIGINAL INVOICE	TOTAL DUE	\$210.00
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All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Cannon Rd/Inland Bays Rd Drainage Improvements**
2. Sussex County Project No. S22-05
3. Change Order No. 5B
4. Date Change Order Initiated - 4/23/24
5.
 - a. Original Contract Sum \$11,467,000.00
 - b. Net Change by Previous Change Orders \$1,480,978.93
 - c. Contract Sum Prior to Change Order \$12,947,978.93
 - d. Requested Change \$ 138,576.08
 - e. Net Change (No. of days) _____
 - f. New Contract Amount \$13,086,555.01
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7728

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:

Erosion control efforts within the constructed wetland by-pass swale, the Cannon Road wale north of the facility entrance and the swale along Inland Bays Road.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. Kinsley Construction, Inc., Contractor

 04/26/2024

Signature Date



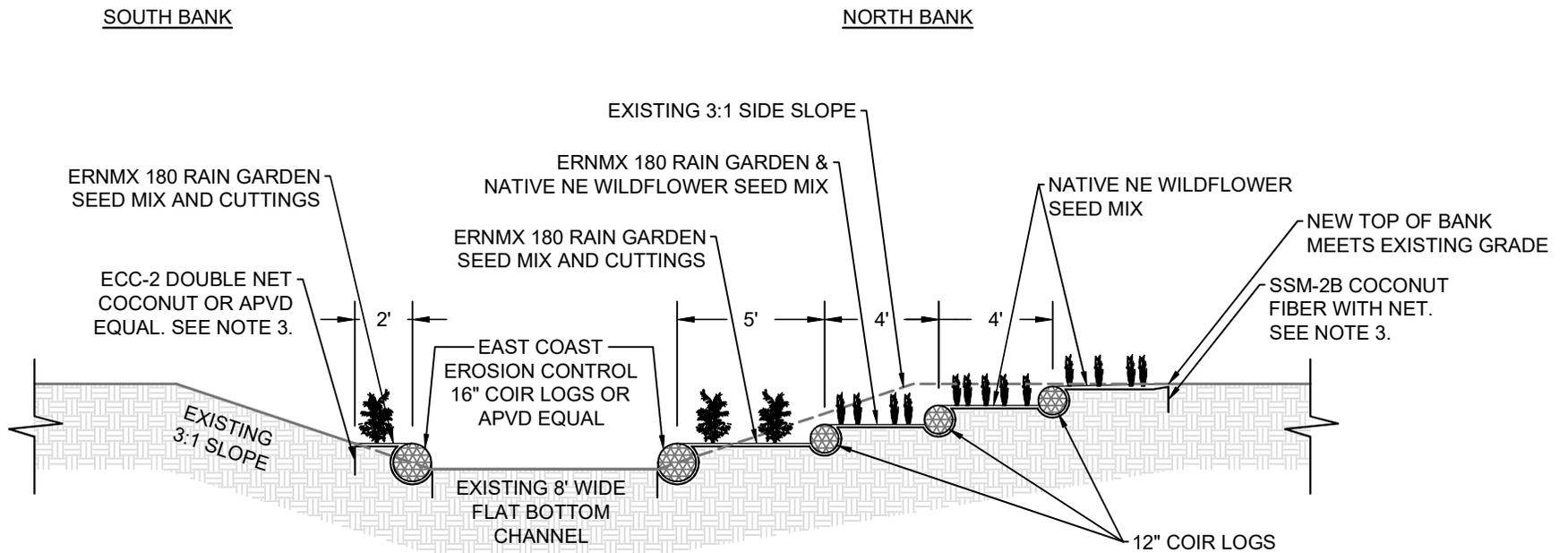
Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Sussex County Council President

Signature Date



LIVING WALL IN BYPASS SWALE SECTION DETAIL
N.T.S.

NOTES:

1. WORK TO BE DIRECTED BY ARRC REPRESENTATIVE AT ALL TIMES.
2. ALL LIVING WALL COIR LOGS TO BE BURIED $\frac{1}{3}$ OF THE LOG DIAMETER.
3. WHEN KEYING IN GEOTEXTILE MATTING AT TOE AND TOP OF SLOPE, USE MECHANICAL TAMPING TO CLOSE TRENCHES.

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

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

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

RE: **Long Neck Communities, Project S21-10**
A. Change Order No. 2

DATE: April 30, 2024

The Long Neck Communities Sewer Expansion combines several remediation areas in proximity. County Council originally brought the Autumn Road and Branch Road areas (58EDUs) into the uniform sewer district after a public hearing via a private expansion known as Seabrooke. The Tucks Road area (19 EDUs) was added later based on owner requests and another public hearing. The associated Resolutions R 017 17 and R 027 17 were authorized by Council for these area at their July 25, 2017, and October 3, 2017 meetings, respectively. The County elected to combine the expansion areas into a single project for economy of scale.

Subsequently the owners from the adjacent Sherwood Forest North area expressed interest and the the Engineering Department polled the area via two mailings in the Spring of 2018. Based on positive responses a public hearing was held on April 25, 2019. Hearing results were presented to Council with a recommendation for expanding the sewer district. On June 11, 2019, County Council authorized Resolution R 014 19 to extend the district boundary to include nearly 170 EDUs. Since the areas are close to each other, flanking the north and south sides of SR 24, John J Williams Highway, it was determined best to group the work into a single project of nearly 250 EDUs.

In April of 2020 the Engineering Department finalized the Preliminary Engineering Report and the Environmental Information Documents required for submittal of the funding application to Delaware State Revolving Fund (SRF). On April 9, 2020, these Documents were combined with the overall funding application prepared by the Finance Department and filed for an overall project cost of \$7,788,761.00. On August 24, 2020, the County received the Binding Commitment Letter from DNREC Environmental Finance. August 25, 2020, the County accepted the Binding Commitment Offer and the obligating documents associated in the loan amount of \$7,788,761.00 with the expectation of up to \$3,860,000.00 of principal forgiveness, reducing the principal amount of the bonds outstanding to \$3,928,761.00 upon project completion.



With the SRF binding commitment in hand County Council awarded a professional services agreement to George, Milles & Buhr, Inc. for design and bidding services associated with the Long Neck Communities Sewer Expansion, Project S21-10, at a not to exceed cost of \$310,868.00 on March 23, 2021. On March 1, 2022, County Council introduced and ultimately approved the associated debt ordinance authorizing after the required public hearing the issuance of up to \$7,788,761.00.

All permits were in place by late 2022 and Invitations to Bid were advertised on January 10th and 17th, in the local newspaper, as well as available to view on the County website. In addition, the information was directly forwarded to several contractors. Eight (8) contractors attended the pre-bid meeting on January 18, 2023, and on February 1, 2023, four (4) bids were received. The bids were competitive but are reflecting a significantly increased price environment. The successful bidder was A-Del Construction Co., Inc. at \$7,658,870.00. The project scope has built in unit cost contingency items which should limit the overall construction cost to the total amount bid.

The existing SRF Funding commitment was \$7,788,762.00 and to date \$516,731.00 has been spent. The project includes the System Connection Charges reducing the available balance further by \$1,650,000.00. In order to make the project viable, the Engineering & Finance Departments are committed to provide administration and inspection services at no cost to the project and request Council's concurrence to file for the reduced supplemental Clean Water State Revolving Fund (CWSRF) funding in the amount of \$2,036,840.00.

On February 28, 2023, Council awarded A-Del Construction, Inc. for the total bid amount of \$7,658,870.00, contingent upon CWSRF concurrence and receipt of supplemental funding. CWSRF concurrence and receipt of supplemental funding was received. Construction efforts commenced with the Notice to Proceed effective May 30, 2023.

Installation of deep mainline sewer and lateral and the pump station in Sherwood Forest on the east side of John J. Williams Highway required dewatering to enable a safe installation. Initial attempts discharging and storing the water in roadway swales and the development's on-site stormwater management pond were unsuccessful due to the volume of discharged water and on-site facilities capacity to handle this volume. Ultimately, it was necessary to meter the discharge at the on-site stormwater pond and convey water via piping approximately 1700 linear feet to a large, wooded parcel adjacent to Long Neck Elementary School.

The dewatering operations commenced on July 31, 2023, and were completed in November 2023. A-Del Construction, Inc. took several days in December and early January to remove piping and restore the area. In accordance with the time and materials provision of the contract, A-Del Construction, Inc. submitted Change Order No. 1 in the amount of \$93,066.11. On February 20, 2024, County Council approved Change Order No. 1 at the referenced amount, increasing the contract total to \$7,751,936.11.

A-Del Construction, Inc. has requested a non-compensatory time extension that is necessary because of unforeseen utility conflicts, supply chain delays for the Pump Station equipment, and loss of production for the mainline sewer installation caused by groundwater conditions.

The Engineering Department recommends Council approve Change Order #2 which provides A-Del Construction, Inc. with a non-compensatory time extension of 120 calendar days to the Substantial Completion and Final Payment dates.

CHANGE ORDER NO.: 2

Owner:	Sussex County	Owner's Project No.:	S21-10
Engineer:	George, Miles & Buhr, LLC	Engineer's Project No.:	
Contractor:	A-Del Construction Co., Inc.	Contractor's Project No.:	
Project:	Long Neck Communities		
Contract Name:	Long Neck Communities Sewer Expansion		
Date Issued:	April 18, 2024	Effective Date of Change Order:	April 23, 2024

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

Description:

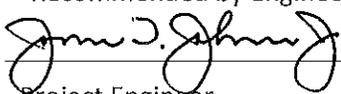
CO #2 was required to provide a non-compensatory time extension that is necessary because of utility conflicts, supply chain delays for the Pump Station equipment, and loss of production for mainline sewer installation caused by groundwater conditions.

Attachments:

CO #2 Summary Sheet

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>7,658,870.00</u>	Original Contract Times: Substantial Completion: <u>330 days</u> Ready for final payment: <u>365 days</u>
Increase from previously approved Change Orders No. to No. <u>N/A</u> : \$ <u>93,066.11</u>	Increase from previously approved Change Orders No. <u>N/A</u> to No. <u> </u> : Substantial Completion: <u>0 calendar days</u> Ready for final payment: <u>0 calendar days</u>
Contract Price prior to this Change Order: \$ <u>7,751,936.11</u>	Contract Times prior to this Change Order: Substantial Completion: <u>330 calendar days</u> Ready for final payment: <u>365 calendar days</u>
Increase this Change Order: \$ <u>0.00</u>	Increase this Change Order: Substantial Completion: <u>120 calendar days</u> Ready for final payment: <u>120 calendar days</u>
Contract Price incorporating this Change Order: \$ <u>7,751,936.11</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>450 calendar days</u> Ready for final payment: <u>485 calendar days</u>

Recommended by Engineer (if required)

By: 
 Title: Project Engineer
 Date: 4/18/2024

Accepted by Contractor


 Project Manager
., 18/2024

Authorized by Owner

By: _____
 Title: _____
 Date: _____

Approved by Funding Agency (if applicable)

By: _____
 Title: _____
 Date: _____

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@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, Ret.

RE: ***Joy Beach Sewer Expansion, Project 20-12***
A. Change Order No. 2

DATE: April 30, 2024

On August 29, 2017, County Council authorized polling letters and posting notices for an October 20, 2017 public hearing regarding the Joy Beach Community and adjacent parcels area expansion of the Sussex County Unified Sewer District. Based on a recommendation from the Engineering Department, annexation of the proposed sewer boundary was adopted on November 7, 2017, by Resolution R 030 17.

During the August 13, 2019 public hearing County Council adopted Ordinance No. 2671 providing for issuance of Sussex County General Obligation Bonds up to \$5,691,821 to finance or reimburse the County for a portion of costs for design, construction and equipping of the Project, with an expectation of principal forgiveness up to \$3,396,000 to reduce the principal amount to \$2,295,821 upon Project completion.

The Engineering Department's procurement process for 5-year Professional Service Contracts began in January 2019 with issuance of RFP 19-22, Miscellaneous Engineering Services. On May 14, 2019 Council approved the selection of Davis, Bowen & Friedel (DBF); George Miles and Buhr (GMB); and KCI Technologies, Inc. (KCI). Additionally, Council authorized the Engineering Department to negotiate Base Professional Service Agreements for a five-year period of July 1, 2019 through June 30, 2024. Project-based contract amendments under these base agreements were to be brought to Council for authorization.

The Department requested KCI to submit a scope of work and fee estimate for preliminary design, final design, and bidding phase services associated with the Joy Beach Sewer Expansion Project.



Subsequently, KCI provided Amendment No. 1 to the Base Owner-Engineer Professional Services Agreement dated September 10, 2019, for design and bidding services associated with the Joy Beach Sewer Expansion Project, with an estimated total cost of \$340,300.00. On October 22, 2019, Council awarded Amendment No. 1 for professional services at a not-to-exceed value of \$340,300.00, for design and bidding of the Joy Beach Sewer Expansion.

After a lengthy easement acquisition and permitting phase Invitations to Bid were advertised in the local newspaper, as well as available to view on the County website early in 2023. In addition, the information was directly forwarded to several contractors. Nine (9) contractors attended the pre-bid meeting on February 1, 2023, and on February 22, 2023, six (6) bids were received. The low bidder was Chesapeake Turf, LLC at \$4,758,640.00. The Engineering Department recommended award to Chesapeake Turf in the same amount.

During the Engineering Department's pre-award debriefing with Chesapeake Turf, the contractor proposed two cost saving means & methods changes. The first one replaced the open cut method of forcemain installation with a directional drill approach. The Engineering Department agreed if all driveway restoration unit cost items (26,27&28) were zeroed out as well as any additional air release manholes provided by the contractor at no cost. In addition, Chesapeake Turf suggested to replace the boring and jacking installation method of the steel casing under Waterview Road with a directional drill for a 10%-unit price reduction of item 17 and the acquisition of the associated temporary construction easement at their expense. On April 18, 2023, Council approved award to Chesapeake Turf in the amount of \$4,758,640.00 and Change Order No. 1 in the overall reduction amount of \$63,250.00.

Construction has been underway since the Notice to Proceed on August 14, 2023 with most of the work focused on the installation of the pump station, 3 and 4-inch forcemain, residential grinder pumps and connections to the forcemain. The receipt of various critical components which enable the grinder pump to connect with the forcemain and become operational were delayed. Chesapeake Turf continues to wait for sufficient components which has lengthened the overall installation timeframe. Additionally, delivery of various pump station electrical components has been delayed, further lengthening the timeframe for completion of pump station.

The remainder of the project includes installation of gravity sewer within Joy Beach. Because of the delays detailed above, the gravity sewer was planned for installation during this summer. This is problematic recognizing that Joy Beach has many seasonal residents and construction during this timeframe would create unnecessary hardships. The installation of the gravity sewer and repaving of roads will commence in September 2024. Chesapeake Turf, LLC has requested a non-compensatory time extension of 226 calendar days to the Substantial Completion and Final Payment dates. Inclusive of the 226 calendar days is a non-compensatory 90 calendar day contract suspension to cover the summer months.

