

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

March 5, 2024

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - February 27, 2024

[Draft Minutes 022724](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. **Recognition - Sussex Central High School Wrestling Division I State Champions**
2. **Administrator's Report**

Gina Jennings, Finance Director

1. **Amendment to the Memorandum of Understanding with the Delaware Department of Safety and Homeland Security, Division of State Police**
[DSP MOU Amendment](#)
2. **Pension Committee Appointments**
[Pension Committee Appointments](#)



10:15 a.m. Public Hearings

1. **“A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, FOR THE PURPOSE OF SATISFYING SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPROVING THE ISSUANCE OF NOT TO EXCEED \$80,000,000 OF BONDS TO BE ISSUED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF SIERRA VISTA”**
[Inperium, Inc. Tax Exempt Bond Public Hearing 030524](#)
2. **Beaver Dam Road Annexation of the Sussex County Unified Sanitary Sewer District (Millville Area)**
[Beaver Dam Road Annexation](#)

Vince Robertson, Assistant County Attorney

1. **Discussion and Possible Approval of PLUS Memorandum of Understanding**
[MOU](#)

Hans Medlarz, County Engineer, Ret.

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

A. Change Order No. 4
[Cannon Rd CO 4 CP](#)

Patrick Brown, Project Engineer III

1. **James Farm Ecological Preserve**

A. Recommendation to Award, Project C23-21, Proposed Campus
[James Farm C2321 CP](#)

Old Business

1. **[Change of Zone No. 1998 filed on behalf of Louis, Janet & William Melton](#)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-2 NEIGHBORHOOD COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.11 ACRES, MORE OR LESS” (properties lying on the southwest side of Old Mill Road [S.C.R. 349] and the northwest corner of Railway Road [S.C.R. 350], at the intersection of Railway Road [S.C.R. 350] and Old Mill Road [S.C.R. 349]) (911 Addresses: 36294, 36306, & 36328 Old Mill Road, Ocean View & N/A) (Tax Map Parcels: 134-12.00-73.00, 73.01, 73.02, & 73.03)

[CZ1998](#)

2. [Ordinance No. 23-09](#)

“AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02” (property lying on the northeast side of Zion Church Road [Rt. 20], approximately 275 feet northwest of Deer Run Road [S.C.R. 388]) (911 Address: N/A) (Tax Map Parcel: 533-11.00-23.02) (Zoning: AR-1 [Agricultural Residential])

[Ord 23-09](#)

3. [Conditional Use No. 2389 filed on behalf of AWH Properties, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS” (property lying on the northeast side of Zion Church Road [Rt. 20], approximately 275 feet northwest of Deer Run Road [S.C.R. 388]) (911 Address: N/A) (Tax Map Parcel: 533-11.00-23.02)

[CU2389](#)

4. [Change of Zone No. 1993 filed on behalf of Ocean One Holdings, 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 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 64.85 ACRES, MORE OR LESS” (property lying on the west side of Coastal Highway [Rt. 1], and the southeast side of Broadkill Road [Rt. 16], at the intersection of Coastal Highway [Rt. 1] and Broadkill Road [Rt. 16]) (911 Address: N/A) (Tax Map Parcel: 235-8.00-39.00 [p/o])

[CZ1993](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2425 CU2439 CZ2008](#)

Council Members' Comments

Executive Session - Land Acquisition & Pending & Potential Litigation pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on February 27, 2024 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 27, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 27, 2024, at 12:30 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 098 24
Approve
Agenda**

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

Motion Adopted: 5 Yeas

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

Minutes

The minutes from February 20, 2024, were approved by consensus.

**Corre-
spondence**

Mr. Moore reported that there was no correspondence.

There were no public comments.

**Public
Comments**

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

**M 099 24
Approve
Consent
Agenda**

**Proclamation Request – Sussex Central High School Wrestling Team
Division I State Champions**

Motion Adopted: 5 Yeas

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

Recognition Mr. Fred Haas was recognized for his retirement.

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

Report

1. Delaware State Police Activity Report

The Delaware State police year-to-date activity report for January 2024 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 190 troopers assigned to Sussex County for the month of January.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Patriots Glen – Phase 1B (PS & FM) effective February 12th and Millville by the Sea – Seagull Village (FKA MBTS Village 2) – Phase 1 effective February 13th.

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

Wolfe Neck Solar Project

Hans Medlarz, County Engineer, Ret. presented a recommendation to award for the Wolfe Neck Solar project for Council's consideration.

M 100 24 Award Wolfe Neck Solar Project

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department, that Council authorize to finalize lease terms with Noria Energy/Chaberton Energy and present the agreement to County Council for final approval at a future date.

Motion Adopted: 5 Yeas

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

Starlight Meadows Award Recommend

Mark Parker, Assistant County Engineer presented a recommendation to award for Starlight Meadows Road Improvements, Project T24-07 for Council's consideration.

M 101 24 Award Starlight

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, that be it moved based upon the recommendation of the Sussex County Engineering Department, that Starlight Meadow Road Improvements, Sussex County project T24-07 be awarded to the low bidder, George & Lynch, Inc. in the

Meadows Project amount of \$190,166.50 set amount consisting of a base bid of \$181,228.50 and a contingent bid of \$8,938.00 with the contingent items used only at the direction of Sussex County project personnel.

Motion Adopted: 5 Yeas

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

**Old Business/
CZ1991** Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 73.95 ACRES, MORE OR LESS” filed on behalf of Sycamore Chase Expansion.

The County Council held a Public Hearing on the application at its meeting on January 23, 2024. At the conclusion of the Public Hearing, the record was closed and action on the application was deferred for further consideration.

**M 102 24
Amend
Condition
10C/
CZ1991** A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to amend Condition 10 C to add the following: This in no way requires any right of way or easements on any surrounding or adjacent properties or in order to comply with DelDOT regulations and places no obligations to provide that on any other neighboring properties.

Motion Adopted: 5 Yeas

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

**M 103 24
Adopt
Ordinance
No. 2990/
CZ1991** A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2990 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 73.95 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows and as amended by this Council:

1. The property is currently zoned AR-1, and it is adjacent to the existing AR-1 subdivision known as Sycamore Chase. The developer is seeking

**M 103 24
Adopt
Ordinance
No. 2990/
CZ1991
(continued)**

- to expand that subdivision but with a variety of housing types including single-family homes and townhomes. The MR-RPC application supports this variety of housing types.
2. The MR-RPC will be integrated into the existing Sycamore Chase development and there will be two interconnecting roadways between the MR-RPC and the existing subdivision.
 3. The proposed development will have no more than 176 dwellings consisting of 176 single-family lots and townhomes on 74.12 acres. The net density is 2.37 units per acre which is close to the allowable density in AR-1 and significantly less than the maximum density permitted under the MR zoning.
 4. The MR-RPC is consistent with the development trend of the area that includes MR, GR, and C-1 zoning and both single-family homes and townhomes. It is also similar to the densities of nearby communities.
 5. Central water and sewer will be provided to the MR-RPC by a publicly regulated utility.
 6. The MR-RPC is located near Route 26 and the commercial corridor there. This is an appropriate location for this MR-RPC and the expansion of Sycamore Chase and the variety of housing types that are proposed.
 7. With the conditions and stipulations placed upon it, the RPC designation is appropriate since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. This project will also maintain approximately 36 acres of open space. This represents 48% of the entire site.
 8. According to the County's current Comprehensive Plan, the project is in the Coastal Area. Development such as this MR-RPC is appropriate in this area according to the Plan which permits residential development with a mix of housing types.
 9. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
 10. This recommendation is subject to the following conditions:
 - a. There shall be no more than 176 dwelling units consisting of single-family homes and townhomes.
 - b. A homeowners' or condominium association shall be formed to provide for the perpetual maintenance, repair, and replacement of buffers, stormwater management facilities, streets, amenities, and other common areas. Alternatively, this project shall be annexed into the existing Sycamore Chase community and homeowners' association to provide for this maintenance and repair.
 - c. All entrances, intersections, roadways, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements. This in no way requires any right of way or easements on any surrounding or adjacent properties or in order to comply with DelDOT regulations and places no obligations to provide that on any other neighboring properties.
 - d. The RPC shall be served by central water and sewer provided by a publicly regulated utility.

**M 103 24
Adopt
Ordinance
No. 2990/
CZ1991
(continued)**

- e. **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 in a manner that is consistent with Best Management Practices.**
- f. **Interior street design shall meet or exceed Sussex County’s Street design requirements. There shall also be sidewalks on at least one side of the streets within the RPC. The streets and sidewalks shall be interconnected with the streets in Sycamore Chase to provide for vehicular and pedestrian movement between them.**
- g. **The development shall be served by its own on-site amenities including a clubhouse and swimming pool. All amenities shall be completed in compliance with Sections 99-21 and 115-194.5 of the Sussex County Code.**
- h. **A 30-foot wide vegetated or forested buffer shall be established along the entire perimeter of the site except for the common boundary with the existing Sycamore Chase subdivision or where wetlands or the tax ditch exist. This buffer shall increase to 50feet in areas where the development borders any land in agricultural use. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located at least 10 feet from the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the “Limit of Disturbance” to prevent disturbance of the buffer area. Signage identifying this perimeter buffer as a “non-disturbance area” shall be installed along the buffer at 300-foot intervals.**
- i. **If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
- j. **The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- k. **The Final Site Plan shall include a landscape plan confirming all landscaping to be provided, the preservation of all buffer areas, and the forested areas that will be preserved. The landscape plan shall also identify all “Limits of Disturbance” within the site.**
- l. **Construction, site work, grading, and deliveries of construction materials shall only occur from Monday through Friday between 8:00 a.m. and 5:00 p.m. and on Saturdays between 8:00 a.m. and 2:00 p.m. A 24-inch by 36-inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- m. **During site work and initial home construction, all dumpsters, roll-off containers, or similar containers for trash and construction debris shall be covered to eliminate trash and construction materials from blowing across this property or onto neighboring and adjacent properties.**

**M 103 24
Adopt
Ordinance
No. 2990/
CZ1991
(continued)**

- n. The Applicant shall obtain all the necessary amendments to the tax ditches and their rights of way necessary for this project prior to Final Site Plan approval.**
- o. The Final Site Plan and the recorded governing documents for this development shall include the Agricultural Use Preservation Notice.**
- p. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.**
- q. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.**
- r. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

Motion Adopted: 5 Yeas

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

**Grant
Requests**

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

**M 104 24
Laurel
Library**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$1,000 (\$1,000 from Mr. Vincent's Councilmanic Grant Account) to Friends of the Laurel Library for their youth activity series.