The Engineering Department supports the request of Chesapeake Turf, LLC and recommends Council approve Change Order #2 which provides Chesapeake Turf, LLC with a non-compensatory time extension of 226 calendar day to the Substantial Completion and Final Payment dates. Inclusive of the 226 calendar days is a non-compensatory 90 calendar day contract suspension to cover the summer months.

Date of Issuance: 4/30/2024
 Owner: Sussex County
 Contractor: Chesapeake Turf, LLC
 Engineer: KCI Technologies
 Project: Joy Beach Sewer Expansion

Effective Date: 4/30/2024
 Owner's Contract No.: S20-12
 Contractor's Project No.:
 Engineer's Project No.:
 Contract Name:

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

Construction has been underway since the Notice to Proceed on August 14, 2023 with most of the work focused on the installation of the pump station, 3 and 4-inch forcemain, residential grinder pumps and connections to the forcemain. The receipt of various critical components which enable the grinder pump to connect with the forcemain and become operational were delayed as well as electrical components for the pump station. Chesapeake Turf continues to wait for sufficient components which has lengthened the overall installation timeframe. The remainder of the project includes installation of gravity sewer within Joy Beach. Because of the delays detailed above, the gravity sewer was planned for installation during this summer. Recognizing that Joy Beach has many seasonal residents and construction during this timeframe would create unnecessary hardships. The installation of the gravity sewer and repaving of roads will commence in early September 2024. Non-compensatory time extension and contract suspension requested.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>4,758,640.00</u>	Original Contract Times: Substantial Completion: <u>270 calendar days</u> Ready for Final Payment: <u>300 calendar days</u>
Increase from previously approved Change Orders No. 1 to No. <u>1</u> : \$ <u>(-63,250.00)</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u>
Contract Price prior to this Change Order: \$ <u>4,695,390.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>270 calendar days</u> Ready for Final Payment: <u>300 calendar days</u>
Increase/Decrease of this Change Order: \$ <u>0.00</u>	Increase of this Change Order: Substantial Completion: <u>226 calendar days</u> Ready for Final Payment: <u>226 calendar days</u> (time includes a 90 calendar day contract suspension)
Contract Price incorporating this Change Order: \$ <u>4,695,390.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>496 calendar days</u> Ready for Final Payment: <u>526 calendar days</u> (time includes a 90 calendar day contract suspension)

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u> Engineer (if required)	By: <u>[Signature]</u> Owner (Authorized Signature)	By: <u>[Signature]</u> Contractor (Authorized Signature)
Title: <u>Project Engineer</u>	Title: <u>Managing Member</u>	Title: <u>OWNER</u>
Date: <u>4/25/2024</u>	Date: <u>4-25-24</u>	Date: _____

Approved by Funding Agency (if applicable)

By: _____ Date: _____
 Title: _____

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

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Sussex County

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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, Ret.

RE: **Wolfe Neck Regional WWF Electrical Service & Switchgear Replacement**
A. Electrical Construction, Project S24-09 – Recommendation to Award
B. General Construction, Project S24-10 – Reject Bid

DATE: April 30, 2024

GHD, Inc., held the County's engineering services contract associated with the SCRWF since December 7, 2001. Council reaffirmed GHD as the "Engineer of Record" South Coastal in September of 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City of Rehoboth Beach's Wastewater Treatment Plant.

In July of 2016, County Council authorized agreement negotiations with other wastewater service providers for the utilization of existing unallocated wastewater treatment capacity. On September 20, 2016, Council approved the initial agreement with the Lewes Board of Public Works (LBPW) for wastewater treatment and disposal. It allowed for the transmission of a year-round base flow rate of up to 75,000 gallons per day into the BPW's system with a seasonal ramp up of up to 300,000 gallons per day during the fall/winter season at a rate of \$2.40/1,000 gallons.

As per the LBPW's request, the County utilized George, Miles & Buhr, Inc., the Board's Engineer of Record for the design of the proposed improvements. Following the design completion and permitting Council approved on August 29, 2017, LBPW's assistance request under the FY18 General Labor & Equipment Contract for a joint project.

In March of 2018, the LBPW requested an amendment to the Agreement allowing LBPW's service area tie-in(s) to the County's system and on March 20, 2018, Council approved Amendment No. 1 allowing wastewater to be transmitted and treated in the most cost-effective manner with the billing to be accomplished on a net zero metering basis.



On September 26, 2018, the County presented a request to increase the flow contributions at a Board meeting. Subsequently, the Board instructed their Counsel to draw up Amendment No. 2, which was accepted by County Council on January 8, 2018.

In 2021 both parties independently started planning for capital treatment plant improvements and expansions using GHD, Inc., the consultant already representing both entities. In addition, County Council committed substantial ARPA funding to the upgrade of wastewater treatment facilities in general and the Wolfe Neck RWF in particular. In this context, the County Engineer was authorized to initiate discussion with the Board.

The possible cooperation presents an opportunity to significantly reduce the LBPW's future long-term capital costs concerning sustainability of the wastewater treatment plant, especially compared to other potential options. Therefore, the Board held a series of workshops for public discussion and input and on March 31, 2022 decided to evaluate the following three (3) options with variations:

1. Maintain wastewater treatment facility in its current flood plain location at its current capacity while "hardening" the perimeter to deal with climate change.
2. Relocate wastewater treatment facility outside of the flood plain, increase capacity to meet ultimate demand and investigate (2a) land treatment disposal, (2b) continued Canal discharge and (2c) ocean outfall.
3. Relocate wastewater treatment facility to Wolfe Neck in a partnership with County using the same capacity assumptions while investigating (3a) continued piped Canal discharge versus (3b) biological polishing.

The 2016 Agreement established a "handshake" point splitting capital responsibility between the parties. Under options 1 & 2, all activities would occur on the Board's side of the handshake point and the County would participate on the agreed upon prorated percentage. Under option 3, most of the transmission and all the treatment plant capital upgrades would occur on the County side of said point.

On May 24, 2022, Council approved to fund 50% of the long-range study in the amount of \$124,250.00 utilizing allocated ARPA. The results of the study were presented to County Council on December 6, 2022. Since then, the LBPW held workshops on February 10th, March 22nd, April 12th, May 17th and June 14th to continue the open decision-making process.

In late June Sussex County was informed by DNREC officials of significant findings during a Phase 1 archeological study at the Wolfe Neck RWF associated with the proposed trail system. These findings have triggered a Phase 2 archeological study, commencing in fall of 2023 and encompassing the entire spray lease area. The impact has created uncertainty for biological polishing under option 3b as well as the proposed facility conversion from center pivot agricultural irrigation to a fixed-head irrigation in managed forests.

During the LBPW workshop on August 9th the concept of an ocean outfall from the Wolfe Neck RWF emerged as study Option 3c. Under this scenario the County would construct a new 5.25 mgd treatment facility relying mainly on the outfall and only spray irrigate at agronomically required rates using the exiting irrigation systems.

With LBPW's waste load allocation in the Lewes-Rehoboth Canal no longer an asset, Option 3c would be a flow-based partnership requiring a new agreement detailing future operation and maintenance.

Any Wolfe Neck treatment expansion can only occur in the location of the primary treatment lagoon requiring even more urgent removal of the accumulated biosolids. As a precursor of the removal, all incoming flows must be transferred to treatment lagoons 2 & 3. For the support of the biosolids removal and dewatering equipment a new electrical service and power distribution center must be designed and constructed to accommodate both the immediate power needs as well as the future plant expansion.

On August 15, 2023, Council approved GHD's Amendment 22 – Advanced Electrical Design in the not to exceed amount of \$427,138.72 and Amendment 23 for the expansion of the long-range study to include Option 3c in the not to exceed amount of \$95,000.00, utilizing allocated ARPA funding. Subsequently GHD developed construction documents for the associated electrical and general construction at the Wolfe Neck Facility with the option to bid on one or both segments of the work.

Invitations to Bid were advertised in the local newspaper, as well as available to view on the County website. In addition, the information was directly forwarded to several contractors. Five (5) contractors attended the pre-bid meeting on March 26, 2024, and on April 18, 2024, two (2) bids were received for the Electrical Construction and one (1) bid was received for the General Construction. BW Electric, Inc. submitted the low bidder for the Electrical Construction within budget. However, the bid for General Construction came in well above budget. Currently the County has three (3) open general construction projects with different companies. All three, Bancroft, Whayland and Ronca are capable of performing the scope but chose not to bid. Therefore, they could be approached to price the project and submit competitive proposals for a potential change order under their open contracts.

In summary, the Engineering Department recommends award to BW Electric, Inc. in the low bid amount of \$5,000,000.00, rejecting the sole General Construction bid and soliciting three proposals under an alternate delivery method.

WOLFE NECK REGIONAL WWF ELECTRICAL SERVICE & SWITCHGEAR REPLACEMENT PROJECT NO. S24-09 AND S24-10	BW Electric	Bilbrough Electric
Description of Work	Bid Price	Bid Price
S24-09 Electrical Construction		
Schedule B Total (Lump Sum Bid Items)	\$4,890,000.00	\$8,457,700.00
Schedule C Total (Allowances)	\$110,000.00	\$110,000.00
Optional Bid Alternate	\$0.00	\$0.00
TOTAL FOR ELECTRICAL CONSTRUCTION	\$5,000,000.00	\$8,567,700.00
S24-10 General Construction		
Schedule A Total (Lump Sum Bid Items)	No Bid	\$4,782,200.00
Optional Bid Alternates		-\$482,500.00
TOTAL FOR GENERAL CONSTRUCTION	No Bid	\$4,299,700.00



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: April 25, 2024

RE: County Council Report for C/Z 1992 filed on behalf of Reed Properties, LLC

The Planning and Zoning Department received an application (C/Z 1992 filed on behalf of Reed Properties, LLC) for a change of zone from an AR-1 Agricultural Residential District to a C-2 Medium Commercial Zoning District for Tax Parcel 235-13.00-29.01. The property is located at 1472 Gravel Hill Road, Milton. The parcel size is 2.99 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 3, 2024. At the meeting of January 24, 2024, the Planning & Zoning Commission recommended approval of the application for the 11 reasons as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting of February 20, 2024. At the conclusion of the Public Hearing action on the application was deferred for further consideration. Below is a link to the minutes of the February 20, 2024, County Council meeting.

Below is a link to the minutes of the County Council meeting of February 20, 2024.

[Link to the minutes of the February 20, 2024, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting of January 3, 2024, and January 24, 2024.

[Minutes of the January 3, 2024, Planning & Zoning Commission Meeting](#)

C/Z 1992 Reed Properties, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2



MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS. The property is lying on the west side of Gravel Hill Road (Rt. 30), approximately 300 feet south of Milton Ellendale Highway (Rt.16), and the south side of Milton Ellendale Highway (Rt. 16), approximately 300 ft. west of Gravel Hill Road (Rt. 30). 911 Address: 14742 Gravel Hill Road, Milton. Tax Map Parcel: 235-13.00-29.01.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the survey, the Staff Analysis, a copy of the DelDOT Service Level Evaluation Response, and a copy of a letter from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse stated zero comments were submitted for the Application.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant, Reed Properties LLC, and the Owner, Whitewater Enterprise, LLC; that also present was Mr. Brandon White, who is a part of the ownership group of the two LLCs. Mr. Hutt stated that the Application was for three acres, located near the intersection of Rt. 16, also known as the Milton Ellendale Hwy; and Rt. 30, also known as Gravel Hill Rd, which is south of Rt. 16 and becomes Isaacs Rd; this application seeks to rezone the property from AR-1 (Agricultural Residential) District to C-2 (Medium Commercial) District; that the property wraps around the Iron Works Facility at that intersection, located within commercial zoning, but has an industrial type feel given the nature of their work; that diagonally across Rt. 16 is Kemp's Liquors and as you travel East on Rt. 16 towards the Town Of Milton you come to a site that is under construction presently, which is the Jerry Ann McLamb Medical Pavilion that's being constructed by Beebe Healthcare; that the Town of Milton's corporate limits are about one mile from this site, so it's just West of the Town of Milton; that to the South of this property and to the West are other parts that are owned by the Reed family, in which the name comes from; that to the West of the properties that are family owned there is a substantial agricultural and poultry operation located off of Rt. 16; that when moving across to the Northwest quadrant, the area is in agricultural preservation, that is part of the spray areas that Artesian refers to as SURF, or Sussex Regional Reclamation Facility, which is a series of agricultural fields and woodlands that are used for their wastewater treatment process; that moving to the other side of now Isaacs Rd., or Rt. 30, is Kemp's Liquors and Iron Works, which is on the South side, also has a location, office and other activities on the North side of that property; that one can see there are residential subdivisions if you move to the South a little bit, which is beyond the property limits, but the family owns properties that extend from Rt. 16 down to the railroad near the Pemberton community, situated along Gravel Hill Rd.; that there are no improvements on this property based on the tax map, other than two billboards located along the Eastern boundary of the property adjacent to the IronWorks site; that other than the billboards, the property is unimproved and as you can see used as part of agricultural activities at this time; that there are a wide variety of uses ranging from industrial, commercial and poultry south of the railroad tracks; that people are familiar with Baker Petroleum site and Wyoming Mill Works, which are industrial type use; that as one moves toward Milton, there is the medical use that was mentioned and several other businesses; that as one approaches the municipal limits the zoning map corresponds with that; that as one would anticipate, the Iron Works site is zoned C-1 (General Commercial), as is their other site on the Northside of Rt. 16; that the Kemp's Liquor site is B-1 (Neighborhood Business); that there is a fairly substantial area of C-1 that is situated along Rt. 16 on both sides of the highway; that the orangish color that is south of that C-1 zone is the County's High Density Residential district; that the other lands that are south of the family owned lands are zoned AR-1, as is the subject property; that the grayish area south of the railroad tracks is HI-1 (Heavy