Motion Adopted: 5 Yeas

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

**M 105 24
Blades
Police
Department**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$750 (\$750 from Mr. Vincent's Councilmanic Grant Account) to Blades Police Department for their community outreach program.

Motion Adopted: 5 Yeas

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

**M 106 24
Ocean View
Historical**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$2,000 (\$2,000 from Mr. Hudson's Councilmanic Grant Account) to Ocean View Historical Society for barn restoration at Coastal Towns museum.

- Society** **Motion Adopted:** **5 Yeas**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Yea;**
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- M 107 24** **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give**
Rehoboth **\$1,000 (\$1,000 from Mr. Schaeffer’s Councilmanic Grant Account) to**
Art League **Rehoboth Art League Inc. for their historic homestead garden restoration.**
Inc.
- Motion Adopted:** **5 Yeas**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Yea;**
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- M 108 24** **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give**
Seaford **\$1,500 (\$1,500 from Mr. Vincent’s Councilmanic Grant Account) to**
Tomorrow, **Seaford Tomorrow, Inc. for their Friday Night Live event.**
Inc.
- Motion Adopted:** **5 Yeas**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Yea;**
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- M 109 24** **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give**
Greater **\$500 (\$500 from Mr. Schaeffer’s Councilmanic Grant Account) to Greater**
Lewes **Lewes Foundation for the Lewes Community Garden.**
Foundation
- Motion Adopted:** **5 Yeas**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Yea;**
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- M 110 24** **A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,000**
Race4Warr- **(\$400 from each Councilmanic Member Grant Account) to Race4Warrors**
riors **for their Race4Warriors event.**
- Motion Adopted:** **5 Yeas**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Yea;**
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea
- Ordinance** **Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE**
Introduction **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” filed on behalf of 4 Points Towing & Roadside, LLC.

**CC Member
Comments**

There were no Council Member comments.

**M 111 24
Go Into
Executive
Session**

At 12:56 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to go into Executive Session for the purpose of discussing matters related to land acquisition & pending & potential litigation.

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 1:00 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to pending & potential litigation & land acquisition. The Executive Session concluded at 1:42 p.m.

**M 112 24
Reconvene**

At 1:46 p.m., a Motion was made by Mr. Hudson, seconded Mr. Schaeffer to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

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

E/S Action

There was no action related to Executive Session matters.

Rules

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

**Public
Hearing/
CU2409**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A YEAR-ROUND FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.12 ACRES MORE OR LESS” (property lying on the north side of Coastal Highway [Route 1], approximately 0.15 mile east of Savannah Road [Route 9]) (911 Address: 17581 Coastal Highway, Lewes) (Tax Map Parcel: 334-6.00-2.00) filed on behalf of Bryan Stewart.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the

**Public
Hearing/
CU2409**

application on January 24, 2024. At the meeting of February 7, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 4 recommended conditions as outlined.

The Council found that Mr. Bryan Stewart spoke on behalf of his Application. Mr. Stewart stated that he is requesting approval to remain open year-round; that he has crabbers in the Delaware Bay that he takes care of; that the business provides a service of affordable crabs to not only families visiting the beach, but also locals; that this time of the year, he gets crabs from the Outer Banks; that if a customer calls and asks for shrimp or lobster, they get it for them.

There were no public comments.

The Public Hearing and public record were closed.

**M 113 24
Adopt
Ordinance
No. 2991/
CU2409**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2991 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A YEAR-ROUND FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.12 ACRES MORE OR LESS" for the reasons and conditions given by the Planning and Zoning Commission as follows:

1. This is an application to allow a food truck or trailer selling crabs to be located on part of a property developed as a gas station and convenience store.
2. The site is zoned C-1 General Commercial, which permits various uses that are more intensive than what is proposed here, including full-scale restaurants. A small trailer or truck selling crabs in the parking lot is consistent with the underlying C-1 zoning.
3. The Applicant has stated that he has a growing customer base at this location and that it is a convenient location for people to come buy crabs.
4. The use will not adversely affect neighboring properties, the community or area roadways.
5. A representative of the owner of the property stated that there is no objection to the use as long as it remains in its current configuration as a truck or trailer and does not become a permanent structure.
6. No parties spoke in opposition to this application.
7. This recommendation is subject to the following conditions:
 - a. The use shall be limited to a mobile or temporary seafood vendor. When not in continuous operation, it must be removed from the site, and it must not become permanently affixed to the site.
 - b. The use shall comply with all setback and parking requirements.
 - c. Any trash containers associated with the use shall be screened

**M 113 24
Adopt
Ordinance
No. 2991/
CU2409
(continued)**

**from view of neighboring properties and roadways.
d. The Final Site Plan for this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2410**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.23 ACRES MORE OR LESS” (property lying on the north side of Garden Circle within the County Seat Gardens Subdivision) (911 Address: 58 Garden Circle, Georgetown) (Tax Map Parcel: 135-9.00-122.00) filed on behalf of Nicasia Chaves Reyes.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on January 24, 2024. At the meeting of February 21, 2024, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 9 recommended conditions as outlined.

The Council found that Mr. Danny Perez spoke on behalf the application. Mr. Perez stated that the Applicant and her husband were present; that he submitted paperwork to show the layout of the store; that this is a small grocery store to operate 7 days a week; that there are only partial hours on Sundays; that it is run by a husband and a wife; that the building is in the rear of the home; that a garage was outfitted to be the small grocery store; that the site plan for the location of the property was shown; that there is enough parking available; that the rear building was approved by building inspectors for the electric; that there is only one sign by the door that says open and closed; that a store is currently operating at this location; that there is not a HOA; that a petition was submitted.

Mr. Whitehouse stated that the Commission’s recommendation was based on the applicant speaking to the restrictive covenants for the community. This was communicated by staff to the applicant’s team in advance of today’s hearing. Mr. Perez stated that yesterday afternoon, he was handed paperwork that stated that Mr. Rico had no objections to the store being there.

Mr. Whitehouse explained that the restrictive covenants for County Seat

**Public
Hearing/
CU2410
(continued)**

Gardens contains a restrictive covenant that states that no commercial activity of any type shall be conducted in the residential lots plotted in County Seat Gardens and that no structure shall be for other than a single-family dwelling on each lot unless approved by the grantor, its successors, or its assigns. He added that the Commission's recommendation was contingent on this being clarified by the applicant's attorney as part of today's hearing. Mr. Moore stated that he would like for the record to be left open for the specific purpose of looking at this and researching this further to see if this person has the authority to give that grant of approval for the restrictions.

Public comments were heard.

Mr. Meja Ventura Macedonia spoke in favor of the application; that he believes that the store favors the community.

Ms. Mercedes Ramivez spoke in favor of the application; that the community is in favor of the store; that there a lot of people that do not know how to drive; that the store is convenient and close.

Ms. Nicasia Chaves Reves, the owner of the grocery store came forward.

The Public Hearing was closed, and the public record remained open for the purpose of determining the status of the Restrictive Covenants on the property.

**M 114 24
Defer
Action/
CU2410**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.23 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/
CZ1999**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.11 ACRES, MORE OR LESS" (property lying on the south side of Handy Road [S.C.R. 337], approximately 545 ft. northwest of DuPont Boulevard [Rt. 113]) (911 Address: 26614 Handy Road, Millsboro) (Tax Map Parcel: 233-5.00-132.00

**Public
Hearing/
CZ1999
(continued)**

[p/o]) filed on behalf of Horacio Paxtor.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on January 24, 2024. At the meeting of January 24, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons as outlined.

The Council found that Mr. John Roach, of John B. Roach Engineering, spoke on behalf of the Applicant, Mr. Horacio Paxtor. Mr. Roach stated that the Applicant is requesting a partial rezoning of their property as it currently is a C-1 (General Commercial) and GR (General Residential); that the Applicant would like to change it to C-2 (Medium Commercial) in order to move their current business (Tri-State Manufactured Homes) onto this property and build approximately a 2,000 sq. ft. building.

Public comments were heard.

Ms. Virginia Nock spoke in opposition of the application; that she has a problem with the store coming to this location; that it will bring a lot of traffic to the area; that the property has been surveyed a few times; that every time it is surveyed, they come closer to her property; that the survey they ended up in the middle of her backyard stating that it was their property; that when she purchased the property in 2003, she had the property surveyed; that the County came in and told her where she could put everything; that she has a problem with them trying to put a store there because they are in the middle of her drain field.

The Public Hearing and public record were closed.

**M 115 24
Adopt
Ordinance
No. 2992/
CZ1999**

A Motion was made by Mr. Rieley seconded by Mr. Schaeffer to Adopt Ordinance No. 2992 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.11 ACRES, MORE OR LESS" for the reasons given by the Planning & Zoning Commission as follows:

1. The property currently has a split zoning with the property's frontage already zoned C-1. The back of the property is zoned GR, which is the subject of this application. This application brings the entire property under commercial zoning.
2. Since the C-1 District is a closed zoning district, it is not possible to rezone this property to be entirely C-1. C-2 zoning is the most consistent zoning.
3. The properties on either side are also partially zoned C-1. This property is also zoned CR-1 to the rear. C-2 zoning is consistent

**M 115 24
Adopt
Ordinance
No. 2992/
CZ1999
(continued)**

with the surrounding property.

- 4. This rezoning eliminates split zoning, which creates issues with different setbacks and use requirements. Bringing the property under one zoning classification is beneficial to both the property owner and Sussex County’s administration of the property.**
- 5. Any future development of this portion of the property will require a site plan approval from the Sussex County Planning & Zoning Commission.**
- 6. For all of these reasons, the change in zone from GR to C-2 is appropriate in these circumstances.**

Motion Adopted: 5 Years

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

**Public
Hearing/
CZ2000**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.57 ACRES, MORE OR LESS” (properties are lying on the east side of Sussex Highway [Rt. 13], approximately 0.38 mile south of Beach Highway [Route 16]) (911 Address: 12847 Sussex Highway, Greenwood & N/A) (Tax Map Parcel: 530-10.00-58.08 & 58.09) filed on behalf of Budget Holdings, LLC.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on January 24, 2024. At the meeting of January 24, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons as outlined.

The Council found that Mr. Edwin Teneffoss with Site Works Engineering spoke on behalf of the Applicant and Owner, Budget Holdings, LLC. Mr. Teneffoss stated that they are requesting a change of zone from a C-1 (General Commercial) and AR-1 (Agricultural Residential) to C-2 (Medium Commercial); that currently the Applicant has an existing mini storage on one parcel and they would like to expand the business to the other parcel, however, it is not zoned to allow for it; that they recently purchased a residential unit in the back; that this is an appropriate use for this parcel; that this would not create a negative impact to those surrounding the area; that by changing to a C-2 zoning will allow for the parcels to remain consistent and will allow for the storage facility to be there.

There were no public comments.

The Public Hearing and public record were closed.

**M 116 24
Adopt
Ordinance
No. 2993/
CZ2000**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Ordinance No. 2993 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.57 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. The property currently has a split zone of AR-1 and C-1. This rezoning of the entire property to C-2 will bring the entire property under one uniform zoning classification.**
- 2. The C-2 zoning classification will allow the applicant to expand its existing storage facility within this property.**
- 3. The properties on either side are also partially zoned C-1. This property is also zoned CR-1 to the rear. C-2 zoning is consistent with the surrounding property.**
- 4. This rezoning eliminates split zoning, which creates issues with different setbacks and use requirements. Bringing the property under one zoning classification is beneficial to both the property owner and Sussex County’s administration of the property.**
- 5. There are other commercial uses and zonings in this area. This rezoning to C-2 is consistent with the surrounding zonings and use.**
- 6. Any future development of this portion of the property will require a site plan approval from the Sussex County Planning & Zoning Commission.**
- 7. For all of these reasons, the change in zone from GR to C-2 is appropriate in these circumstances.**

Motion Adopted: 5 Yeas

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

**M 117 24
Adjourn**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to adjourn at 2:28 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.}

GINA A. JENNINGS, MBA, MPA
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Sussex County

DELAWARE
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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: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **Delaware State Police MOU Amendment**

DATE: February 27, 2024

As you know, the County has had an arrangement with the State of Delaware to provide additional troopers over the State's base allocation to Sussex County since 1994. The current arrangement is 44 troopers added to the State's base allocation for a total of 187 troopers allocated to Sussex. Twenty-two troopers are paid by the State and 22 are paid by the County.

As approved in the FY 2024 budget, the County, with the State's concurrence, have agreed to pay for six additional troopers over the next three years. The MOU amendment finalizes this agreement. The amendment has both the County and the State paying for one additional trooper for the next three years. This amendment brings the new allocation after three years to 193. The FY 2024 budget has \$4.1 million to support the new agreement.

Attached is the MOU amendment for your review and consideration for approval at Tuesday's meeting.

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

**AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY, DIVISION OF STATE
POLICE,
REPRESENTING THE STATE OF DELAWARE
AND
SUSSEX COUNTY**

**AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY, DIVISION OF STATE POLICE,
REPRESENTING THE STATE OF DELAWARE
AND
SUSSEX COUNTY**

Section 1: Parties to the Agreement

This Amendment to the Memorandum of Understanding dated July 20, 2017, hereinafter referred to as “the Amendment”, will be between the Department of Homeland Security, Division of State Police (“the Division”), and Sussex County (“the County”). The Department of Safety and Homeland Security and the Division have statutory authority to enter into this agreement pursuant to 29 Delaware Code, Section 8203(5).

Section 2: Purpose

This Amendment shall include changes to the 2017 Memorandum of Understanding as set forth below. Unless specifically contained in this Amendment, all other provisions from the original Memorandum of Understanding remain in full force and effect.

Section 3: Funding Agreement

A. The County shall continue the responsibility to pay 100% of the Personnel Costs as set forth in the 2017 Memorandum of Understanding for the following positions provided by the Division:

1) In Fiscal Year (FY) 24, the County shall assume the Personnel Costs for the addition of one (1) Trooper for a total cost of 23 (twenty-three) Troopers.

2) In FY 25, the County shall assume the Personnel Costs for the addition of one (1) Trooper for a total of 24 (twenty-four) Troopers.

3) In FY 26, the County shall assume the Personnel Costs for the addition of one (1) Trooper for a total of 25 (twenty-five) Troopers.

B. The Division will continue the responsibility for the Personnel Costs associated with the remaining positions assigned to the County as set forth in the 2017 Memorandum of Understanding.

C. Beginning with FY 26, the County will fund the purchase of 5 (five) replacement patrol vehicles and their associated equipment.

E. The County shall bear the cost of all personal equipment, uniforms, ballistic vests, weapons, and ammunition for each new Trooper position. As set forth in Section 4 of the 2017 Memorandum of Understanding, the Division shall bear all the replacement costs for equipment, training, weapons, and ammunition associated with the additional Troopers.

Section 5: Minimum Staffing Levels

A. The Division agrees to maintain a minimum uniformed staffing at the following levels:

- 1. 189 Troopers for FY 24.**
- 2. 191 Troopers for FY 25.**
- 3. 193 Troopers for FY 26.**

Section 9: Signatures of the Respective Parties

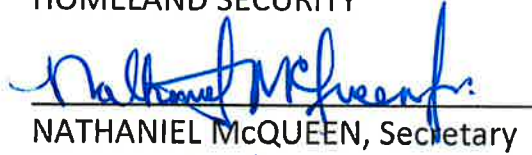
The persons executing this Amendment on behalf of their respective entities hereby represent and warrant that they have the right, power, legal capacity, and appropriate authority to execute this agreement on behalf of the entity for which they sign.

DELAWARE STATE POLICE



MELISSA A. ZEBLEY, Colonel
Delaware State Police, Superintendent
Date:

DEPARTMENT OF SAFETY AND
HOMELAND SECURITY



NATHANIEL McQUEEN, Secretary
Date: 01/18/2024

SUSSEX COUNTY:

MICHAEL H. VINCENT, President
Date:

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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: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **Pension Committee Appointments**

DATE: February 27, 2024

On Tuesday, I will be requesting your approval to appoint two members to our pension committee; one is a new appointment and one is a reappointment. The committee is made up of seven members. Whoever is serving in the position of the County Finance Director, County Administrator, and County Human Resources Director are always members of the Committee. Two Sussex County community members, a current Sussex County employee and a retired Sussex County employee, who currently receives a County pension are appointed by County Council for a four-year term. Ms. Kathy Roth is the reappointment. Ms. Kathy Roth serves on the committee as a current employee.

The second appointment to be filled is one of the two community member seats. I am recommending Lance Rogers. Mr. Rogers is a Financial Advisor with Edward Jones Investments. He has 9 years of investment experience which includes portfolio reviews and managing over \$100 million in assets. His strong investment background will make him valuable to the committee. Mr. Rogers resume is attached for your reference.

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

Lance D. Rogers
30953 Revel Rd
Millsboro, DE 19966
(302) 725-7065
lance.rogers@edwardjones.com

Experience:

Edward Jones Investments, Millsboro, DE 19966

2020-Present

Financial Advisor - Responsible for:

- Leading our branch team with the purpose of continuing to grow a profitable business that has a positive impact on our community.
- Partnering with over 400 households and managing over \$100 million in assets to help our clients achieve what is most important in their lives.
- Successfully transitioning clients of a retiring financial advisor to working with our branch team and gaining their confidence in our abilities.
- Being an integral part of opening one of the first multi financial advisor offices in the 100-year history of Edward Jones.

2016-2020

On-Call Branch Office Administrator - Responsible for:

- Answering client phone calls and resolving any issues.
- Working as a team with financial advisors and other branch office administrators to efficiently identify clients' financial situations and find a solution for their needs.
- Preparing and processing client documentation and scheduling portfolio reviews.
- Assisting multiple Edward Jones branch offices in completing day-to-day tasks to serve clients and help them meet their financial goals.

2018-2018

Financial Representative - Responsible for:

- Providing financial advice to clients in the absence of their Financial Advisor to reinforce the branch office and client relationship.
- Reviewing trade order requests for accuracy and suitability, addressing client concerns, and placing client orders.
- Answering incoming calls from Edward Jones branch offices and providing information/training on Order Service policies/procedures.
- Working with callers who contact the Client Relations department to assist with providing solutions to their questions.

2015-2016

Financial Advisor - Responsible for:

- Proactively contacting individuals in my community by visiting them at their home or at their business, and calling them on the phone, to present appropriate solutions to help them meet their financial goals.
- Meeting with and contacting existing Edward Jones clients, via the Goodknight program, to review their financial situation and recommend changes and additions to their portfolios as needed.
- Organizing and maintaining a time blocked schedule to include working with existing clients and prospecting for new business on a daily basis.
- Participating in training programs to obtain the necessary securities and insurance licenses and continuing to gain knowledge of investment products and regulations of the industry.

Chesapeake Utilities Corporation, Salisbury, MD 21804

2012-2015

Designer II - Responsible for:

- Communicating effectively and then submitting necessary documentation to acquire approved permits from municipalities, state highway administrations, environmental departments, and railroad companies for natural gas expansion projects costing several millions of dollars.
- Reviewing and verifying company records to ensure all departments have correct pipeline locations and specifications prior to the start of projects.
- Coordinating with the marketing department, project coordinators, and customers to prevent potential installation problems and customer issues.
- Accepting the challenge to expand and integrate the company's newest energy acquisition after demonstrating initiative and discipline, and thereby ensuring efficient deployment of their existing facilities.

2009-2012

Designer I - Responsible for:

- Designing construction plans and drawings, independently, for the installation of underground gas distribution systems, using AutoCAD software, and thus finding the most cost effective method of installation.
- Advising fellow employees on how to utilize GPS software and equipment for the planning and mapping of company assets to maintain the integrity of the pipeline network.
- Designing and assisting in the company's expansion of natural gas distribution in a major new market area, and thus helping add a significant revenue source.

2008-2009

Designer Intern - Responsible for:

- Assisting engineering department in designing construction plans to expand into new markets.
- Organizing and providing documentation of pipeline installation to company's mapping contractor.
- Demonstrating the skills, and fulfilling the need, for a newly created designer position.

Education:

Present The American College of Financial Services
ChFC - Chartered Financial Consultant

2015 Edward Jones Financial Advisor Training
Securities Licenses - Series 7 and Series 66
State of Delaware Insurance Licenses - Life and Health

2009 Delaware Technical and Community College, Georgetown, DE 19947
DEGREE: A.A.S - Engineering Drafting Technology

2007 Sussex Central High School, Georgetown, DE 19947
DIPLOMA: Dual Major - Architecture and Agriscience-Mechanical Programs

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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: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **Inperium, Inc. Tax-Exempt Bond Public Hearing**

DATE: February 27, 2024

Inperium Inc., a nonprofit healthcare organization operating in Sussex County, would like to issue up to \$80,000,000 of tax-exempt bonds. A portion of these bonds will finance and/or refinance the acquisition, construction, improvement and/or equipping of healthcare facilities and other related property in Sussex County.