Industrial), where Baker Petroleum and Wyoming Mill Works are located; that the Future Land Use Map for this property is unshaded which means that is within the low density area; that the low density area is one of the County's rural areas within the Comprehensive Plan; that immediately adjacent to the property of the C-1 properties is the beige color, which are all in the developing area; that if one moves toward the Town of Milton you get to the town center, the darker color, which is anticipated to be either within municipal limits or within their annexation area; that to the south of the property the industrial uses have an industrial designation on the Future Land Use Map; that in describing this low density area, the Comprehensive Plan for Sussex County states that business development should be largely confined to businesses addressing the needs of these uses; that the two uses that its referring to are in the preceding sentence, are agricultural activities and homes; that the purpose of this application is for a satellite location for my clients business, which is a well drilling business, Aquatech Water Specialties; that as the site is larger than what would be needed for just the satellite building or offices, the goal is to create some flex warehousing where contractors in the area could serve residences, businesses and homes as anticipated within the low density area; that according to Table 4.5-2, of the Comprehensive Plan, titled Zoning Districts Applicable to Future Land Use Categories, the C-2 (Medium Commercial) Zoning District is an applicable zoning district within the low density area on the Future Land Use Map; that because C-2 is one of the applicable zoning districts for this area pursuant to the Comprehensive Plan, it is important to look at what the Zoning Code states is the purpose of that C-2 (Medium Commercial) district; that the Zoning Code states, the district supports uses that include retail sales and performance of consumer services; that it permits a variety of retail, professional and services businesses; that the district shall be primarily located near arterial and collector streets; that it accommodates community commercial uses that do not have outside storage or sales; that this application is consistent with the purpose of the C-2 zoning district as I just read it from the Code; that its goal is to support service businesses and it is located near arterial and collector streets; that there is substantial frontage along Rt. 16 of the Milton Ellendale Highway and it has frontage on Rt. 30 or Gravel Hill Rd.; that DelDOT has designated both of these roads as major collectors and Gravel Hill Rd., which is also Rt. 30, is also alternate to Rt. 5 and has been designated by DelDOT as a truck route; that Gravel Hill Rd. is one of the more important NS truck routes that connects areas in Northern Sussex County, starting with Milford to areas in central and Southern Sussex County, going past Milton and then down to Georgetown, Millsboro and beyond; that Rt. 16 is one of the primary East West corridors in Sussex County; This property's location, just off of this intersection is a key component and reasons why C-2 is an appropriate zoning district for that; that the property meets the height, area and bulk requirements that are in the Zoning Code for a C-2 parcel; that this requires a minimum of 15,000 sq. ft. of area, a minimum width of 75 ft., and a minimum depth of 100 ft; that this property meets all of the requirements and it can meet all the other setbacks, height, area and bulk requirements that would be part of any construction, given the three acre size and the frontage along the roads; that there are no wetlands located on the property; that the property is not within a floodplain as it is shown within Flood Zone X on the FEMA map, which reflects the site to be located outside of the 500 year floodplain; that there are no Chapter 89 or source water protection issues which means the property is not located within an Excellent Recharge Area or a Wellhead Protection Area; that central water and central sewer are available to the property through Artesian and Tidewater which is viewable from the CPCN map; that one of the primary concerns is traffic; that a Service Level Evaluation Request was sent to DelDOT; that DelDOT responded that the application should be considered without a Traffic Impact Study (TIS); that the determination of traffic for that site will be made upon specific use, the ultimate specific use and the site plan for that use; that this property has been the subject of two other land use applications, one is referenced in the staff review report as a conditional

use application in 2008; that the property was smaller then, only two acres, where the area at the southern end of the property was not within or not part of the property; that at that time Aquatech was going to move its entire operation from the Lewes area to this location; that for various reasons that did not occur, even though the County Council did grant approval of the conditional use; that however, the conditional use did lapse for non-use; that currently, the main location would stay in Lewes and the subject site would be a satellite location, allowing other contractors to use the flex space opportunity at this intersection; that it was thought that a change of zone application would be a more appropriate application, rather than trying for another conditional use; that otherwise every time a new business wanted to join we would have to go back through the land use entitlement process; that in addition to the 2008 application, the property was also the subject of an assemblage of three properties that started at Rt. 16 and went down to the railroad, which was a change of zone application seeking to change the designation of all 67 acres, the entire family property, within that portion from AR-1 (Agricultural Residential) to the HI-1 (Heavy Industrial), being the same district as the Baker Petroleum immediately to the South; that the application was C/Z 1923; that the Planning Commission recommended approval of that change of zone to the Heavy Industrial district; that unfortunately, County Council did not see that the same way and we the application did not achieve three affirmative votes; that this application is much smaller land area and is a much less intense application than the prior Heavy Industrial zoning district application; that this change of zone is appropriate given the location of these three acres of the property is bordered by two major collectors, two of Sussex County's primary east-west and north-south roads being Rt. 16 and Rt. 30; that the remainder of the property boundaries are the Iron Works site, which is zoned C-1 (General Commercial), and used more industrial than a commercial type fashion; that the remaining boundaries are other lands owned by family members; that if the application is successful before County Council and the neighbor to the south and west did not like a use, they would need to take it up with a family members at that time; that based on the Comprehensive Plan, the Zoning Code of the location of this property, and the nature of the character of the surrounding area my client requests that the Planning Commission recommend to County Council that the change of zone application be approved. Mr. Hutt requested to submit the proposed Findings of Fact at the conclusion of his presentation.

The Commission found that there was no one who wished to speak in support of or in opposition to C/Z 1992 Reed Properties, LLC.

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

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

In relation to C/Z 1992 Reed Properties, LLC. Motion by Mr. Butler to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 4 – 0.

Minutes of the January 24, 2024, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since January 3, 2024.

Mr. Robertson read Mr. Butler's motion into the record per Mr. Butler's request.

Mr. Butler moved that the Commission recommend approval of C/Z 1992 Reed Properties, LLC for a change in zone from AR-1 Agricultural-Residential zoning to C-2 "Medium Commercial" zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is 2.99 acres that is currently zoned AR-1 along Route 16 at the intersection with Route 30. Both of these roads are identified as "Major Collector" roads by DelDOT, and Route 30 is designated as a Truck Route by DelDOT. This intersection is an appropriate location for C-2 Zoning.
3. The property is adjacent to property that is zoned C-1 and used in an industrial manner. It is approximately one mile from the Milton town limits. To the east on the opposite side of Route 30, the properties are zoned C-1, HR, and AR-1. Although the Applicant's remaining land to the south is zoned AR-1, beyond that is a large parcel of land with rail service that is zoned HI-1 and contains a bulk-fuel plant, gasoline and diesel sales, and propane storage tanks. Across Route 16 is a 500-acre parcel that serves as part of the wastewater disposal area for Artesian Wastewater Management's Sussex Regional Reclamation Facility. This is an appropriate location for C-2 zoning.
4. The site is served by both central water and central sewer.
5. C-2 Zoning at this location at this intersection will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that Zone.
6. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
7. The site is in the "Low Density Area" according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Low-Density Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
9. No parties appeared in opposition to the rezoning application.
10. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
11. For all of these reasons, the C-2 Zoning District is appropriate for this location.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to recommend approval of C/Z 1992 Reed Properties, LLC for the reasons stated in the motion. Carried 5-0.

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
SCOTT COLLINS
J. BRUCE MEARS
BRIAN BUTLER



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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 3rd, 2024

Application: C/Z 1992 Reed Properties, LLC

Applicant: Reed Properties, LLC
22482 Camp Arrowhead Road
Lewes, DE 19958

Owner: White Water Enterprise, LLC
22482 Camp Arrowhead Road
Lewes, DE 19958

Site Location: Located on the west side Gravel Hill Road (Route 30), approximately 300-ft south of Milton Ellendale Highway (Route 16) and the south side of Milton Ellendale Highway (Route 16) approximately 300-ft west of Gravel Hill Road (Route 30).

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

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

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Ms. Green

School District: Cape Henlopen School District

Fire District: Milton Fire Co.

Sewer: Private (On-site septic)

Water: Private (On-site well)

Site Area: 2.99-acre(s) +/-

Tax Map ID.: 235-13.00-29.01



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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, AICP Planner III
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: November 6th, 2023
RE: Staff Analysis for C/Z 1992 Reed Properties, LLC

The purpose of this memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of Application C/Z 1992 (Reed Properties, LLC) to be reviewed at the January 3rd, 2024, Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 235-13.00-29.01 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-2) District with no proposed use indicated. The property is lying on the west side of Gravel Hill Road (Route 30) and the south side of Milton-Ellendale Highway (Route 16), approximately 400-feet south of the intersection of Gravel Hill Road (Route 30) and Milton-Ellendale Highway (Route 16). The parcel to be re-zoned contains 2.99 acres +/- and is located at 14742 Gravel Hill Road in Milton, Delaware.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Rural Area designation of "Low Density Area." The adjoining parcels to the south, west, and north across Milton Ellendale Highway also have a Future Land Use Map designation of "Low Density." The adjoining lands to the east have a Future Land Use Map designation of "Developing Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as "a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property" (Sussex County Comprehensive Plan, 4-18). The Plan also notes that commercial uses "should be limited in their location, size and hours of operation" and "more intense commercial uses should be avoided" and commercial uses "may be appropriate depending on surrounding uses" (Sussex County Comprehensive Plan, 4-19).

Zoning Information

The parcel is zoned Agricultural Residential (AR-1) District. Adjacent parcels to the north, south, and west are zoned Agricultural Residential (AR-1) District. The properties to the east are zoned General Commercial (C-1) District.



The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the current Agricultural Residential District (AR-1) and the proposed zoning of Medium Commercial (C-2) District are currently listed as an Applicable Zoning Districts within the “Low Density” Future Land Use Map designation.

Existing Change of Zones within the Vicinity of the Subject Property

Since 2011, there have been zero (0) Change of Zone Applications within a 1-mile radius of the Application site.



Site Considerations

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** This parcel adjoins lands actively used for agricultural purposes.
- **Interconnectivity:** N/A

- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “X” Flood Zone. The parcel is located within an area of “fair” Groundwater Recharge Potential.
- **Previous Applications:** Staff note that there is a previously approved Conditional Use Application for the subject property (Conditional Use No. 1731) to allow for an office and shop for a well-drilling business with a maximum of ten (10) employees to operate within an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval of the use at their meeting of Thursday, March 13th, 2008. The Sussex County Council also approved the use at their meeting of Tuesday, April 1st, 2008, subject to eight (8) conditions. The change was adopted through Ordinance No. 1964. Previous Meeting Minutes for these Meetings have been included in the Commission’s packet this afternoon.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-2) District with no indication of the proposed use could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

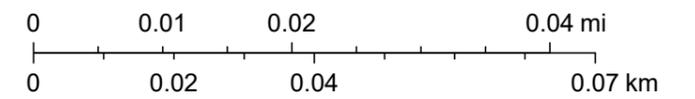
Sussex County



November 16, 2023

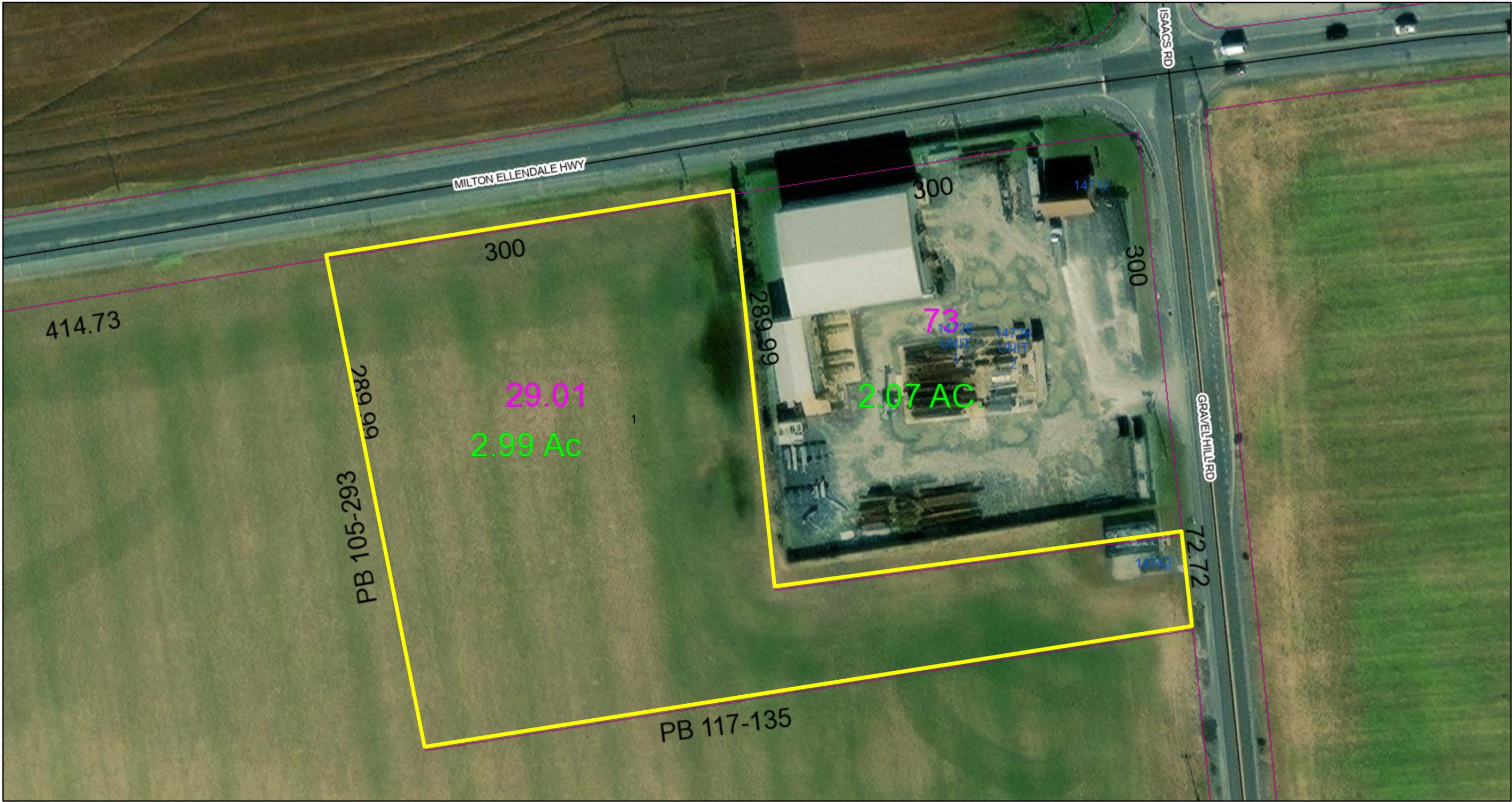
-  Override 1
-  Tax Parcels
-  Streets
-  Override 1
-  911 Address
-  County Boundaries

1:1,128



Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

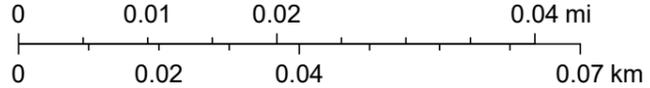
Sussex County



November 16, 2023

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

1:1,128



Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Geological Survey, U.S. Geological Survey, Maxar, Microsoft, Delaware Public Service Commission, FEMA, DNREC, Division of Watershed Stewardship, Drainage Program,

Sussex County



November 16, 2023

polygonLayer

 Override 1

 Override 2

Zoning

 High Density Residential - HR-1

 Neighborhood Business - B-1

 General Commercial - C-1

 Tax Parcels

911 Address

 Streets

 County Boundaries

World Imagery

Low Resolution 15m Imagery

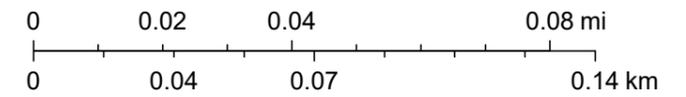
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

60cm Resolution Metadata

1:2,257



Maxar, Microsoft, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

Introduced: 7/18/23

Council District 2: Mrs. Green
Tax I.D. No.: 235-13.00-29.01
911 Address: 14742 Gravel Hill Road, Milton

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 CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS

WHEREAS, on the 19^h day of September, 2022, a zoning application, denominated Change of Zone No. 1992 was filed on behalf of Reed Properties, LLC; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1992 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on west side of Gravel Hill Road (Rt. 30) approximately 300 ft. south of Milton Ellendale Highway (Rt. 16) and the south side of Milton Ellendale Highway (Rt. 16) approximately 300 ft. west of Gravel Hill Road (Rt. 30) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcels containing 2.99 ac., more or less.

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

4/11

Vincent.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Wednesday, April 3, 2024 11:52 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Council Grant Form	
Legal Name of Agency/Organization	The City of Seaford
Project Name	Kiwanis Park Memorial Renovation.
Federal Tax ID	51-6000241
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To serve the residents, businesses and visitors to Seaford.
Address	414 High Street
City	Seaford
State	DE
Zip Code	19973
Contact Person	Charles Anderson

Contact Title	City Manager
Contact Phone Number	3023814576
Contact Email Address	canderson@seafordde.com
Total Funding Request	\$2,500 <i>NEW **</i>
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	2500
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Educational
Primary Beneficiary Category	Low to Moderate Income

Beneficiary Category Other	Veterians
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	1000
Scope	The funds are requested to install signage at the Kiwanis park Memorial. War memorial for fallen service members.
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	84,200.00
Description	Flag poles
Amount	10,000.00
Description	Plaques & Stars
Amount	10,000.00
Description	Electric Work
Amount	9,500.00
Description	Sidewalks
Amount	50,000.00
Description	Landscaping/misc.

Amount	4,700.00
Description	sign
Amount	2,500.00
TOTAL EXPENDITURES	86,700.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-2,500.00
Name of Organization	The City of Seaford
Applicant/Authorized Official	Charles Anderson
Date	04/03/2024
Affidavit Acknowledgement	Yes

Yes. 4/12.
Green.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Saturday, April 6, 2024 12:43 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization	Champions For Childrens Mental Health Inc ✓
Project Name	Community Resource and Training Center
Federal Tax ID	81-3580335 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Champions for Children's Mental Health empowers, inspires, and educates Delaware families caring for children with behavioral and mental health concerns. We believe in the dignity of every family, the importance of hope, and the unique value of lived experience. We embrace a respectful, professional, and exuberant organizational culture that cultivates family members into mental health community leaders. Champions for Children's Mental Health is committed to providing the necessary resources for all Delaware families dealing with a child's mental health issues.

Address	21 W Clarke Ave
Address 2	Suite 1600
City	Milford
State	Delaware
Zip Code	19963
Contact Person	Barbara Messick
Contact Title	Executive Director
Contact Phone Number	3027247229
Contact Email Address	BarbM@ChampionsDe.org
Total Funding Request	10,000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of	8

the project's funding does the Council grant represent?

Program Category (choose all that apply) Educational
Health and Human Services

Primary Beneficiary Category Youth

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 100

Scope

The Community Resource and Training Center is envisioned as a transformative space dedicated to fostering holistic well-being and empowerment within our community. By integrating mental health supports and resources, a food pantry, and leadership training opportunities, we aim to address the interconnected needs of individuals and families, promoting resilience, self-reliance, and community cohesion.

Central to our initiative is the provision of accessible mental health support. Recognizing the critical importance of mental wellness in overall health, our center will offer Family Peer Support Services, support groups, and psychoeducation programs tailored to the diverse needs of our community members. Through culturally sensitive approaches and collaboration with mental health professionals, we seek to reduce stigma, enhance coping skills, and strengthen social support networks.

In tandem with mental health services, our center will operate a food pantry to address the immediate needs of families facing food insecurity. Our pantry will offer nutritious food options and culturally relevant items, ensuring that individuals and families have access to

nourishing meals. By promoting food security, we aim to alleviate stressors that can exacerbate mental health challenges and promote overall well-being.

In addition to food, our pantry will offer cleaning supplies, hygiene products, school supplies, and a toy closet to ensure families have access to household items that may not be available otherwise. Our toy closet is meant to assist families in assisting families with birthdays so that every child can be celebrated.

Moreover, the Community Wellness Center will serve as a hub for leadership development and community engagement. Through leadership training programs, mentorship opportunities, and workshops on advocacy and civic participation, we seek to empower individuals to become agents of positive change within their families and communities. By fostering leadership skills and civic engagement, we aim to build a more resilient and connected community that can address systemic challenges and advocate for equitable access to resources and opportunities.

In summary, the Community Resource and Training Center represents a comprehensive approach to community health and empowerment, integrating mental health support, food security initiatives, and leadership training opportunities. Through collaborative efforts and a commitment to holistic well-being, we aspire to create a thriving community where all individuals have the support and resources they need to lead fulfilling lives.

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

50,000.00

Description

Start-up Costs

Amount

6,586.00

Description	Operating Costs
Amount	73,623.00
Description	Personnel
Amount	23,400.00
TOTAL EXPENDITURES	103,609.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-53,609.00
Name of Organization	Champions For Childrens Mental Health Inc
Applicant/Authorized Official	Barbara Messick
Date	04/06/2024
Affidavit Acknowledgement	Yes

Casey Hall

From: Barbara Messick <barbm@championsde.org>
Sent: Tuesday, April 9, 2024 9:55 AM
To: Casey Hall
Subject: Re: Form submission from: Council Grant Form

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good Morning!

Champions for Children's Mental Health currently operates out of a small office within the Milford Wellness Village (the old Milford Hospital building), however, all of our services offered to families are offered in their community. We meet families where they are, whether that's in their homes, at school, in court, etc. We serve these families statewide, throughout all counties, in their communities with our Family Peer Support services. The Family Resource and Training Center that we are proposing would be a new service for us, in that it would be the first service that would require families to come to us. We currently offer resources and training to families on an individual basis, but the center would allow us to reach more members of the community since they would be able to come in as they need. The leadership and empowerment trainings that we would offer to larger groups would help to build a community of family leaders faster. The startup costs reflected in the request would be to purchase the items for the center, including but not limited to, pantry shelving, tables and chairs for the training area, and computers and printers available for the community to use to submit applications for services and/or benefits. The resource and training center would also be housed here in the Milford Wellness Village, we would combine our current office space with the center so that we can have someone there at all times. We have received letters of support from Milford Wellness Village and We Care and I would be more than happy to pass those along if you would like.

Please let me know if this answers your questions or if you need additional information. Thank you so much!

Barb Messick
Executive Director
Champions for Children's Mental Health
302-724-7229
ChampionsDe.org

If you would like to schedule a meeting with me, please use this link:
<https://calendly.com/barbmessick-champions>

On Tue, Apr 9, 2024 at 9:17 AM Casey Hall <casey.hall@sussexcountyde.gov> wrote:

Good morning.

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

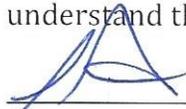
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

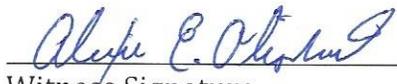
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



Applicant/Authorized Official Signature



Witness Signature



Title



Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Town of Laurel / Independence Day Committee
PROJECT NAME: Laurel Annual 4th of July Fireworks Display
FEDERAL TAX ID: 51-60000168 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:
Offer the annual 4th of July Fireworks Display to our residents and residents from surrounding towns as a way to celebrate our freedoms and independence and as a thank you to all those that served to provide us with those freedoms

ADDRESS: 201 Mechanic Street
Laurel DE 19956
(CITY) (STATE) (ZIP)

CONTACT PERSON: Jamie Smith
TITLE: Town Manager
PHONE: 302-875-2277 EMAIL: laureltn@comcast.net

TOTAL FUNDING REQUEST:

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

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

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 0%

* Requesting a \$5,000.00 Donation from Sussex County *

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|--------------------------------------|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input checked="" type="checkbox"/> Other <u>Community</u> | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>Community</u> | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

8,000

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

This year the Town of Laurel will be holding our 30th Annual Independence Day Celebration to include a parade, vendors, games, attractions, and a fireworks show. The firework show has brought thousands of people to the Laurel area for the past 29 years.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 10,763
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Total Firework Cost	\$ 20,000
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Laurel Independence Day Organization agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official Signature



Witness Signature

4-12-24

Date

4/12/24

Date

Completed application can be submitted by:

Email: casey.hall@sussexcountype.gov

Mail: Sussex County Government
Attention: Casey Hall
PO Box 589
Georgetown, DE 19947

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
 <notifications@d3forms.com>
Sent: Thursday, April 18, 2024 11:55 AM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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Council Grant Form

Legal Name of Agency/Organization

Children's Beach House, Inc. ✓

Project Name

Youth Development Program

Federal Tax ID

51-0070966 ✓

Non-Profit

Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)

No

Organization's Mission

The mission of Children's Beach House is to improve the lives of children, youth, families, and communities by helping them to identify, understand, and utilize their own strengths, talents, and resources.

Address

1800 Bay Ave

City

Lewes

State

DE

Zip Code

19958

Contact Person	Barry Goodinson
Contact Title	Grants Manager
Contact Phone Number	7036064948
Contact Email Address	bgoodinson@cbhinc.org
Total Funding Request	5,000
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Youth

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

375

Scope

Since 2006, CBH's Youth Development Program (YDP) has served children, ages 7-18, with cognitive, academic, social, and interpersonal challenges that are caused by speech or language delays and auditory processing issues. These speech and language conditions, which are often referred to as "Primary or Specific Language Impairments" (SLI), can be caused by, or are part of a constellation of conditions related to, a number of disorders and birth defects. According to the ERIC Clearinghouse on Disabilities and Gifted Education, the most common conditions that affect children's communication include: attention deficit disorder, attention deficit hyperactive disorder, cerebral palsy, mental disabilities, cleft lip or palate, and autism spectrum disorders.

In addition to these known causes, according to the National Institute on Deafness and Other Communication Disorders (NIDCD), a majority of communication challenges have no known biological cause. It is generally felt that environmental conditions, such as poverty, limited parental education, and parental history of speech, language, and/or learning problems account for most SLIs with no known underlying biological cause. As a result, higher concentrations of speech and language impairments can be found among poorer populations. (Bishop 2001; Stromswold 1998).

Because of the higher rate of SLIs among poorer children, CBH focuses on children who are considered poor (i.e., receive free or reduced school lunches).

The Youth Development Program currently has a capacity of 175 children.

In addition to academic challenges, speech and language disorders can have a devastating effect on children socially and emotionally. According to the National Council on Disability, students with visible and non-visible disabilities

are subject to more bullying than non-disabled peers (Carter and Spencer, 2006), and students with disabilities are disproportionately likely to face peer rejection (Martlew & Hodson, 1991; Whitney, et al, 1994; and Hodges and Perry, 1996).

Many students with communication disabilities have significant social skills challenges, either as a core trait of their disability or as a result of social isolation due to segregated environments and/or peer rejection. A 2002 study of U.S. mothers found that 94% of children with a diagnosis of Asperger's Syndrome faced peer victimization (Little, 2002), with a broad range of different types of victimization, including emotional bullying (75%), gang attacks (10%) and nonsexual assaults to the genitals (15%). A 2003 study found that 34% of students who report taking medication for Attention Deficit Hyperactivity Disorder face bullying victimization at least 2-3 times a month, a substantial increase over the rate of bullying victimization from other students surveyed (Unnever and Cornell, 2003). A Canadian study (Langevin, Bortnick, Hammer and Wiebe, 1998) examined the relationship between stuttering and being selected as a target for bullying and found that at least 59% of students studied were bullied about their stuttering, with the bullying taking place at least weekly.

All of these challenges leave these children at risk. Studies have shown that the most significant protective factors that prevents children from engaging in risky behaviors are close and supportive relationships with friends, parents, and other trusted adults. CBH, therefore, makes the creation of these relationships one of the primary objectives of our work. Our monthly weekend camp sessions and summer week-long camp sessions give children the opportunity to try new things, test new limits, develop new skills and interests, and – most importantly, create strong and lasting relationships. While, from the outside, Children's Beach House may look like a traditional camp program, to the children we serve, "it's the place I have friends."

Program Description

Youth Development Program

While effectively evoking the idyllic setting in which a portion of its services are offered, the name "Children's Beach House" only hints at the full extent of the services offered to the children in the agency's care. The agency's primary direct service program - the Youth Development Program - is a three-pronged integrated program, designed to support the cognitive, academic, social, and interpersonal development of children with speech or language delays and auditory processing issues. The program consist of:

1. Year-Round Support by Family Engagement Coordinators
2. Summer Camp
3. School-Year Weekend Camp Sessions
4. Career Exploration and Work Readiness

Year-Round Support by Family Engagement Coordinators
Central to the CBH service model is the belief that families are the most fundamental factor influencing young people. CBH's Youth Development Program, therefore, directs a great deal of time and energy toward supporting the family unit. The central source of this support is CBH case management, through which CBH services and other school- and community-based educational, therapeutic, ancillary and social services are accessed and coordinated. Each child admitted to CBH for services is assigned a family engagement coordinator (case manager) who is responsible for identifying unmet needs, accessing and coordinating services, advocating on their behalf, and accompanying the child and/or family at important meetings with other care providers and educators.

Referrals to the program are initiated by parents (or legal guardians), teachers or social service and medical professionals working with the children. Children are accepted to the program:

- With diagnoses with speech/language or mild orthopedic problem or hearing issue;
- If the child is between the ages of 7 and 18**;
- If CBH programs meet the goals articulated in the child's

Individual Education Plan (IEP); and

- If CBH programs can be expected to effectively address the child's presenting needs and challenges.

CBH extends preference to applicants living in poverty (as defined by Delaware Department of Education for free school lunch program) and whose home and school environments pose environmental or contextual risks, such as fractured family structure, divorce, incarceration, children living with grandparents, illness, addictions, etc. There is no cost to the children's families to participate in the program.

Parents (or legal guardians) and teachers or other professionals together initiate the application process, providing CBH with demographic and family information, as well as medical and school reports. CBH family engagement coordinators then conduct home and school visits, as well as interviews with the families, teachers and other professionals. The family engagement coordinators write reports, based on information gathered through this process, and forward the reports to an admissions committee. The four-person committee is comprised of CBH trustees Jean Hitchens, Linda Fischer, Lisa Ratliff, and Elyse Moore. Guided by the staff reports and their own professional expertise, the committee makes the final determinations of acceptance to the program. This process also frees YDP staff from any pressures placed on them by referring teachers and other professionals with whom they may work on an on-going basis.

After acceptance to the program, families are assigned to one of CBH's three family engagement coordinators -- generally according to their county of residence, with one family engagement coordinator assigned to New Castle County, another to Kent, and the third to Sussex. However, a certain degree of flexibility is allowed, according to family engagement coordinators' current caseload capacity or the specific needs of the families and children and the particular expertise held by a specific family engagement coordinator. A bilingual (Spanish/English) family engagement coordinator works with the Hispanic community in Sussex County. Each of CBH's family engagement coordinators maintains a caseload of 30-35 families.