In order for the bonds to qualify as federally tax-exempt, the organization issuing the bonds must hold a public hearing in the county where the services are provided to satisfy Section 147(F) of the Internal Revenue Code. This public hearing will be held at the March 5th County Council meeting.

It is important to note that these bonds are obligations of the nonprofit Inperium and not Sussex County Government. The County Government simply provides a platform for the public hearing for the bonds to be tax-exempt.

Legal counsel for Inperium will be present if you have any questions. Once the public hearing has occurred, Council may adopt the resolution with the short title to confirm the public hearing was held:

A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, FOR THE PURPOSE OF SATISFYING SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPROVING THE ISSUANCE OF NOT TO EXCEED \$80,000,000 OF BONDS TO BE ISSUED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF SIERRA VISTA

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

RESOLUTION NO. R----- 24

A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, FOR THE PURPOSE OF SATISFYING SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPROVING THE ISSUANCE OF NOT TO EXCEED \$80,000,000 OF BONDS TO BE ISSUED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF SIERRA VISTA

WHEREAS, the purpose of this resolution is to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), in order to qualify the interest portion of revenue notes, bonds or other obligations (the “Bonds”), in an amount not to exceed \$80,000,000, to be issued by The Industrial Development Authority of the City of Sierra Vista (the “Authority”) in one or more series pursuant to a plan of financing for the benefit of the Borrower (as defined below), for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code; and

WHEREAS, a portion of the Bonds in an amount not to exceed \$6,000,000 will be allocated to and used in Sussex County, Delaware (the “Sussex County Portion”); and

WHEREAS, representatives designated by Sussex County, Delaware (the “County”) to conduct a Public Hearing, as defined below (the “County’s Designee”), have informed the County Council of Sussex County (the “County Council”) that the Sussex County Portion will be loaned to Inperium, Inc., a Pennsylvania nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code (together with its affiliates or assigns, the “Borrower”), to finance and/or refinance, as applicable, all or a portion of the costs of: (a) the acquisition, construction, improvement, and/or equipping of healthcare facilities and other related property located at various locations within Sussex County, Delaware, as described on Exhibit A, attached hereto (the “Bond-Financed Facilities”); (b) funding any required reserve funds, including a deposit to the debt service reserve fund, (c) paying capitalized interest on the Bonds, if any, and (d) paying certain issuance expenses related to the Bonds (collectively, the “Project”). The Bond-Financed Facilities will be owned and/or operated by the Borrower or one of its affiliates, each of which is an organization described in Section 501(c)(3) of the Code; and

WHEREAS, the Bonds are payable solely from loan repayments to be made by the Borrower and will not be debt obligations of the County, the Authority, the City of Sierra Vista, the State of Arizona or any political subdivision or other governmental entity of either the State of Delaware or the State of Arizona; and

WHEREAS, the County’s Designee has informed the County Council that in order to satisfy the requirements of Section 147(f) of the Code a public hearing concerning the Project and the proposed Bonds was held at or about 10:15 a.m. local time (EST) on March 5, 2024 at the Council Chambers, Sussex County Administration Building, 2 The Circle, Georgetown, DE 19947 (the “Public Hearing”), after reasonable public notice was given in accordance with applicable law; and

WHEREAS, the County’s Designee has informed the County Council that, after reasonable public notice was given, the Public Hearing was held and that no oral or written objections were raised with respect to the proposed nature and location of the Bond-Financed Facilities or the

Project and the financing thereof with the Sussex County Portion of the proposed issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF SUSSEX COUNTY DELAWARE, as follows:

1. Pursuant to Section 147(f) of the Code and the Act, the County Council of Sussex County, Delaware as the highest applicable elected representative of a governmental unit having jurisdiction over the Bond-Financed Facilities to be financed or refinanced with the proceeds of the Bonds, hereby approves the Bonds and the proceedings under which the Bonds are to be issued by the Authority;
2. This Resolution shall be in full force and effect from and after its passage as provided by law, and any provisions of any previous resolutions in conflict with the provisions herein are hereby superseded;
3. The appropriate officers of the County Council are hereby authorized and directed to do all such things and to execute and deliver all such documents on behalf of Sussex County as may be necessary or desirable to effectuate the intent of this Resolution; and
4. It is necessary for the preservation of the peace, health and safety of Sussex County, Delaware that this resolution becomes immediately effective upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the County Council of Sussex County, Delaware this ____ day of _____, 2024.

COUNTY COUNCIL OF SUSSEX COUNTY,
DELAWARE

Exhibit A

Bond Financed Facilities located in Sussex County, Delaware

User/Affiliate	Street Address	City/State	County	Zip Code	Anticipated Bond Allocation
Conexio	35906 Zion Church Road	Frankford, DE	Sussex	19945	\$850,000
Conexio	401 S Washington St	Milford, DE	Sussex	19963	\$400,000
Conexio	620 Cedarwood Road	Milford, DE	Sussex	19963	\$500,000
Conexio	18 N Arch St Extension	Seaford, DE	Sussex	19973	\$550,000
Conexio	22910 Pine Road	Lewes, DE	Sussex	19958	\$800,000
Conexio	1071 W 6th Street	Laurel, DE	Sussex	19956	\$400,000
Conexio	315 Old Landing Road, 317 Old Landing Road	Millsboro, DE	Sussex	19966	\$2,500,000

Beaver Dam Road Expansion 2024

Expansion of the Millville Sanitary Sewer District

Public Hearing

- This was the project previously discussed in 2011, permission was granted and a Public Hearing held. Presented to County Council, based on testimony the Engineering Department was directed to complete a polling vote and re-appeared before council later in 2011. The vote was deferred and at the next meeting it was deferred indefinitely based on lack of response from the property owners.
- In 2015 the subject area again was evaluated, and it was discovered the DelDOT had just paved Beaver Dam Road and there was a 5-year moratorium on any project impacting the roadway.
- Recent interest in central sewer for the area prompted the department to distribute a new polling letter based on potential change of ownership since the original meeting and hearings.
- That polling consisted of (23) properties, of those we received (11) in favor and (3) opposed to the annexation.
- County Council granted permission to prepare and post notices for a public hearing on the annexation of the area on January 9th, 2024.
- The Engineering Department added the project to the County website and posted notices on February 8, 2024. Advertised on Week of February 21st and 28th.
- To date there has been no correspondence either in support or opposition to the annexation.

PUBLIC NOTICE

PROPOSED BEAVER DAM ROAD 2024 EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (MILLVILLE AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **January 9, 2024** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Millville Area, to include 21 parcels along Beaver Dam Road, Substation Road and Penn Del Avenue, being situate in Baltimore Hundred, Sussex County, Delaware.

This action is in conformity with 9 Del.C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

Beginning at a point, said point being on the SCUSSD boundary (Millville Area), said point also being on the southwesternmost property corner of land Now-or-Formerly (N/F) of Sea Edge subdivision; thence proceeding by and with said subdivision in an easterly and northerly direction respectively a distance of 959'± to a point, said point being on the southerly Right-of-Way (ROW) of Beaver Dam Road; thence proceeding in a northerly direction across Beaver Dam Road a distance of 50'± to a point, said point being on the northerly ROW of Beaver Dam Road, said point also being on the southerly property line of other lands of Sea Edge; thence proceeding by and with said ROW in a northeasterly direction crossing Substation Road a total distance of 2,280'± to a point, said point being on the southerly property line of Fairway Village subdivision, said point further being on the SCUSSD boundary (Miller Creek Area); thence leaving said ROW and proceeding by and with said Miller Creek Area boundary in a southerly direction across Beaver Dam Road a distance of 55' to a point, said point being on the southerly ROW of Beaver Dam Road; thence continuing with said Miller Creek Area boundary in a generally southwesterly, northerly, westerly, southerly and southwesterly direction respectively a total distance of 2,270'± to a point, said point being the easternmost property corner of lands N/F Milton Wright; thence leaving said Miller Creek Area boundary and proceeding by and with said Wright lands in a generally westerly, southerly and westerly direction respectively a total distance of 745'± to a point, said point being on the easterly ROW of Substation Road; thence proceeding in a westerly direction across Substation Road a distance of 50'± to a point, said point being on the westerly ROW of Substation Road, said point also being on the easterly property line of Steven R. Ryall; thence proceeding in a northerly direction a distance of 50'± to a point, said point being the easternmost property corner of Penn Del Acres subdivision; thence proceeding by and with said subdivision lands in a generally westerly direction a total distance of 857'± to a point, said point being on the easterly property line of lands N/F of Kenneth F. Bedell and Sheree J. Bedell; thence proceeding by and with said Bedell lands in a southerly, westerly and northerly direction respectively a total distance of 990'± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 134-16.00 and Sussex County property assessment records. The annexation contains 23 acres more or less.