The objective is to create a nexus around which CBH develops a resource-rich constellation of services and relationships that meet each child's social, developmental, emotional, academic, and other needs. Toward that end, Family engagement coordinators reach out to each family minimally two times each month. At least one of these meetings is held in-person. This two-meeting-per-month requirement is established to create a starting point and a framework upon which to build more substantive and frequent support and interactions.

A central focus of these interactions is the development and/or implementation of each child's Individual Education Plan (IEP). All public school students with special needs must have an IEP to address that student's particular needs, challenges and current circumstances. CBH Family engagement coordinators attend IEP meetings with the students and their parents (or, in some cases, in the place of the parents) and follow up with families, schools and learning specialists to ensure that the IEP is being followed and is sufficiently meeting the child's needs.

Family engagement coordinators also partner with parents to assess each child's non-academic needs, as well, identifying the child's and family's strengths and challenges and working with the family as needs arise. The responses to these emerging needs are as varied as the families CBH serves. As such, CBH family engagement coordinators have a wide understanding of the total needs of the families they serve and excellent mastery of, and relationships with, the community services available to meet them.

This flexibility and the willingness to work within the spaces between other service providers is perhaps the greatest strength of CBH case management and is the key to the successes realized by it Program Participants. For example, depending upon the family circumstances and changing needs, Family engagement coordinators may be called upon to:

- Secure emergency financial support to restore utility service, or prevent its termination;
- Arrange or provide transportation to necessary services;
- Access food bank services, as necessary;
- Find clothing for Program Participants;
- Work with local service organizations to secure Christmas

- gifts for Program Participants and families;
- Secure funds to purchase school supplies;
 - Find and coordinate tutoring services;
 - Help parents complete GEDs and meet vocational goals;
 - Find emergency housing when homeless;
 - Respond to crises that emerge with the family;
 - Work to prevent and respond to teen drinking and substance abuse;
 - Respond to disciplinary problems.

In order to provide a comprehensive and individually tailored constellation of supports and services to its families, CBH Family engagement coordinators work with a wide array of agencies, professionals and institutions, including:

- Public schools
- Private schools
- Delaware Food Bank
- Child Guidance services
- YMCA
- Boys and Girls Clubs
- Catholic Social Services
- Speech Therapists
- Occupational Therapists
- Behavioral Therapists

Because CBH understands that strong familial and social relationships are integral to healthy and happy social and emotional functioning, Family engagement coordinators also plan and host programs and events that are designed to bring the families under case management together. These activities give the children an opportunity to establish and strengthen the relationships they enjoy during weekend retreats and summer camp sessions (see below). They also offer parents opportunities to establish their own networks of support. These gatherings are held at least quarterly and include weekly sports nights, weekly "girls night," family picnics, holiday events, bowling and other sports, and attending sports events. Program Participants are often called upon to plan these events as a way to further engage them in a shared activity and as a means of ensuring that these programs meet their needs and interests.

Throughout the year, family engagement coordinators work

with children and families to set and achieve specific goals. These may include specific academic milestones, as well as social and interpersonal goals. As the school year winds down, the focus turns to summertime goals, which will be pursued during each child's time at CBH's summer camp. These goals may include assuming a leadership role at camp, learning new swimming or boating skills, mastering a particular art form, learning more about a particular facet of marine life, participating in a camp theater event, acquiring specific academic skills, conquering the next level of the camp's ropes course, improving personal hygiene, journaling about personal interactions, improving listening skills, appropriate anger expressions. CBH Family engagement coordinators work with camp staff to make sure these goals are incorporated into the child's summer schedule and appropriate supports are put in place to help each child achieve them.

Summer Camp

While CBH case management provides the mechanism through which a coordinated and ongoing network of supportive relationships and services are offered, Summer Camp at CBH's Delaware Bay campus is where the process leaps ahead and the relationships take off. Camp sessions are held throughout the summer, Monday through Saturday, from June to August. Camp sessions are organized by age, with separate sessions for "Mates" (elementary school-age children), "Navigators" (middle schoolers), and "Captains" (high school-age students). Depending upon space availability and individual need, Mates and Navigators may attend up to three week-long sessions and Captain may attend up to two. If dire family circumstances require longer engagement, these caps may be waived.

Located on three acres of shoreline, the Lewes camp's central feature is the Beach House, a 25,000 square foot, two-story building. Built in 2005 to replace the camp's original 1938 structure, the building can accommodate up to 30 campers and 18 staff. The Beach House's use of residential architectural elements helps the structure blend into the local landscape and offer campers a summertime home that feels comfortable and familiar. The facility also

includes a freshwater swimming pool, playground, climbing walls, low ropes course, volleyball court, carpentry shop, sewing room, arts and crafts room (with a kiln for ceramic arts). The facility and its programs provide a unique experience for children with special needs to explore and learn from the setting's natural environment and from one another. Family engagement coordinators work with the camp's programming team, assigning participants to camp sessions, peer groups, activities, and programs, so that the most effective activities are chosen to enhance each participants' strengths and address their most pressing needs.

Activities include:

- Swimming Lessons and Free Swim Sessions
- Sailing, Kayaking and Catamaran Lessons
- Teambuilding Activities
- Arts and Crafts
- Ceramics
- Woodwork
- Sewing
- Ropes Course
- Marine Science
- Fishing
- Academic Enrichment
- Music
- Drama
- Sports/Games
- Photography
- Special Programs with Visiting Teachers and Facilitators

At first glance, these activities appear to be similar to camp activities beloved by children at camps everywhere. At CBH, however, all of these activities are specifically geared toward helping campers secure the Developmental Assets that are essential for social, moral, emotional, physical, and cognitive growth. Camp programs, therefore, are organized as a coordinated, progressive series of activities and experiences, which help children develop and grow. The individual schedules and activities of each camper are developed to meet the specific goals set by the children, teachers, allied professionals, and family engagement

coordinators. From the children's perspectives, however, camp is simply great fun.

School-Year Weekend Enrichment Programs

In order to maintain and nurture the supportive relationships developed during summer camp during the school year, the Youth Development Program hosts a series of weekend enrichment programs at the CBH facility in Lewes, DE. Held from October to May, these weekend gatherings (25 per year) offer Program Participants opportunities to remain connected to their fellow campers, staff and volunteers throughout the school year. While these weekends are not mandatory, Program Participants are eager to attend, with an average of 24 children participating each weekend. Participation rates among the younger children tend to be higher than for the older Program Participants. This drop off is generally seen as a positive sign, as Program Participants gain greater confidence during their time in the program and are able to develop a more extensive network of social supports and activities away from CBH.

YDP weekend activities mix community service volunteerism with social activities. This allows children to understand and develop their obligation and ability to be contributing members of society, and to not simply see themselves as recipients of other people's largesse. This aspect of the YDP has been a huge success and has been enthusiastically embraced by the children. Program Participants identify and plan their community service projects, which help to enhance their sense of ownership and their decision-making and planning skills. Past projects have included multiple Habitat for Humanity projects, building a volleyball court at Henlopen State Park, and an Alex's Lemonade Stand to raise funds for childhood cancer.

Career Exploration and Work Readiness

Throughout elementary and middle school, the activities in the Youth Development Program are focused on the children's social, moral, emotional, physical, and cognitive growth. In high school, the focus shifts a bit with the introduction of career exploration and work readiness activities that provide age-appropriate supports to help young people on their paths toward happy, productive, and

lucrative careers. The career exploration and work readiness component of YDP at CBH seeks to:

1. equip program participants with the knowledge and skills to navigate career preparation and/or higher education;
2. train students to think about long-term career strategies and economic mobility;
3. provide opportunities for career exploration through exposure to opportunities that exist beyond their current awareness, socio-economic boundaries, or other obstacles;
4. provide financial literacy and financial planning skills, including long-term investing; and
5. identify and facilitate mentorships and internship opportunities with community and professional partners.

The career exploration and work readiness component of the Youth Development Program is based on and uses materials designed for the Empower Your Future Career Readiness Curriculum produced and published by The Commonwealth Corporation. The work readiness program begins the summer before 10th grade while the children are at CBH's Lewes Beach camp and continues year-round during the duration of their time enrolled in the Youth Development Program. At the start of their career exploration, family engagement coordinators lead the children through a self-directed search designed to help them identify their individual interests, skills, and affinities. This tool asks users a series of questions about activities they enjoy, competencies they have, and occupations that appeal to them. The aggregated answers deliver a two-letter summary code that aligns with a list of occupations contained in the program's Career Finder workbook. The workbook, in-turn, gives users occupation-specific codes that allow in-depth exploration of each field on the Empower Your Future website, including insights into future demand for practitioners, the education/training needed, and how lucrative each field might be.

Concurrent with this exploration, the teens also participate in activities and workshops to hone workforce readiness skills, such as:

- communicating in a professional manner;
- interviewing effectively;

- collaborating with work teams;
- drafting professional emails;
- business telephone etiquette;
- proper workplace attire and grooming;
- code switching; and
- professional handshakes and maintaining eye contact.

The order and content of these skill acquisition activities are individualized and self-paced, based on each child's current skills, their long-term goals, and the individual progress reports maintained by the camp counselors and family engagement coordinators.

As the teens progress through their career exploration process and gain greater clarity about what careers might interest them and develop insights into additional skills they might need to develop, the family engagement coordinators will create individualized plans to support and advance their efforts. These plans might include:

- connecting parents and family members to resources or individuals who might help them better understand and support the teen's goals and interests;
- arranging field trips and site visits to relevant businesses, organizations, schools, and training programs;
- liaising between program participants and internship and training opportunities;
- facilitating educational sessions on financial literacy and investing, specific industries, or other topics as appropriate; and
- finding and connecting teens with mentors.

Expanded Service in Milton

When CBH's Board of Trustees developed its most recent strategic plan (covering the years 2022-2026), they looked at the unmet needs of children and families in Delaware. In doing so, CBH found a cluster of need in nearby Milton. There we found that:

- Hispanic Students make up 23.56% of the student body at Mariner Middle School, 16.32% at H. O. Brittingham

Elementary School, and 24.30% at Milton Elementary Middle School;

- English learners make up 8.97% of the students at Mariner Middle School, 9.71% at H. O. Brittingham Elementary School, and 19.48% at Milton Elementary School (By comparison, in the Cape Henlopen School District, English learners comprise 8.21% of the student body); and

- One out of every five students in Milton schools lives in poverty, a rate that exceeds other area schools.

In response to this need, CBH decided to test a new approach to the provision of services. We developed a new “embedded” Youth Development Program, which provides more intensive support to children and families, and we have piloted that new model in Milton. Critical to the success of that pilot program have been 1) an intentional emphasis on meeting the needs of the Spanish speaking community and 2) being physically present in the community on an ongoing basis. In order to meet the needs of the Latino community, we have hired two bilingual family engagement coordinators, launched a Spanish language landing page on our website, and published a Spanish language YDP brochure. In order to be present to the Milton community on an ongoing basis, we became a partner in Milton Elementary School’s FAME after-school program and successfully received support to be an AmeriCorps service site and assigned CBH AmeriCorps members and CBH YDP staff to the FAME program.

Starting with the 2024-2025 school year, under the terms of two pending 21st Century Community Learning Centers contracts, CBH will be responsible for the FAME program at Milton Elementary School and will replicate the program at nearby H. O. Brittingham Elementary School. Together, these two programs will allow CBH to work with 280 children, providing essential after-school programming during the school year and four weeks of day camp during the summer.

Religious Components n/a

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 1,250,000.00

Description Salaries

Amount 951,852.00

Description Benefits

Amount 173,635.00

Description Professional Fees & Services

Amount 97,870.00

Description Program Food/Supplies, Telephone, Postage

Amount 151,418.00

Description Occupancy/Maintenance

Amount 119,437.00

Description Program Transportation/Meetings

Amount 98,188.00

Description Printing and Publications

Amount 7,117.00

Description	Misc and Direct Financial Assistance
Amount	13,335.00
TOTAL EXPENDITURES	1,612,852.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-362,852.00
Name of Organization	Children's Beach House, Inc.
Applicant/Authorized Official	Barry Goodinson
Date	04/18/2024
Affidavit Acknowledgement	Yes

To Be Introduced: 4/30/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 335-12.06-10.00
911 Address: 1510 Savannah Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS

WHEREAS, on the 27th day of March 2023, a Conditional Use Application, denominated Conditional Use No. 2431 was filed on behalf of Play It Safe, LLC; and

WHEREAS, on the ____ day of _____ 2024, 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. 2431 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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. 2431 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the east side of Savannah Road (Rt. 9) at the intersection of Savannah Road (Rt. 9) and Quaker Road approximately 0.33 mile northeast of Westcoats Road (Rt. 12) and being more particularly described in the attached legal description prepared by Wilson, Halbrook & Bayard, P.A., said parcel containing 0.26 acre, more or less.

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

To Be Introduced: 4/30/24

Council District 1: Mr. Vincent
Tax I.D. No.: 232-19.00-45.00 (p/o)
911 Address: 32099 Jestice Farm Road, Laurel

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A 5.00 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 140.12 ACRES, MORE OR LESS

WHEREAS, on the 12th day of July 2023, a conditional use application, denominated Conditional Use No. 2463 was filed on behalf of Chickberry Farms Events, LLC; and

WHEREAS, on the ____ day of _____ 2024, 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. 2463 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2463 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 Broad Creek Hundred, Sussex County, Delaware, and lying the east side of Jestice Farm Road (S.C.R. 449A) approximately 0.25 mile north of Laurel Road (Rt. 24) and being more particularly described in the attached legal description prepared by Street & Ellis, P.A., said parcel containing 5.00 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.



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: April 25, 2024

RE: County Council Report for C/U 2430 filed on behalf of Mark Baull

The Planning and Zoning Department received an application (C/U 2430 filed on behalf of Mark Baull) for a Condition Use at Tax Parcel 433-1.00-7.00 for an auto repair shop. The property is located at 30465 Armory Road, Frankford. The parcel size is 2.045 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on March 20, 2024. At the meeting of April 10, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons and subject to the 13 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of March 20, 2024, and April 10, 2024.

Minutes of the March 20, 2024, Planning & Zoning Commission Meeting

C/U 2430 Mark Baull

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.045 ACRES, MORE OR LESS. The property is lying on the northeast side of the intersection of Armory Road (Rt. 20) and Murray Road (S.C.R. 355). 911 Address: 30465 Armory Road, Frankford. Tax Map Parcel: 433-1.00-7.00.



Mr. Whitehouse advised the Commission that submitted into the record were the Staff Analysis, the Applicant's survey, the Applicant's Sketch Plan, and the DelDOT Service level Evaluation Response. Mr. Whitehouse stated no comments had been received for the Application.

The Commission found that Mr. Mark Baull, Applicant, spoke on behalf his Application. Mr. Baull stated that the Conditional Use Application is for an auto repair shop; that his intention is to run the repair shop until he retires in about five to six years; that the auto repair shop would be run by himself with no employees; that there is no storage of vehicles unless they are being worked on; that no unregistered vehicles will be on the lot; that there is no towing or wreckage being done; that hours would Monday through Friday 8:00 AM – 5:00 PM; that he would like a lighted sign for the business; that he has proper oil disposal, and that he would only have approximately 8-12 cars on his lot at one time.

Chairman Wheatley stated the process of the Conditional Use allows the Commission to put requirements on the use; that the Applicant must follow in order to operate; that a commercial Site Plan would need to be completed and the involvement of other agencies such as DelDOT before the finalization.

The Commission found that there was no one present in support of the Application and two people present in opposition of the application.

Ms. Patricia Martin spoke in opposition to the Application with concerns about the toxic fluids from vehicles and the groundwater with wells and the ways it impacts it; that the Applicant stated he was going to operate Monday through Friday, 8:00 am to 5:00 pm, which was a concern due to the noise with equipment, such as impact guns and compressors; that he had concern to the entire two acres being available to store cars waiting to be repaired and he questioned who would enforce the stipulations put on the Conditional Use if approved.

Mr. Cory Martin spoke in opposition to the Application in regard to the number of cars that would be allowed on the lot; that he does not want to live next door to a junk/salvage yard and would hope that there is some way to follow through with enforcement of the number of cars on the lot.

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

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

In relation to C/U 2430 Mark Baull. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the April 10, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since March 20, 2024

Mr. Mears moved that the Commission recommend approval of **C/U 2430** for **MARK BAULL** for a small auto repair business based upon the record made at the public hearing and for the following reasons:

1. The proposed automobile repair facility is small, and with the conditions and stipulations

- placed upon it, it will not have an adverse impact on the neighboring properties or community. It is also small enough that it will not negatively impact traffic or nearby roadways.
2. The site is located in the Coastal Area according to the Sussex County Comprehensive Plan. This type of use is appropriate in this Area according to the Comprehensive Plan.
 3. The Applicant lives on the site and the repairs will occur inside of a separate building on the site. The Applicant intends to keep the residential appearance of the property.
 4. The use as an automotive repair facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
 5. No parties appeared in opposition to this application, and a neighbor testified in support of this application.
 6. This recommendation for approval is subject to the following conditions and stipulations:
 - A. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - B. Any security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - C. All repairs shall be performed indoors. No automobile parts shall be stored outside, and aside from vehicles with a current registration in the Applicant's name, no more than 10 cars shall be parked on the site.
 - D. No junked, unregistered or permanently inoperable vehicles or trailers shall be parked or stored on the site.
 - E. There shall not be any parking in the front yard setback.
 - F. The parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles shall only be parked within these designated areas.
 - G. No cars shall be sold on the property.
 - H. All oils and other fluids shall be properly stored indoors in appropriate containers. The applicant shall also comply with all state and federal requirements for the disposal of these fluids.
 - I. The site shall be subject to all DelDOT entrance and roadway requirements.
 - J. The hours of operation shall be 8:00 am through 5:00 pm, Monday through Friday. There shall not be any Saturday or Sunday hours.
 - K. This conditional use is on a property that is more than 2 acres in size and not all of it is intended to be used as part of the Applicant's business. Therefore, the Final Site Plan shall clearly show the area of the Conditional Use and the remaining area of the property that is not part of the Conditional Use.
 - L. Any violation of these conditions may be grounds for termination of this conditional use.
 - M. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 24103 Mark Baull for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatly - yea

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
J. BRUCE MEARS
GREGORY SCOTT COLLINS
BRIAN BUTLER



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: March 20th, 2024

Application: C/U 2430 Mark Baull

Applicant: Mr. Mark A. Baull
30465 Armory Road
Frankford, DE 19945

Owner: Mr. Mark Baull
30465 Armory Road
Frankford, DE 19945

Site Location: The property is lying on the northeast side of the intersection of Armory Road (Route 20) and Murray Road (S.C.R. 355) and consists of 2.045 acres +/- . The property is located at 30465 Armory Road in Frankford, Delaware.

Current Zoning: Medium-Density Residential (MR) District and Agricultural Residential (AR-1) District

Proposed Use: Auto Repair Shop to consist of a 1,200 square foot repair shop, parking, and associated site improvements.

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Dagsboro Volunteer Fire Department

Sewer: Private/On-Site (Septic)

Water: Private/On-Site (Well)

Site Area: 2.05 acres +/-

Tax Map ID.: 433-1.00-7.00



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: Ms. Lauren DeVore, AICP, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: March 11th, 2024
RE: Staff Analysis for C/U 2430 Mark A. Baull

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2430 Mark A. Baull to be reviewed during the March 20th, 2024, 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.

Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.

Tax Parcel ID: 433-1.00-7.00

Proposal: The request is for a Conditional Use for Tax Parcel 433-1.00-7.00 to allow for an auto repair business to consist of a 1,200 square foot (30-ft x 40-ft) auto repair shop, parking and associated site improvements. The property is located on the northeast side of the intersection of Armory Road (Route 20) and Murray Road (S.C.R. 355) and consists of 2.045 acres +/- . The property is located at 30465 Armory Road in Frankford, Delaware.

Zoning: The majority of the balance of the Parcel is zoned Medium Density Residential (MR) District, with a small portion of the rear of the Parcel being zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the south and north of the subject property are also zoned Medium Density Residential (MR) District and Agricultural Residential (AR-1) District. The properties to the south on the opposite side of Armory Road (S.C.R. 355) are zoned Medium Density Residential (MR) District. The properties on the south side of Armory Road (S.C.R. 355) and the west side of Murray Road (S.C.R. 355) are zoned Agricultural Residential (AR-1) District.

Future Land Use Map Designation w/in Comprehensive Plan: The subject property is located within the “Coastal Area” as outlined in the Sussex County’s 2018 Comprehensive Plan.

Applicability to Comprehensive Plan: The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the Plan indicates that the subject property has a Growth Area Future Land Use designation of “Coastal Area.” The properties to the south of the subject Parcel, to include the properties on the opposite side of Armory Road (Route 20) also have a Future Land Use designation of “Coastal 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” (2018 Sussex County Comprehensive Plan, 4-15). The Plan further notes that “retail and office uses are appropriate” within this Future Land Use Map designation, that “appropriate mixed-use development should be allowed” and that “in doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-15).

Additionally, Staff note that there is a single Parcel to the north of the property that has a Future Land Use Map designation of “Commercial Area.” The 2018 Sussex County Comprehensive Plan states that “Commercial areas include concentrations of retail and service uses that are mainly located along arterials, and highways” and “include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic” (2018 Sussex County Comprehensive Plan, 4-17).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the existing Medium Density Residential (MR) and Agricultural Residential (AR-1) Districts are applicable Zoning Districts within the “Coastal Area” Future Land Use Map Designation (2018 Sussex County Comprehensive Plan, 4-25).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is located within the vicinity of lands that appear to be actively farmed to include Tax Parcel 433-1.00-4.00 to the north of the subject property which is the current site of Toomey Farms. Tax Parcel 433-2.00-4.00 to the northeast of the subject property is within a previously established Agricultural District (the Baltimore Mills District).
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcels are not within any established Transportation Improvement Districts. Staff further note that the Delaware Department of Transportation (DelDOT) has indicated in their Service Level Evaluation Response (SLER) that the development’s traffic impact is anticipated to be “negligible” in the context of the “Sussex County/Delaware Department of Transportation Memorandum of Understanding (MOU) for Land Development Coordination.”
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** The County’s Online Mapping System does not indicate the presence of any wetlands on the property. There does appear to be an area of lotic

(flowing freshwater) which runs just beyond the rear property line of the property that appears to be agricultural in nature.



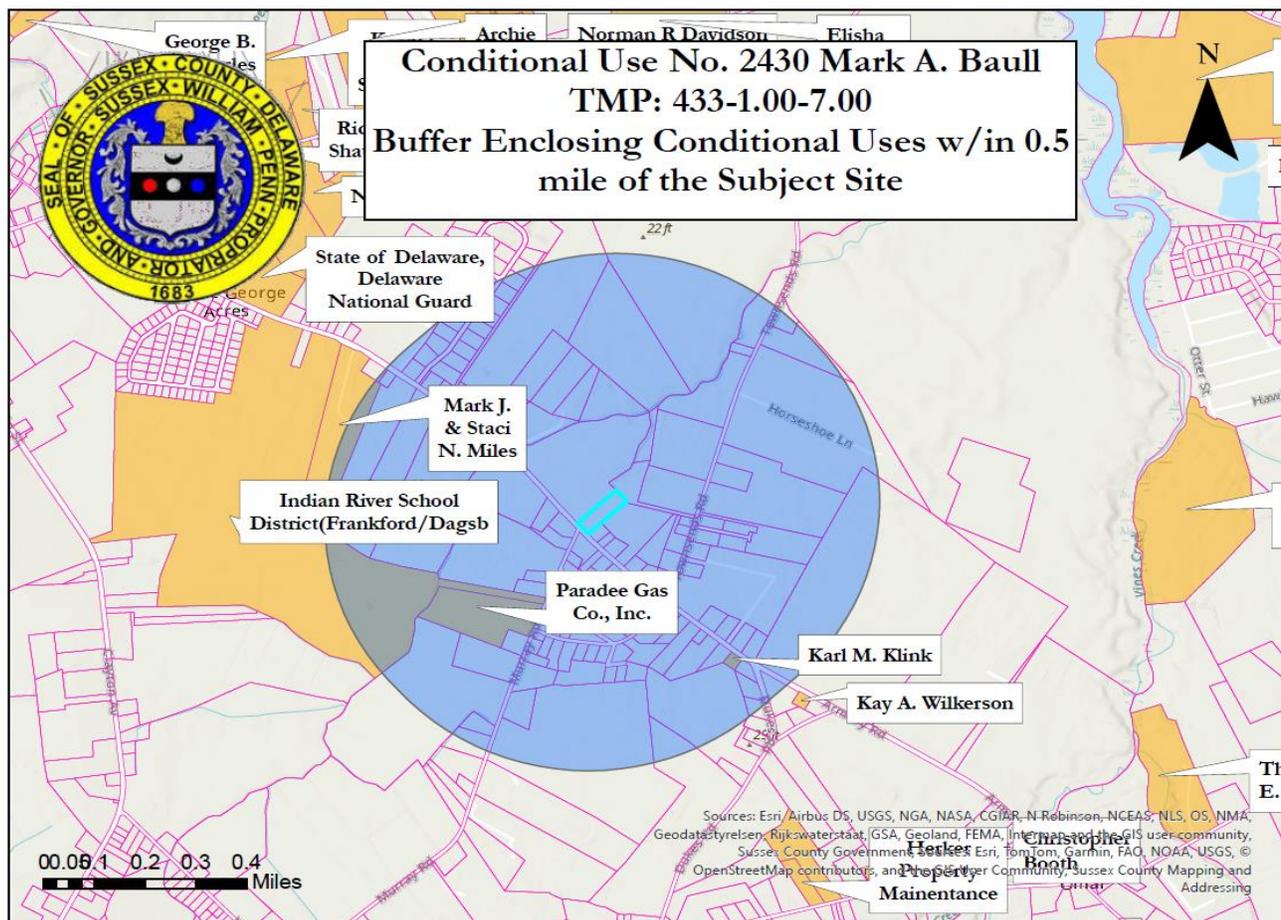
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. DNREC’s Flood Planning Tool notes that the property is located within the Indian River Bay Watershed and the Vines Creek-Indian River Subwatershed. The approximate Ground Elevation Height at the Parcel is 15-22-ft.

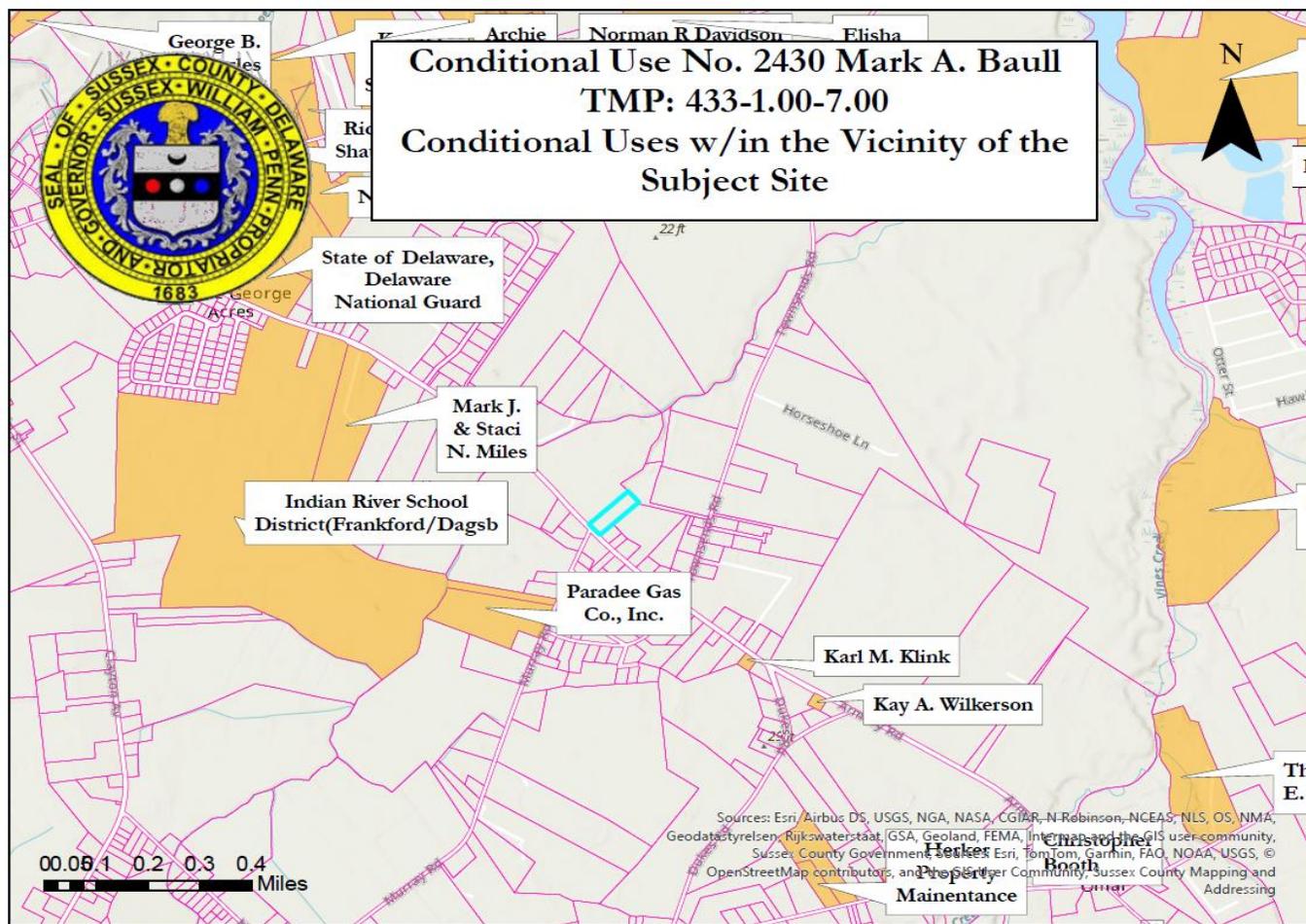
The property lies within the Herring Branch Tax Ditch Area but there are no related Tax Ditch Rights-Of-Way (ROW) on the property. Staff note that there is a Tax Ditch ROW present on the Parcel to the north of the property of which the Right-Of-Way (ROW) is measured 80-ft from the Top of Bank (TOB) of the ditch.