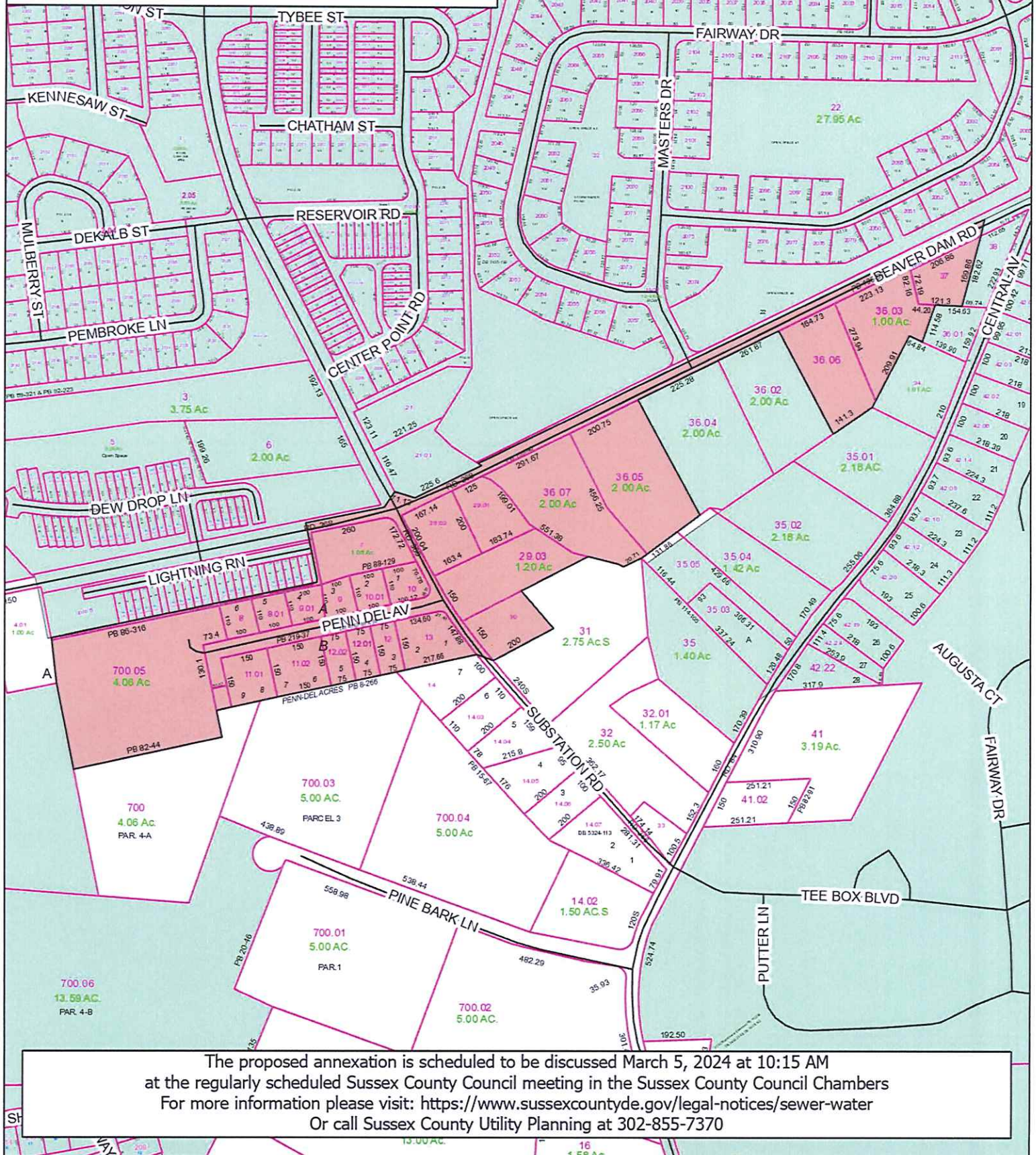
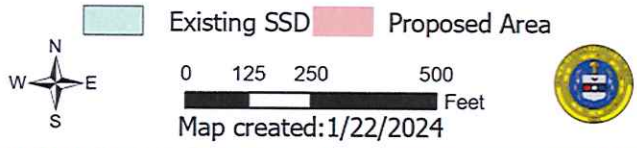
A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:15 a.m. on March 5, 2024 in the Sussex County Council Chambers, 2 The Circle, Georgetown, Delaware 19947. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7370.

Hans M. Medlarz, P.E.
County Engineer

Proposed Annexation Beaver Dam Road Area



The proposed annexation is scheduled to be discussed March 5, 2024 at 10:15 AM
at the regularly scheduled Sussex County Council meeting in the Sussex County Council Chambers
For more information please visit: <https://www.sussexcountyde.gov/legal-notice/ sewer-water>
Or call Sussex County Utility Planning at 302-855-7370

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
BEAVER DAM ROAD 2024
AFFIDAVIT FOR PUBLIC NOTICE

STATE OF DELAWARE)(

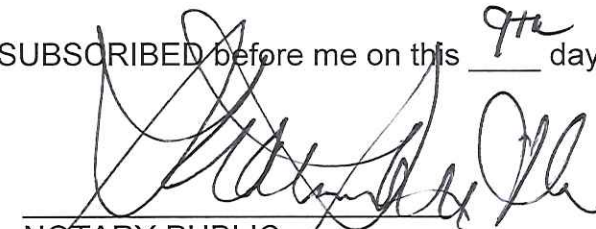
COUNTY OF SUSSEX)(

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

- A. On February 8, 2024 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On February 8, 2024 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of a STOP sign in the southerly Right-of-Way (ROW) of Beaver Dam Rd., at the intersection with Substation Rd.,
 - 2. On a post in front of Pedestrian Crossing sign in the westerly ROW of Substation Rd., at the intersection with Beaver Dam Rd.,
 - 3. On a post in the northerly ROW of Pen-Del Ave., at the intersection with Substation Rd.,
 - 4. On a post in front of DEC pole 22012 in the southerly ROW of Beaver Dam Rd, 743'± southwest of Central Ave.,
 - 5. On a post in front of DEC pole 22013 in the southerly ROW of Beaver Dam Rd., 271'± southwest of Central Ave.,
 - 6. On a post in from of a STOP sign in the northerly ROW of Tee Box Blvd., at the intersection with Central Ave.,
 - 7. On a post in front of a YIELD sign in the northerly Row of Beaver Dam Rd., at the intersection with Central Ave.,
 - 8. On a post in front of a STOP sign in the westerly ROW of Masters Dr., at the intersection with Beaver Dam Rd.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 9th day of Feb A.D., 2024


NOTARY PUBLIC



My Commission Expires 6/14/2024

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLVILLE AREA, TO INCLUDE THE PENN DEL ACRES SUBDIVISION AND SEVERAL PARCELS ALONG BEAVER DAM ROAD AND SUBSTATION ROAD LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Beaver Dam & Substation Roads Area, the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Penn Del Acres subdivision and parcels along Beaver Dam and Substation Roads and further described as follows:

Beginning at a point, said point being on the SCUSSD boundary (Millville Area), said point also being on the southwesternmost property corner of land Now-or-Formerly (N/F) of Sea Edge subdivision; thence proceeding by and with said subdivision in an easterly and northerly direction respectively a distance of 959'± to a point, said point being on the southerly Right-of-Way (ROW) of Beaver Dam Road; thence proceeding in a northerly direction across Beaver Dam Road a distance of 50'± to a point, said point being on the northerly ROW of Beaver Dam Road, said point also being on the southerly property line of other lands of Sea Edge; thence proceeding by and with said ROW in a northeasterly direction crossing Substation Road a total distance of 2,280'± to a point, said point being on the southerly property line of Fairway Village subdivision, said point further being on the SCUSSD boundary (Miller Creek Area); thence leaving said ROW and proceeding by and with said Miller Creek Area boundary in a southerly direction across Beaver Dam Road a distance of 55' to a point, said point being on the southerly ROW of Beaver Dam Road; thence continuing with said Miller Creek Area boundary in a generally southwesterly, northerly, westerly, southerly and southwesterly direction respectively a total distance of 2,270'± to a point, said point being the easternmost property corner of lands N/F Milton Wright; thence leaving said Miller Creek Area boundary and proceeding by and with said Wright lands in a generally westerly, southerly and westerly direction respectively a total distance of 745'± to a point, said point being on the easterly ROW of Substation Road; thence proceeding in a westerly direction across Substation Road a distance of 50'± to a point, said point being on the westerly ROW of Substation Road, said point also being on the easterly property line of Steven R. Ryall; thence proceeding in a northerly direction a distance of 50'± to a point, said point being the easternmost property corner of Penn Del Acres subdivision; thence proceeding by and with said subdivision lands in a generally westerly direction a total distance of 857'± to a point, said point being on the easterly property line of lands N/F of Kenneth F. Bedell and Sheree J. Bedell; thence proceeding by and with said Bedell lands in a southerly, westerly and northerly direction respectively a total distance of 990'± to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 134-16.00 and Sussex County property assessment records.

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

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

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

**Memorandum of Understanding
between
Sussex County, Delaware
and the
Delaware Office of State Planning Coordination**

WHEREAS, the State of Delaware (“State”) has determined that certain local land use decisions have far reaching and complex effects on the region, resulting in development which often requires the commitment of finite resources by the various levels of government as well as private investors; and

WHEREAS, coordinated review of certain development activities would result in a more efficient, effective, and timely use of resources and would also achieve consistency and coordination between the various levels of government and other interested parties; and

WHEREAS, under Chapter 92 of Title 29 of the *Delaware Code*, local land use planning actions by local governments are subject to pre-application review processes by the Office of the State Planning Coordination (OSPC); and

WHEREAS, under Chapter 92, Section 9205 (c) of Title 29 of the *Delaware Code*, the OSPC shall, through a Memorandum of Understanding, exempt a local jurisdiction from the provisions of the Land Use Act or modify the pre-application process when the local jurisdiction has a Certified Comprehensive Plan and imposes a more stringent review of projects; and

WHEREAS, Sussex County and the State previously executed a Memorandum of Understanding regarding State review of certain Development Activities in October of 2003 (the “2003 Memorandum”); and

WHEREAS, the State and Sussex County acknowledge that the 2003 Memorandum does not adequately address the process of State review of Comprehensive Plans or amendments thereto (including amendments to the Future Land Use Map contained therein); and

WHEREAS, Sussex County has an area comprising approximately 1,196 square miles, and the parties recognize that as a result of the size and scope of this area, adjustments to the mapping set forth in the Sussex County Comprehensive Plan may require adjustments from time to time; and

WHEREAS, the State and Sussex County desire to update the 2003 Memorandum and execute this new Memorandum of Understanding to more clearly address Development Activities governed by Chapter 92 of Title 29 of the *Delaware Code* and Comprehensive Plans governed by Chapter 68 of Title 9 of the *Delaware Code* and reviewed under Chapter 92. Subchapter 1 of Title 29 of the *Delaware Code*.

NOW, THEREFORE, BE IT RESOLVED, that Sussex County and the Office of the State Planning Coordination agree as follows:

I. Development Activities Requiring State Review.

The following development activities require OSPC review:

- A. Any Residential Planned Community or any other zoning districts that encourages master planning of site.
- B. Major residential subdivisions or conditional uses containing more than 50 dwelling units, as described in Section 9203 of Title 29 of the *Delaware Code*.
- C. Major non-residential subdivisions, site plans, and conditional uses with a cumulative total floor area exceeding 75,000 square feet.
- D. Any rezoning or conditional use within the Coastal Area identified in the current Sussex County Comprehensive Plan that would increase intensity or residential density.
- E. Applications for rezoning or conditional use that are inconsistent with the current Sussex County Comprehensive Plan.
- F. Any local land use regulation, ordinance, or requirement referred to the Office of State Planning Coordination (“OSPC”) by Sussex County for the purpose of providing the County with advisory comments. These include the modifications to the County’s zoning and subdivision ordinances that implement the Comprehensive Plan.
- G. Any amendment, modification, or update to the Sussex County Comprehensive Plan, as required by Ch. 68 of Title 9 of the *Delaware Code*, provided that minor variations will be reviewed by the process described in Section II below.
- H. Any other project which is referred to the State for Pre-Application review by Sussex County.

II. Process for Office of State Planning Coordination Review of Items I, A. through F.

The process for review of Items I., A. through F. above shall be governed by Title 29, Section 9204 of the *Delaware Code*, referred to as the Pre-Application Review Process in the Del. Code and commonly known as the Preliminary Land Use Service Process (PLUS).

III. Process for Office of State Planning Coordination Review of Amendments to the Comprehensive Plan.

The process for review of any amendment, modification, or update to the Sussex County Comprehensive Plan (the "Plan") including specifically the Future Land Use Map (the "FLUM") shall be as follows:

- A. Ten year updates to the Sussex County Comprehensive Plan shall be reviewed under the procedures found in Titles 9 and 29 of the Delaware Code.
- B. It is recognized that the Plan is expected to be updated every ten years in accordance with Section 6960 of Title 9 of the *Delaware Code*. As a result, the State and Sussex County acknowledge that there may be amendments to the Plan or the FLUM initiated by Sussex County, by property owners or by other interested parties within that ten-year period. The basis for such an amendment may include, but not be limited to, changes in circumstances surrounding the area or property in question, to correct an oversight or omission in the current Plan or other unforeseen or justifiable reasons.
- C. Unless the amendment is initiated by Sussex County, the process for an amendment to the Plan or FLUM shall first be initiated through Sussex County. In the case of an amendment requested by a property owner or other interested party (the "Applicant"), Sussex County, may request the property owner or their representative to speak at the PLUS meeting as a part of the county's presentation.
- D. Upon receipt of a completed Application Form, Sussex County shall schedule a public hearing before its Planning & Zoning Commission in accordance with Section 6911 of Title 9 of the *Delaware Code*.
- E. Following its public hearing of the Planning and Zoning Commission, the County will forward the plan amendment to the OSPC for PLUS Review in accordance with Section 9103(c) of Title 29 of the *Delaware Code*. All relevant materials presented to Planning and Zoning will accompany the PLUS application.
- F. Following the completion of the PLUS review and after receiving OSPC's response letter, the County shall schedule public meetings before its County Council in accordance with Section 6911 of Title 9 of the *Delaware Code*.
- G. Minor variations are comprehensive plan amendments where the amendment is of a minor, relatively insignificant nature. An amendment shall be considered a minor variation from the Comprehensive Plan when the following conditions are met:
 - a) The amendment is of a unique circumstance and cannot set precedence for other lands in the vicinity of the amendment.

- b) The relative size of the amendment or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan, and
- c) The proposed amendment and subsequent rezoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area.

Upon notification of a plan amendment that meets all of the above listed criteria, the OSPC will consider the request and will respond in writing to the County identifying whether it will agree to waive the PLUS review process for the specific request.

- H. And further, in accordance with Title 9, Section 9206(a) of the Delaware Code, Sussex County has “final decision-making authority over proposed local land use planning actions”. Once Sussex County makes its final decision, it will notify OSPC of its decision as soon as possible. Title 9, Section 9206(b).
- I. In accordance with Title 29, Section 9103 (d) of the *Delaware Code*, Should the Office of State Planning Coordination make objection to any proposed comprehensive plan or amendments or revisions thereto, then the Office of State Planning Coordination shall immediately enter into negotiation with the county or municipality in an attempt to solicit agreement and resolution. Any agreements reached during these negotiations shall be incorporated into the public record and considered by the governing body prior to final action on the comprehensive plan. If the Office of State Planning Coordination and the county or municipality fail to reach agreement after a period of 45 days, the Office of State Planning Coordination shall report the extent of agreement and areas of continued disagreement to the Cabinet Committee on State Planning Issues (“Cabinet Committee”) for dispute resolution.
- J. In accordance with Title 29, Section 9103(f) of the *Delaware Code*, Sussex County “shall have the right to accept or reject any or all of the recommendations” of the Cabinet Committee and “[t]he final decision on the adoption of the comprehensive plan is that of ... the county.”
- K. In accordance with Title 9, Section 6958 (b) of the *Delaware Code*, the State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by Sussex County where Sussex County’s adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with State development policies.

IV. Waivers

In special circumstances, the Office of State Planning Coordination may waive the pre-application requirements of this chapter. Where such waiver is granted, the Office of State Planning Coordination shall provide a written explanation of the causes for the waiver to the relevant local

jurisdiction and the applicant. These circumstances may include, but are not limited to, local governments that impose a more stringent review of projects enumerated in § 9203(a) of Title 29 than required by this chapter, or for projects which will provide an extraordinary benefit to the State and the local jurisdiction through economic development, job creation, educational opportunities, public services or facilities, agricultural preservation or protection and enhancement of the natural environment.

BE IT FURTHER RESOLVED that this Memorandum of Understanding may be revised from time to time as circumstances warrant, only with the concurrence of both Sussex County and the Office of State Planning Coordination, or in relation to significant changes within the State Code.

President, Sussex County Council
Sussex County, Delaware

Director
Office of State Planning Coordination

Date

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: ***Cannon Road –Inland Bays Road Drainage Improvements and
Constructed Wetlands, Project S22-05
A. Change Orders No. 4A & 4B***

DATE: March 5, 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.

Since then the 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 our Wet Pond 1, riprap armor was added to the low flow outfall. In order to meet requirement by DNREC preliminary PFAS testing on the submerged gravel wetland sand 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.

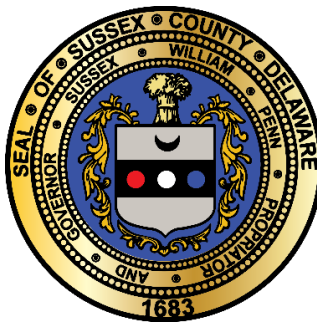
Change Order No. 4a (items 1-4 below) covering the following issues:

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.

In summary, the Engineering Department requests Council's concurrence in 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.

The Department believes that Change Order No. 4 constitutes all known remedial actions items required, short of additional storm or goose damage.



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. 4A
4. Date Change Order Initiated - 3/5/24
5. a. Original Contract Sum \$11,467,000.00
- b. Net Change by Previous Change Orders \$1,257,087.56
- c. Contract Sum Prior to Change Order \$12,724,087.56
- d. Requested Change \$ 116,691.37
- e. Net Change (No. of days)
- f. New Contract Amount \$12,840,778.93
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:

Repair damage to Cannon Road due to the December 18, 2023 storm event; provide reimbursement for PFAS testing requested by DNREC; provide further runoff capacity from the north field pivot to the Submerged Gravel Wetland bypass swale with stone level spreaders. Improve bank stabilization downstream of the Pond 1 low flow outlet.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Kinsley Construction, Inc., Contractor

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: 19

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: 02/26/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Bypass Swale Repair and Add Stone Channels / Level Spreaders
Priority: High
Req Return Date: 03/05/2024

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

70000-017

Item	Amount
1 Bypass Swale Repair and Add Stone Channels / Level Spreaders -T&M Work performed as directed from 11.06.23 to 11.21.23 -Reference attached T&M spreadsheet and backup	\$72,834.48
TOTAL CHANGE ORDER FOR THIS REQUEST	\$72,834.48

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, P.M.

Printed: _____

Date: _____

Date: _____

Cannon (234701)

SGW Swale Regrade / Stone / Level Spreaders

70000-017

	11/6	11/7	11/8	11/9	11/14	11/16	11/17	11/18	11/20	11/21	TOTAL HOURS	HOURLY RATE	TOTAL COST
Labor & Equipment @ T&M Rates:													
Foreman							10.0	8.0	10.0		28.00	\$ 90.00	\$ 2,520.00
Laborer					7.0		2.0	3.0	9.0	3.0	24.00	\$ 52.00	\$ 1,248.00
F250/350 Truck w/Tools								8.0	10.0		18.00	\$ 18.00	\$ 324.00
CAT 315 Excavator GPS w/ Operator	9.0	7.0	5.0	3.0	3.0		10.0		10.0		47.00	\$ 175.00	\$ 8,225.00
CAT D5K GPS w/ Operator	4.0								2.0	2.0	8.00	\$ 188.00	\$ 1,504.00
740B/A40G/A45G Artic Truck w/ Operator			1.0		2.0	2.0	4.0	5.0	10.0	1.0	25.00	\$ 290.00	\$ 7,250.00
CAT 953D Track Loader w/ Operator			2.0		2.0		10.0	8.0	8.0	1.0	31.00	\$ 213.00	\$ 6,603.00
CASE TR270 Compact Track Loader w/ Operator				3.0	10.0	1.0	10.0	8.0	10.0		42.00	\$ 132.00	\$ 5,544.00
CAT 336FL Excavator w/ Operator					1.0						1.00	\$ 215.00	\$ 215.00
CAT D6 Dozer w/ Operator							2.0				2.00	\$ 232.00	\$ 464.00
John Deere Scraper Tractor w/ Operator							4.0				4.00	\$ 500.00	\$ 2,000.00
Case SR210 Skid Loader w/ Operator									3.0		3.00	\$ 132.00	\$ 396.00
													\$ 36,293.00
Materials @ Cost Plus 15% OH&P													
Dagsboro Stone Depot Inv B-110M-0009747 - AASHTO #3													\$ 8,111.89
Dagsboro Stone Depot Inv B-110M-0009794 - AASHTO #57													\$ 1,894.47
Martin Marietta Inv 41017608 - ASTM #3													\$ 10,642.45
Martin Marietta Inv 41030018 - ASTM #3													\$ 7,467.67
Martin Marietta Inv 41210795 - ASTM #57													\$ 3,048.72
Ferguson INV 660045 - Filter Sock													\$ 235.00
Ferguson INV 660059 - 12-1/2x360FT S300 WOV 500 SY													\$ 375.00
													\$ 31,775.20
													\$ 4,766.28
													\$ 36,541.48
15% OH&P													
													\$ 36,541.48
TOTAL: \$												72,834.48	

Daily Time and Materials (T&M) Report

Date: 11/6/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-017 - SGW swale regrade / Stone / Level Spreaders - Billable

Quantity: 0

Labor

Hours

3407 - ROBERT M BALDERSON

4

35814 - KYLE N REILLY

9

Total Labor Hours: 13

Equipment

Hours

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

9

502065 - CAT D5K LGP/GPS

4

Total Equipment Hours: 13

Daily Time and Materials (T&M) Report

Date: 11/7/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-017 - SGW swale regrade / Stone / Level Spreaders - Billable

Quantity: 0

Labor

Hours

35814 - KYLE N REILLY

7

Total Labor Hours: 7

Equipment

Hours

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

7

Total Equipment Hours: 7

Daily Time and Materials (T&M) Report

Date: 11/8/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-017 - SGW swale regrade / Stone / Level Spreaders - Billable

Quantity: 0

Notes:

Haul in #3 stone from Dagsboro 70.85 tons

Labor

17104 - ASA IRWIN

Hours

5

Total Labor Hours: 5

Equipment

159032 - CAT 740B ARTIC TRUCK/TAILGATE

351063 - CAT 953D TRACK LOADER

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

Hours

1

2

5

Total Equipment Hours: 8

Daily Time and Materials (T&M) Report

Date: 11/9/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-017 - SGW swale regrade / Stone / Level Spreaders - Billable

Quantity: 0

Labor

Hours

17104 - ASA IRWIN

3

35814 - KYLE N REILLY

3

Total Labor Hours: 6

Equipment

Hours

308054 - CASE TR270 HF COMPACT TRACK LO

3

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

3

Total Equipment Hours: 6

Daily Time and Materials (T&M) Report

Date: 11/14/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-017 - SGW swale regrade / Stone / Level Spreaders - Billable

Quantity: 0

Labor	Hours
17104 - ASA IRWIN	10
22010 - KAIL KRUGER	3
35814 - KYLE N REILLY	3
37512 - TYLER C SEAVER	3
47245 - LUKE D WORKMAN	3
5724 - BRAYAN E CANSECO	3

Total Labor Hours: 25

Equipment	Hours
159062 - VOLVO A40G ARTIC TRUCK	2
308054 - CASE TR270 HF COMPACT TRACK LO	10
351063 - CAT 953D TRACK LOADER	2
402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE	3
403065 - CAT 336FL EX/HYD/SCREEN	1

Total Equipment Hours: 18

Daily Time and Materials (T&M) Report

Date: 11/16/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-017 - SGW swale regrade / Stone / Level Spreaders - Billable

Quantity: 0

Labor

Hours

17104 - ASA IRWIN

2

35814 - KYLE N REILLY

2

5724 - BRAYAN E CANSECO

1

Total Labor Hours: 5

Equipment

Hours

159045 - VOLVO A40G ARTIC TRUCK

2

308054 - CASE TR270 HF COMPACT TRACK LO

1

Total Equipment Hours: 3

Daily Time and Materials (T&M) Report

Date: 11/17/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-017 - SGW swale regrade / Stone / Level Spreaders - Billable

Quantity: 0

Labor	Hours
11183 - GARY C FRANKLIN III	2
31158 - ARNOLD PARRECO	10
3407 - ROBERT M BALDERSON	2
35814 - KYLE N REILLY	8
37512 - TYLER C SEAVER	10
47245 - LUKE D WORKMAN	10
5724 - BRAYAN E CANSECO	10

Total Labor Hours: 52

Equipment	Hours
159102 - VOLVO A45G ARTIC TRUCK	4
308054 - CASE TR270 HF COMPACT TRACK LO	10
351063 - CAT 953D TRACK LOADER	10
402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE	10
502044 - CAT D6N LGP DOZER/GPS	2
652006 - JOHN DEERE 9570RX HP SCRAPER T	2
653007 - JOHN DEERE 2112E EJECTOR SCRAP	2

Total Equipment Hours: 40

Daily Time and Materials (T&M) Report

Date: 11/18/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-017 - SGW swale regrade / Stone / Level Spreaders - Billable

Quantity: 0

Labor	Hours
17104 - ASA IRWIN	8
31158 - ARNOLD PARRECO	8
35814 - KYLE N REILLY	8
5724 - BRAYAN E CANSECO	8

Total Labor Hours: 32

Equipment	Hours
151190 - 2019 FORD F250 4X4 RC	8
159102 - VOLVO A45G ARTIC TRUCK	5
308054 - CASE TR270 HF COMPACT TRACK LO	8
351063 - CAT 953D TRACK LOADER	8

Total Equipment Hours: 29

Daily Time and Materials (T&M) Report

Date: 11/20/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-017 - SGW swale regrade / Stone / Level Spreaders - Billable

Quantity: 0

Labor	Hours
11183 - GARY C FRANKLIN III	8
17104 - ASA IRWIN	10
22010 - KAIL KRUGER	0
31153 - WILLIAM P PLUMMER	10
31158 - ARNOLD PARRECO	10
35814 - KYLE N REILLY	0
37494 - AUSTIN R SEAVER	2
37512 - TYLER C SEAVER	2
47245 - LUKE D WORKMAN	10
5724 - BRAYAN E CANSECO	10

Total Labor Hours: 62

Equipment	Hours
151190 - 2019 FORD F250 4X4 RC	10
159102 - VOLVO A45G ARTIC TRUCK	10
308054 - CASE TR270 HF COMPACT TRACK LO	10
309052 - CASE SR210 HF SKID LOADER	3
351063 - CAT 953D TRACK LOADER	8
402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE	10
502065 - CAT D5K LGP/GPS	2

Total Equipment Hours: 53

Daily Time and Materials (T&M) Report

Date: 11/21/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-017 - SGW swale regrade / Stone / Level Spreaders - Billable

Quantity: 0

Labor

Hours

17104 - ASA IRWIN

2

37494 - AUSTIN R SEAVER

2

37512 - TYLER C SEAVER

2

47245 - LUKE D WORKMAN

2

Total Labor Hours: 8

Equipment

Hours

159045 - VOLVO A40G ARTIC TRUCK

1

351063 - CAT 953D TRACK LOADER

1

502065 - CAT D5K LGP/GPS

2

Total Equipment Hours: 4



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-0009747

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

Job: Cannon Rd & Inland Bays Rd Drainage Im
PO # 234701-005

SEH

Date: Nov 10/23
Quote: JAT5346

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		
Nov 08/23	00093723	AASHTO #3	TN	23.69	32.65	5.27		898.33
Nov 08/23	00093730	AASHTO #3	TN	23.78	32.65	5.27		901.74
Nov 08/23	00093742	AASHTO #3	TN	23.38	32.65	5.27		886.57
Nov 09/23	00093751	AASHTO #3	TN	20.00	32.65	5.27		758.40
Nov 09/23	00093766	AASHTO #3	TN	20.19	32.65	5.27		765.60
Nov 09/23	00093781	AASHTO #3	TN	20.21	32.65	5.27		766.37
Nov 09/23	00093803	AASHTO #3	TN	20.22	32.65	5.27		766.74
Nov 09/23	00093824	AASHTO #3	TN	20.11	32.65	5.27		762.57
Nov 09/23	00093843	AASHTO #3	TN	20.86	32.65	5.27		791.01
Nov 09/23	00093871	AASHTO #3	TN	19.42	32.65	5.27		736.40
Nov 09/23	00093871	Fuel Surcharge	EA	1.00		78.16		78.16

Total Quantity

211.86

tn c 38.29 =

WHITE COPY: CUSTOMER

Page: 1

TERMS: NET 30 DAYS

Subtotal	6,917.23
Delivery	1,194.66
Delaware	.00
Total	8,111.89

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.

RECEIVED NOV 16 2023



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-
 0009794

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

Job: Cannon Rd & Inland Bays Rd Drainage Im
 PO # 234701-005

SEH

Date: Nov 15/23
 Quote: JAT5346

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		
Nov 14/23	00094237	AASHTO #57	TN	24.20	33.80	5.27		945.49
Nov 14/23	00094258	AASHTO #57	TN	23.90	33.80	5.27		933.77
Nov 14/23	00094258	Fuel Surcharge	EA	1.00		15.21		15.21
				Total Quantity	48.10	+mc 39.38 = 1894.47		

RECEIVED NOV 20 2023

Subtotal	1,625.78
Delivery	268.69
Delaware	.00
Total	1,894.47

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.



SEH

SPECIAL

FOR BILLING QUESTIONS PLEASE CALL

410-683-1250

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

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.	
20677719 SO	234701-006	78164	60292018	12	31111	North East Quarry	470287	11/10/23	41017608	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
11/09/23	7401	WASHED ASTM #3								
		12112481	21.75	TN	18.50	402.38	16.00	348.00		750.38
		FUEL SURCHARGE TRUCK					27.84	27.84		27.84
		12112483	20.29	TN	18.50	375.37	16.00	324.64		700.01
		FUEL SURCHARGE TRUCK					25.97	25.97		25.97
		12112485	20.52	TN	18.50	379.62	16.00	328.32		707.94
		FUEL SURCHARGE TRUCK					26.27	26.27		26.27
		12112491	20.92	TN	18.50	387.02	16.00	334.72		721.74
		FUEL SURCHARGE TRUCK					26.78	26.78		26.78
		12112493	21.80	TN	18.50	403.30	16.00	348.80		752.10
		FUEL SURCHARGE TRUCK					27.90	27.90		27.90
		12112500	22.13	TN	18.50	409.41	16.00	354.08		763.49
		FUEL SURCHARGE TRUCK					28.33	28.33		28.33
		12112511	23.30	TN	18.50	431.05	16.00	372.80		803.85
		FUEL SURCHARGE TRUCK					29.82	29.82		29.82
		12112543	22.51	TN	18.50	416.44	16.00	360.16		776.60
		FUEL SURCHARGE TRUCK					28.81	28.81		28.81
		12112582	21.49	TN	18.50	397.57	16.00	343.84		741.41
		FUEL SURCHARGE TRUCK					27.51	27.51		27.51
		12112584	19.67	TN	18.50	363.90	16.00	314.72		678.62
		FUEL SURCHARGE TRUCK					25.18	25.18		25.18
		12112592	20.27	TN	18.50	375.00	16.00	324.32		699.32
		FUEL SURCHARGE TRUCK					25.95	25.95		25.95
							INVOICE TOTAL	CONTINUED		

DETACH and Include this Return Portion with Payment

**REMIT TO:**

CUSTOMER NUMBER: 470287 KINSLEY CONSTRUCTION

INVOICE NUMBER: 41017608

MARTIN MARIETTA MATERIALS

PO BOX 935043

ATLANTA GA 31193-5043

PAYMENT DUE

\$10,642.45

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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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

Order No.	Customer PO No.	Dest. No.	Job No.	Dist	Business Unit	Business Unit Name	Cust. No.	Invoice Date	Invoice No.	
20677719 SO	234701-006	78164	60292018	12	31111	North East Quarry	470287	11/10/23	41017608	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
		12112595 FUEL SURCHARGE TRUCK	20.69	TN	18.50	382.77	16.00	331.04		713.81
		12112614 FUEL SURCHARGE TRUCK	22.08	TN	18.50	408.48	26.48	26.48		26.48
		12112624 FUEL SURCHARGE TRUCK	20.02	TN	18.50	370.37	16.00	320.32		690.69
		FUEL SURCHARGE TRUCK					28.26	28.26		28.26
							25.63	25.63		25.63
		SUBTOTAL	297.44			5,502.68		5,139.77		10,642.45
								FRT		
		TOTAL	297.44			5,502.68		5,139.77		10,642.45
										\$10,642.45