Additionally, the County’s Online Mapping System indicates that there are no Well Head Protection Areas present on the site and that the property is located within an area of “Fair” Groundwater Recharge Potential.

Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are within a 0.5-mile distance from the subject site.

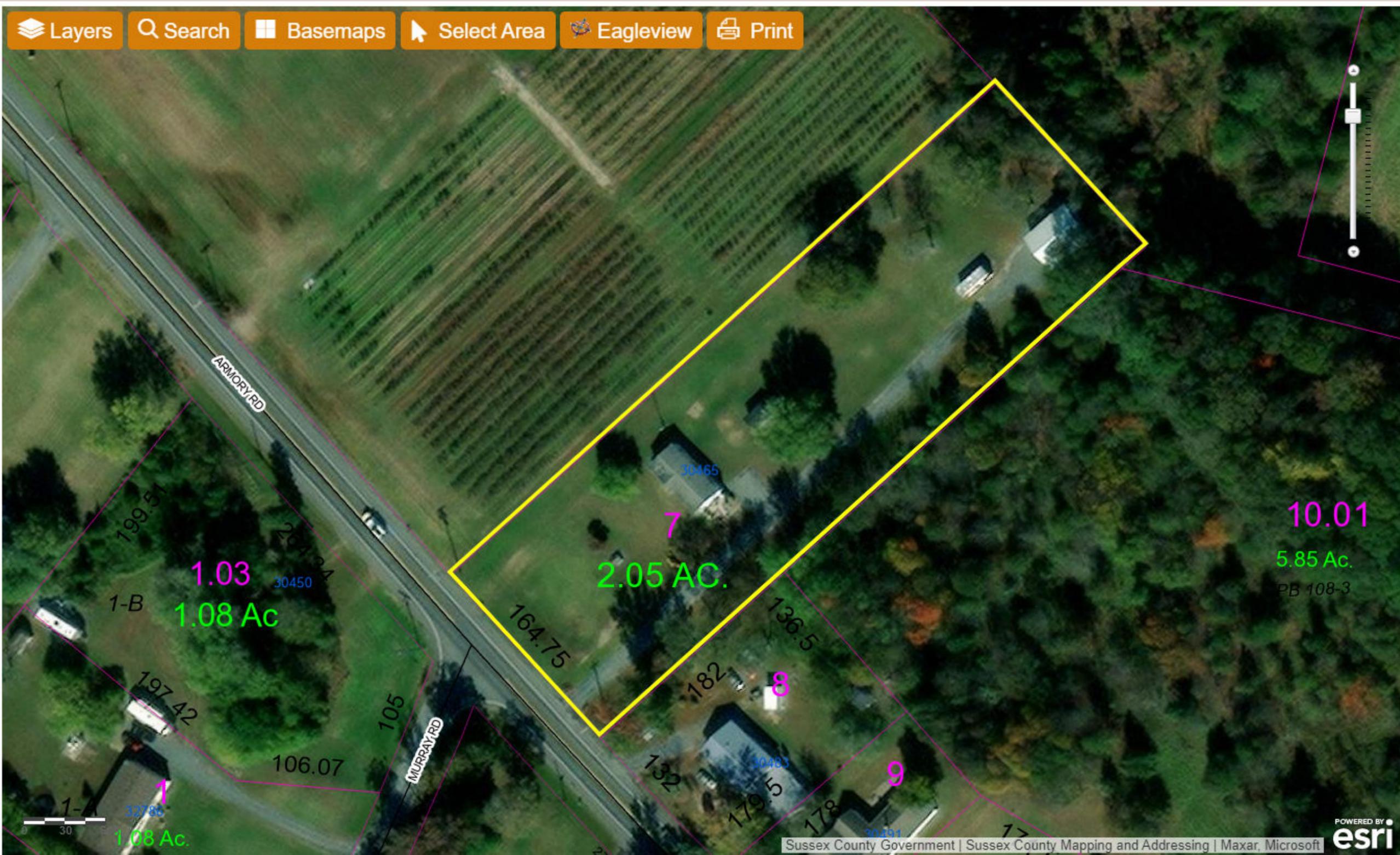
Conditional Use Applications (w/in a 0.5-mile radius of the Application Site)								
Application Number	Applicant Name	Zoning	Proposed Use	P&Z Date	P&Z Recommendation	CC Date	CC Decision	Ord. No.
C/U 1245	Paradee Gas Co., Inc.	AR-1	two (2), 33-gallon LP Gas Storage Tanks	5/22/98	Withdrawn	5/22/98	N/A	—
C/U 1409	Indian River School District (Frankford/Dagsboro)	AR-1	Public School	6/28/01	Recommended Approval	7/17/01	Approved	1479
C/U 1664	Mark J. & Staci N. Miles	AR-1	Warehousing /Office	8/10/06	Recommended Approval	8/15/06	Approved	—
C/U 1668	Karl M. Klink	AR-1	Country Store	12/7/06	Recommended Approval	6/12/07	Approved	1905





Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a 1,200 square foot (30-ft x 40-ft) auto repair shop, parking and associated site improvements, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 433-1.00-7.00 Zoom

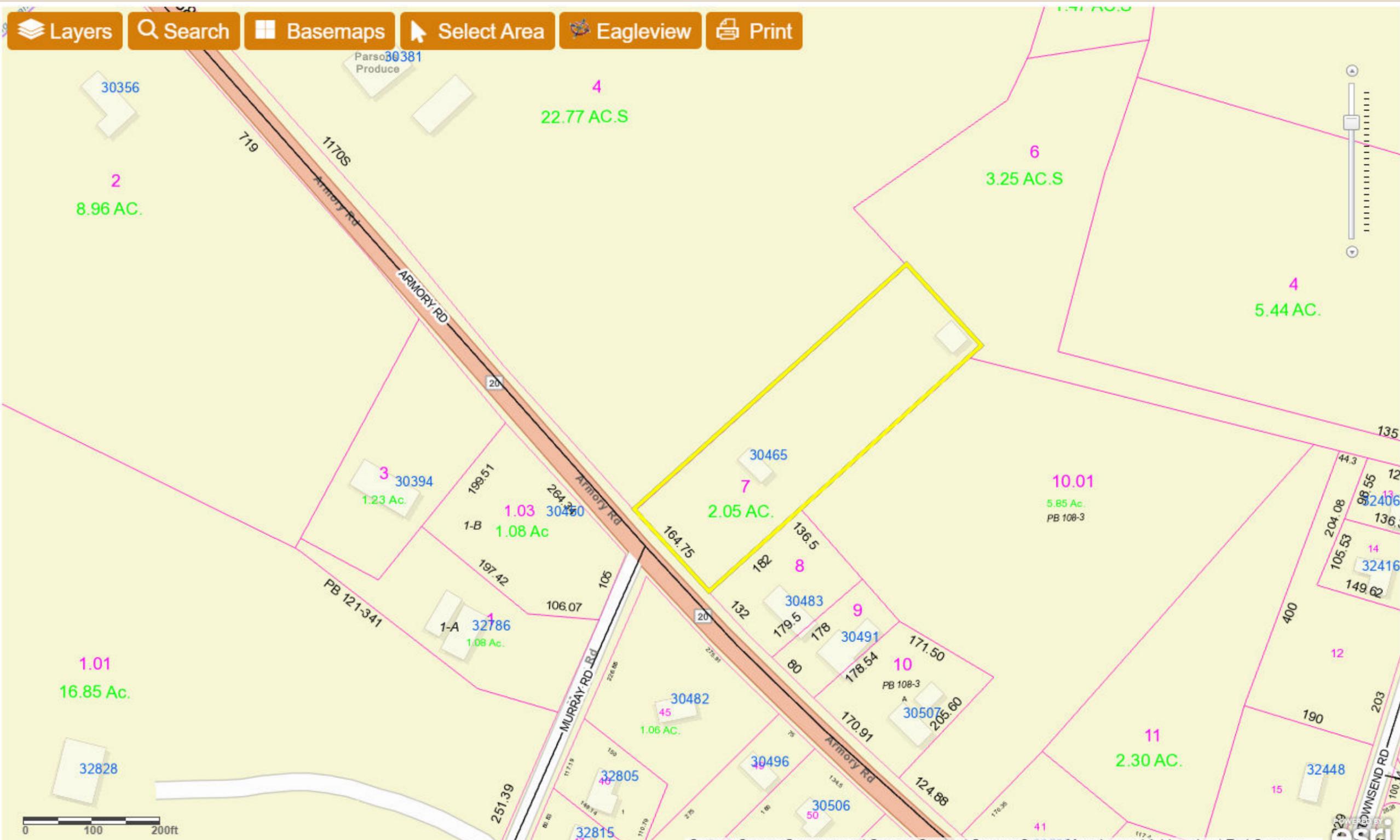
BOOK	2245
PAGE	143
FULLNAME	BAULL MARK A
Second_Owner_Name	LYNDA
MAILINGADDRESS	30465 ARMORY RD
CITY	FRANKFORD
STATE	DE
a_account	
DESCRIPTION	NE/RD 382
DESCRIPTION2	N/RT 355
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	2
APRBLDG	23300
APRLAND	5100
PINWASSEMENTUNIT	433-1.00-7.00
PIN	433-1.00-7.00
ZIPCODE	19945

Navigation icons: back, forward, up, down, home, refresh

Selected Features (1)

Clear Selected





Selected Features: Parcels (1)

1) 433-1.00-7.00 Zoom

BOOK	2245
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Selected Features (1)

Clear Selected

Sussex County



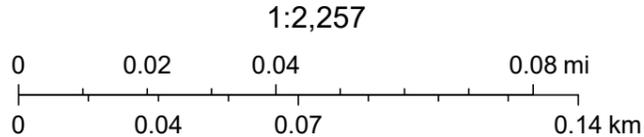
February 22, 2024

- polygonLayer
- Override 1
- Override 2
- Zoning
- Medium Residential - MR

- Tax Parcels
- 911 Address
- Streets
- County Boundaries

- Fire Districts
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery

- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata



Maxar, Microsoft, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

Introduced: 1/9/24

Council District 4: Mr. Hudson
Tax I.D. No.: 433-1.00-7.00
911 Address: 30465 Armory Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.045 ACRES, MORE OR LESS

WHEREAS, on the 24th day of March 2023, a Conditional Use Application, denominated Conditional Use No. 2430 was filed on behalf of Mark Baull; and

WHEREAS, on the ____ day of _____ 2024, 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. 2430 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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 and Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2430 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 side of the intersection of Armory Road (Rt. 20) and Murray Road (S.C.R. 355) and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 2.045 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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Sussex County

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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: April 25, 2024

RE: County Council Report for C/Z 2013 filed on behalf of 4 Points Towing & Roadside, LLC

The Planning and Zoning Department received an application (C/Z 2013 filed on behalf of 4 Points Towing & Roadside, LLC) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to a C-3 Heavy Commercial Zoning District at Tax Parcel 532-13.00-84.00. The property is located at 36671 Sussex Highway, Delmar. The parcel size is 11.92 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on March 20, 2024. At the meeting of April 10, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of March 20, 2024, and April 10, 2024.

Minutes of the March 20, 2024, Planning & Zoning Commission Meeting

C/Z 2013 4 Points Towing & Roadside, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.92 ACRES, MORE OR LESS.

The property is lying on the east side of Sussex Highway (Rt. 13), approximately 650 ft. south of Iron Hill Road (S.C.R. 454A). 911 Address: 36671 Sussex Highway, Delmar. Tax Map Parcel: 532-13.00-84.00 (p/o).



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

Mr. Whitehouse advised the Commission that submitted into the record were the 2022 PLUS comments, the Applicant's response to the PLUS comments, the DelDOT Service Level Evaluation Response, the Applicant's proposed Rezoning Map, a copy of C/U 981 which is dated October 1, 1991, for a truck and auto salvage yard and the Applicant's Exhibit Booklet. Mr. Whitehouse stated that zero comments in opposition and several letters in support had been received for the Application.

The Commission found that Mr. David Hutt, Esq., with Morris James, LLP, spoke on behalf of the Applicants, Mr. Paul & Janet Cope; that also present were Mr. Doug Barry, with Pennoni Engineering. Mr. Hutt stated that the Application is a request to change the zone of a portion of their parcel from AR-1 (Agricultural Residential) and C-1 (General Commercial) to C-3 (Heavy Commercial); that the parcel is 11.92 acres; that the application relates to the rear 10 acres as the front 1.6 acres are already zoned C-1; that the Applicant bought the business in 2022; that the business provides towing, roadside assistance, and auto repair; that they have two locations, one being located in Camden, within Kent County and a location in Delmar, within Sussex County; that there was a previous Conditional Use (C/U 981), for a truck and auto salvage on this parcel from 1991; that the original conditional use Findings of Fact show that the site had been the subject of commercial and heavy industrial, non-conforming uses since 1959; that County Council adopted Ordinance No.788 and that changed the designation of that front portion of the property approximately 1.6 acres from AR-1 (Agricultural Residential) to C-1 (General Commercial), which is no longer available to be assigned to a property; that when the Applicants purchased the property the conditional use that was already in place was limited to a small amount of square feet; that there is almost 12 acres in total that the Applicant's would like to utilize; that the Applicant's would like to keep the business primarily in the front where it currently is and utilize the rear for a self-storage area; that the surrounding areas of this property are industrial zoning and C-1 (General Commercial) which fits in with the plan for this site and the property lies within Investment Level 3 of the 2020 State Strategies Map, which is known as an area where growth is anticipated; that originally the Applicant's plan was to annex the property into the Town of Delmar, but the Town was not on board with incorporating this property into the corporate limits; that due to this, the Applicants decided to apply for the Change of Zone; that there are no wetlands located on the property that would impact its use, but there are wetlands on the adjacent properties; that there was a formal Wetland Delineation performed as those wetlands run close to the boundary; that there may be buffering that needs to be provided; that the property is not located within a Flood Zone X, which is an area determined to be outside the 500 year floodplain; that there are no Chapter. 89 Source Water Protection concerns, as this is not in the Wellhead Protection Area; that the potential for groundwater recharge is good and fair; that water would be provided by an onsite well and sanitary sewer services would be provided by an onsite wastewater treatment and disposal system; that there was a Service Level Evaluation Request (SLER) filed with DelDOT, which did identify the conceptual use of the property as a self-storage facility, and the Applicants have spent the last two years cleaning up the property from what it was, attempting to return it to the nature and character of the area surrounding this property.

Ms. Wingate requested clarification on the location where the C-3 (Heavy Commercial) zoning change is proposed, and where it is not.

Mr. Collins questioned why the Applicant is not looking to change the entire parcels zoning to C-3 (Heavy Commercial) rather than just a portion of it.

Mr. Hutt stated that the front of the property is already classified as C-1 (General Commercial), which has a broader spectrum of capabilities; that due to this, the Applicants do not desire to give that up and that the rear AR-1 (Agricultural Residential) portion is the only part that would be changed to C-3 (Heavy Commercial).

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

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

In relation to C/Z 2013 4 Points Towing & Roadside, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Butler and carried unanimously. Motion carried 5-0.

Minutes of the April 10, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since March 20, 2024

Ms. Wingate moved that the Commission recommend approval of Change in Zone #2013 for **4 POINTS TOWING & ROADSIDE, LLC** for a change in zone from AR-1 to C-3 “Heavy Commercial” based upon the record made during the public hearing and for the following reasons:

1. The entire property currently has two zoning designations. The area of the property that fronts along Route 13 is zoned C-1 while the remainder of the property to the rear is zoned AR-1. The Applicant seeks to convert the AR-1 area to the C-3 Zoning District.
2. This entire parcel has a history of commercial uses. In 1969, a conditional use was issued to allow the placement of a manufactured home on the property for use as a model home. Then in 1991 by C/U #981 and Ordinance #789, the site was approved for use as a truck and auto salvage yard. The Applicant has performed a substantial cleanup of the site from its prior use as a salvage yard. The C-3 zoning for the rear portion of the property is consistent with the prior intensive use of the property.
3. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations. Although a number of uses are permitted, this Applicant intends to use the site for roadside services and auto repair.
4. This property has frontage along Route 13. Route 13 is considered to be a Major Arterial Roadway according to DelDOT’s roadway classification. This is the highest roadway classification issued by DelDOT and it is an appropriate location for C-3 Zoning.
5. The parcel is in an area of Route 13 where there are a variety of zoning districts. This includes HI-1, C-1, CR-1, C-3 and several residential zoning districts. There are a number of intensive business, commercial, and industrial uses in the area as well. This rezoning is consistent with the surrounding zoning districts and uses.
6. This property is located in the Developing Area according to the current Sussex County Land Use Plan. This proposed commercial zoning is appropriate in this Area according to the Plan.
7. The site is basically surrounded by the municipal boundaries of Delmar. Delmar’s Future Land Use Map shows this area as an “Employment/Industrial Office” Area. This rezoning is consistent with Delmar’s nearby land use designations.

8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
9. No parties appeared in opposition to this rezoning application.
10. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/Z 2013 4 Points Towing & Roadside, LLC for the reasons stated in the motion. Carried 5-0.

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIRMAN
J. BRUCE MEARS
GREGORY SCOTT COLLINS
BRIAN BUTLER



Sussex County

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302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: March 20th, 2024

Application: C/Z 1992 - 4 Points Towing

Applicant: 4 Points Towing & Roadside LLC
5425 Willow Grove Road
Camden, DE 19934

Owner: 4 Points Towing & Roadside LLC
5425 Willow Grove Road
Camden, DE 19934

Site Location: Lying on the east side of Sussex Highway (Rt. 13), approximately 650 ft. south of Iron Hill Road (S.C.R. 454A).

Current Zoning: General Commercial (C-1) Zoning District & Agricultural Residential (AR-1) Zoning District.

Proposed Zoning: A Change of Zone from General Commercial (C-1) Zoning District & Agricultural Residential (AR-1) Zoning District to Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Mr. Vincent

School District: Delmar School District

Fire District: Delmar Fire Department

Sewer: Private (On-Site Septic)

Water: Private (On-Site Well)

Site Area: 11.92 acres +/-

Tax Map ID: 532-13.00-84.00



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: March 12th, 2024
RE: Staff Analysis for C/Z 2013 - 4 Points Towing

The purpose of this memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of Application C/Z 2013 - 4 Points Towing & Roadside, LLC to be reviewed at the March 20th, 2024, Planning & Zoning 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 a portion of Tax Parcel 532-13.00-84.00 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Heavy Commercial (C-3) District to accommodate commercial storage units on the rear portion of the Parcel. The property lying on the east side of Sussex Highway (Rt. 13), approximately 650 ft. south of Iron Hill Road (S.C.R. 454A) at 36671 and 36677 Sussex Highway (Route 13) in Delmar. The Parcel contains 11.92 acres +/- with the portion of the Parcel to be re-zoned comprised of 10.25 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a Growth Area designation of “Developing Area.” The adjoining parcel to north is also “Developing Area” with the remaining adjacent parcels on the east side of Sussex Highway (Route 13) all within the municipal boundary of the Town of Delmar. Parcels across from the site on the west side Route 13 have the classifications of “Developing Area” and “Industrial Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, “Developing Areas” are “newer, emerging growth areas that demonstrate the characteristics of developmental pressures” and are generally “adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers.” (Sussex County Comprehensive Plan, 4-14).

Regarding Commercial improvements in “Developing Areas,” the Plan notes that “in selected areas and at appropriate intersections, commercial uses should be allowed” and “portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks” (Sussex County Comprehensive Plan, 4-19).



Zoning Information

The parcel is split-zoned General Commercial (C-1) District and Agricultural Residential (AR-1) District. Adjacent parcels to the north are zoned Agricultural Residential (AR-1) District or within the Town of Delmar. Parcels to the east and south are also within the jurisdiction of the Town of Delmar with the parcels across Route 13 to the west zoned Agricultural Residential (AR-1) District and Light Industrial (LI-2) District. The Application proposes a Change of Zone for the Agricultural Residential (AR-1) portion of the Parcel.

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 proposed Heavy Commercial (C-3) District is currently listed as an Applicable Zoning Districts within the “Developing Area” Future Land Use Map category.

Site Considerations

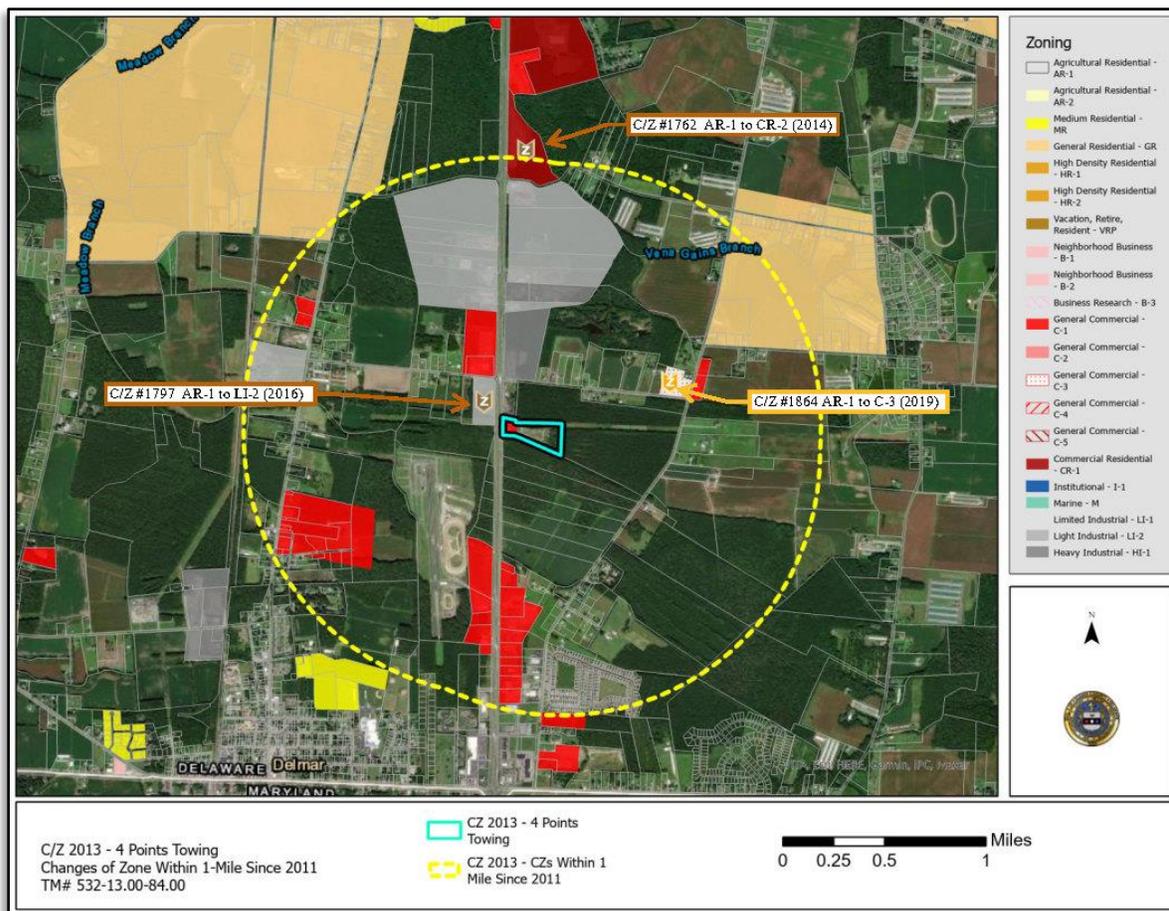
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** N/A
- **Interconnectivity:** Any new improvements will be required to meet the connectivity requirements in County Zoning Code related to the CHCOZ (§115-194.1)
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** Aerial imagery indicates approximately \approx 1.5 acres of forest currently exist at the rear of the Parcel.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** Parcel is located within the “X” Flood Zone. The parcel is located within an area of “fair” and “good” Groundwater Recharge Potential.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Heavy Commercial (C-3) District to accommodate commercial storage units use could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

Existing Change of Zones within the Vicinity of the Subject Property

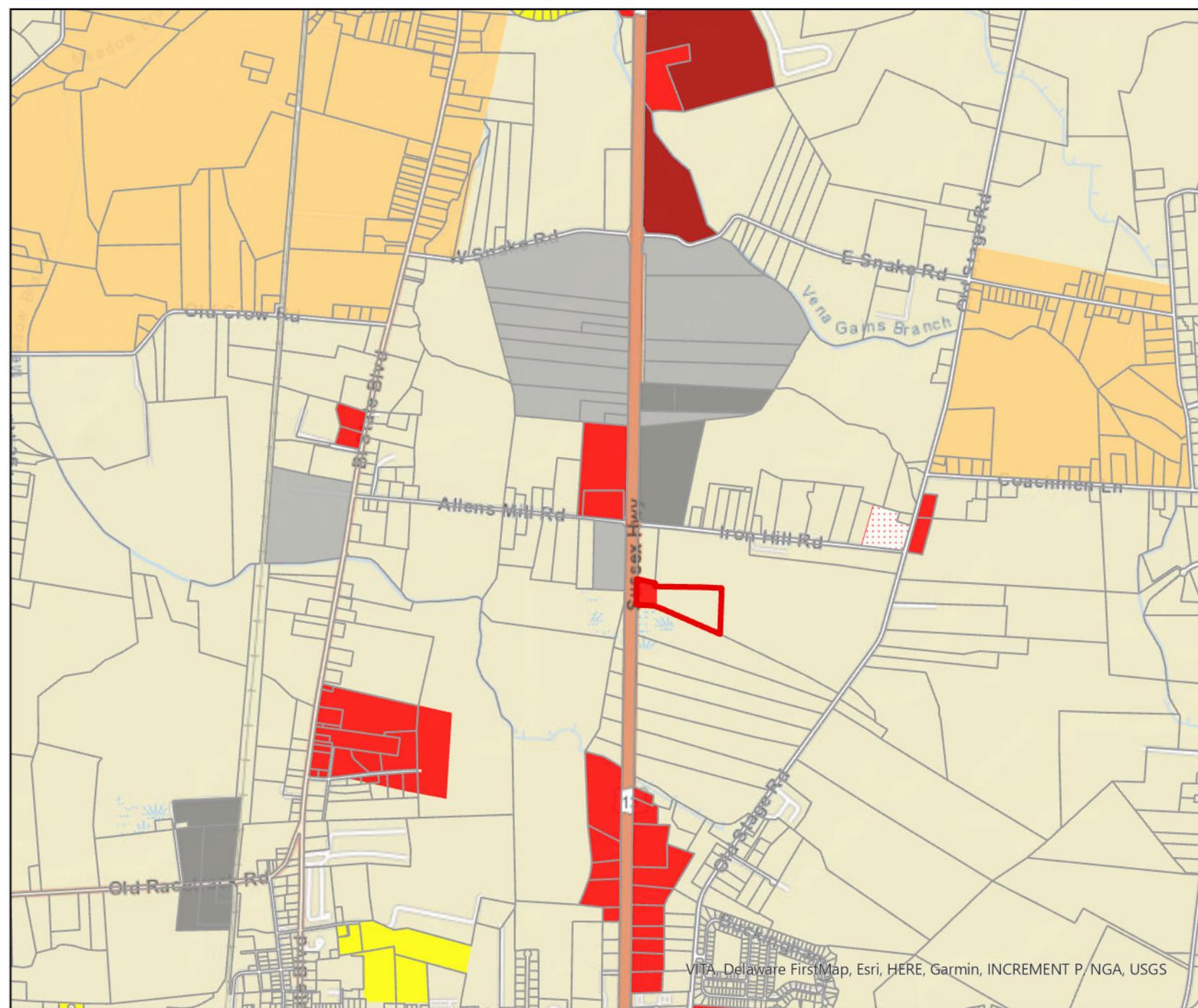
Since 2011, there have been three (3) Change of Zone Applications within a 1-mile radius of the Application site.

Change of Zone Applications (Within a 1.0-mile radius of the subject site)						
Application Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
1762	Hale Trailer Brake & Wheel	AR-1	CR-1	Approved	12/09/2014	2380
1797	John P. Disharoon & Sherry	AR-1	LI-2	Approved	6/21/2016	2456
1864	Scott & Monica Shubert	AR-1	C-3	Approved	1/8/2019	2625



Zoning

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



VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CZ 2013 - \$ Points Towing
Zoning Map
TM# 532-13.00-84.00

 CZ 2013 - 4 Points
Towing





CZ 2013 - \$ Points Towing
Aerial Map
TM# 532-13.00-84.00

 CZ 2013 - 4 Points
Towing

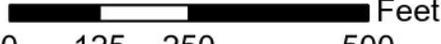
 Feet
0 125 250 500





CZ 2013 - \$ Points Towing
Streets Map
TM# 532-13.00-84.00

 CZ 2013 - 4 Points
Towing

 Feet
0 125 250 500



Introduced: 2/27/24

Council District 1: Mr. Vincent
Tax I.D. No.: 532-13.00-84.00 (p/o)
911 Address: 36671 Sussex Highway, Delmar

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.92 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of May 2023, a zoning application, denominated Change of Zone No. 2013 was filed on behalf of 4 Points Towing & Roadside, LLC; and

WHEREAS, on the ____ day of _____ 2024, 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. 2013 be _____; and

WHEREAS, on the ____ day of _____ 2024, 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 C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying on the east side of Sussex Highway (Rt. 13), approximately 650 ft. south of Iron Hill Road (S.C.R. 454A) and being more particularly described in the attached legal description prepared by The Malmberg Firm, LLC, said portion of the parcel containing 10.25 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.