11/13/2023



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****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.	
20684838 SO	234701-006	78164	60292018	12	31111	North East Quarry	470287	11/13/23	41030018	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
11/10/23	7401	WASHED ASTM #3								
		12112702	22.03	TN	18.50	407.56	16.00	352.48		760.04
		FUEL SURCHARGE TRUCK					28.20	28.20		28.20
		12112704	21.25	TN	18.50	393.13	16.00	340.00		733.13
		FUEL SURCHARGE TRUCK					27.20	27.20		27.20
		12112710	21.07	TN	18.50	389.80	16.00	337.12		726.92
		FUEL SURCHARGE TRUCK					26.97	26.97		26.97
		12112711	20.89	TN	18.50	386.47	16.00	334.24		720.71
		FUEL SURCHARGE TRUCK					26.74	26.74		26.74
		12112714	21.58	TN	18.50	399.23	16.00	345.28		744.51
		FUEL SURCHARGE TRUCK					27.62	27.62		27.62
		12112736	20.67	TN	18.50	382.40	16.00	330.72		713.12
		FUEL SURCHARGE TRUCK					26.46	26.46		26.46
		12112746	22.24	TN	18.50	411.44	16.00	355.84		767.28
		FUEL SURCHARGE TRUCK					28.47	28.47		28.47
		12112775	19.64	TN	18.50	363.34	16.00	314.24		677.58
		FUEL SURCHARGE TRUCK					25.14	25.14		25.14
		12112804	19.90	TN	18.50	368.15	16.00	318.40		686.55
		FUEL SURCHARGE TRUCK					25.47	25.47		25.47
		12112806	19.44	TN	@ 18.50	359.64	16.00	311.04		670.68
		FUEL SURCHARGE TRUCK					24.88	24.88		24.88
		SUBTOTAL	208.71			3,861.16		3,606.51		7,467.67
								FRT		
		TOTAL	208.71			3,861.16		3,606.51		7,467.67
								INVOICE TOTAL	\$7,467.67	

DETACH and Include this Return Portion with Payment

**11/15/2023****REMIT TO:****MARTIN MARIETTA MATERIALS****PO BOX 935043****ATLANTA GA 31193-5043**

CUSTOMER NUMBER: 470287 KINSLEY CONSTRUCTION

INVOICE NUMBER: 41030018

PAYMENT DUE

\$7,467.67Call 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



SEH

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.	
20763849 SO	234701-006	79312	60292018	12	31111	North East Quarry	470287	12/04/23	41210795	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
12/01/23	7403	WASHED ASTM #57								
		12115318	21.28	TN	18.50	393.68	16.00	340.48		734.16
		FUEL SURCHARGE TRUCK					23.83	23.83		23.83
		12115323	21.46	TN	18.50	397.01	16.00	343.36		740.37
		FUEL SURCHARGE TRUCK					24.04	24.04		24.04
		12115391	21.59	TN	18.50	399.42	16.00	345.44		744.86
		FUEL SURCHARGE TRUCK					24.18	24.18		24.18
		12115454	21.26	TN	@ 18.50	393.31	16.00	340.16		733.47
		FUEL SURCHARGE TRUCK					23.81	23.81		23.81
		SUBTOTAL	85.59			1,583.42		1,465.30		3,048.72
								FRT		
		TOTAL	85.59			1,583.42		1,465.30		3,048.72
INVOICE TOTAL								\$3,048.72		

12/06/2023

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: 41210795

PAYMENT DUE \$3,048.72

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

SEH
234701

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0660045	\$235.00	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
1780	1780	DEONLY	FILTER SOCK	CRH	CANNON ROAD	11/20/23	IO 69047

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
1	1	ACFFS18X55S	18X55 FLTR SOCK W/ STKS	235.000	EA	235.00
INVOICE SUB-TOTAL						235.00

 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.

11/21/2023

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	\$235.00
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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.

FERGUSON
 25 WHISSELL DRIVE
 COATESVILLE, PA 19320-0000

SEH
234701

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0660059	\$375.00	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

CANNON ROAD
 INLAND BAYS AND CANNON ROAD
 MILLSBORO, DE 19966

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
1780	1780	DEONLY	MILLSBORO, DE	CRH	CANNON RD	11/20/23	IO 69047

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
1	1	ACFS30012360	12-1/2X360 FT S300 WOV 500 SY	375.000	RL	375.00
			INVOICE SUB-TOTAL			375.00
<p>***** 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.</p>						

11/21/2023

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	\$375.00
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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.



4565 William Penn Highway
Murrysville, PA 15668
Phone: 724-327-1300



PLEASE REMIT PAYMENT TO:
SITECH ALLEGHENY
PO Box 417094
Boston, MA 02241-7094

SOLD TO:

SHIP TO:

KINSLEY CONSTRUCTION INC
PO BOX 2886
YORK PA 17405

SITECH CHAMBERS HILL

INVOICE NUMBER	INVOICE DATE	CUSTOMER NO.	CUSTOMER PURCHASE ORDER NUMBER			STORE	DIV	SALESMAN	TERMS	PAGE
INPP5814969	01-27-24	4125000	234701			70	S		2	1 of 1
DOC/WO NO.	DOC. DATE	PC	LC	MC	SHIP VIA			INVOICE SEQ. NO.		
70C004748	01-26-24	10		10				4130315		
MAKE	MODEL	SERIAL NUMBER			EQUIPMENT NUMBER		METER READING	MACH. ID NO.		
QUANTITY	ITEM	N/R	DESCRIPTION			UNIT PRICE		EXTENSION		
PARTS SALES	PERSON: NICHOLAS L. GUSTIN, JR.									
1	81069-20		MAST-FIXED STEEL C S			869.00		869.00		
1	52070-10S		BRACKET MS99X MOUN S			478.21		478.21		
			TOTAL PARTS					1347.21 T		
			TAX-PA STATE SALES					80.83 T		
ORDERED BY: MIKE ZEIGLER PHONE #: (717)741-3841 THANK YOU " VISIT OUR WEB SITE AT WWW.SITECHALLEGHENY.COM " NET 45 DAYS										
01/29/2024										

PAYMENT TERMS : PARTS / SERVICE NET 30 DAYS FROM INVOICE DATE

A SERVICE CHARGE OF UP TO 3% PER MONTH WILL BE ASSESSED ON PAST DUE AMOUNTS. IF AN INVOICE IS DISPUTED THE DISPUTE MUST BE IN WRITING AND ANY PAYMENT OR INSTRUMENT TENDERED AS FULL SATISFACTION OF A DEBT, MUST BE ADDRESSED TO: ATTENTION TREASURER, 4565 WILLIAM PENN HIGHWAY, MURRYSVILLE, PA 15668. ACCEPTANCE OF GOODS DELIVERED OR SERVICES PERFORMED CONSTITUTES ACCEPTANCE OF STANDARD TERMS AND CONDITIONS OF THE APPLICABLE SITECH ALLEGHENY DOCUMENTATION, WHICH ARE INCORPORATED BY REFERENCE, A COPY OF WHICH CAN BE VIEWED UPON WRITTEN REQUEST.

PAY THIS AMOUNT	▶	1428.04
CREDIT AMOUNT	▶	

**TERMS: NET 30 DAYS
UNLESS OTHERWISE STATED**

PARTS NOT RETURNED WITHIN 10 DAYS FROM DATE OF INVOICE WILL BE CHARGED A 15% RE-STOCKING CHARGE.



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 20

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: 02/26/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Added Rip Rap at Pond 1 Wier
Priority: High
Req Return Date: 03/05/2024

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

70000-020

Item	Amount
1 Added Rip Rap at Pond 1 Wier	\$12,434.15
-T&M Work performed as directed from 12.13.23 to 12.14.23	
-Reference attached T&M spreadsheet and backup	
TOTAL CHANGE ORDER FOR THIS REQUEST	\$12,434.15

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, P.M.

Printed: _____

Date: _ _____

Date: _____

Cannon (234701)

Pond 1 Added Rip Rap

70000-020

	12/13	12/14	TOTAL HOURS	HOURLY RATE	TOTAL COST
<u>Labor & Equipment @ T&M Rates:</u>					
Foreman	6.0	4.0	10.00	\$ 90.00	\$ 900.00
Laborer	5.0	8.0	13.00	\$ 52.00	\$ 676.00
Volvo A40G Artic Truck w/ Operator	5.0		5.00	\$ 290.00	\$ 1,450.00
CAT 930M Wheel Loader w/ Operator	5.0	4.0	9.00	\$ 144.00	\$ 1,296.00
CAT 315 Excavator GPS w/ Operator	5.0	4.0	9.00	\$ 175.00	\$ 1,575.00
F250/350 Truck w/Tools	6.0	4.0	10.00	\$ 18.00	\$ 180.00
					\$ 6,077.00
<u>Materials @ Cost Plus 15% OH&P</u>					
Martin Marietta Inv 41321336 - R4 Rip Rap					\$ 5,527.96
					\$ 5,527.96
15% OH&P					\$ 829.19
					\$ 6,357.15
TOTAL: \$					12,434.15

Daily Time and Materials (T&M) Report

Date: 12/13/2023

Foreman: TADD C FIBELKORN (11194)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-020 - Pond 1 Added Rip Rap - Billable

Quantity: 70

Labor	Hours
11194 - TADD C FIBELKORN	6
2570 - ROBERTO AVILEZ GALEANA	5
31166 - KERRY PEREZ-PEREZ	5
47068 - JARED O WOLFENBERGER	5
4804 - CLINTON BURROUGHS JR	5

Total Labor Hours: 26

Equipment	Hours
151396 - 2023 FORD F250 4X4 RC	6
159049 - VOLVO A40G ARTIC TRUCK	5
301036 - CAT 930M WHEEL LOADER	5
402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE	5

Total Equipment Hours: 21

Daily Time and Materials (T&M) Report

Date: 12/14/2023

Foreman: TADD C FIBELKORN (11194)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-020 - Pond 1 Added Rip Rap - Billable

Quantity: 60

Labor

Hours

11194 - TADD C FIBELKORN

4

2570 - ROBERTO AVILEZ GALEANA

4

31166 - KERRY PEREZ-PEREZ

4

47068 - JARED O WOLFENBERGER

4

4804 - CLINTON BURROUGHS JR

4

Total Labor Hours: 20

Equipment

Hours

151396 - 2023 FORD F250 4X4 RC

4

301036 - CAT 930M WHEEL LOADER

4

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

4

Total Equipment Hours: 12



SEH

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.	
20818565 SO	234701-006	80011	60292018	12	31111	North East Quarry	470287	12/15/23	41321336	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
12/14/23	7382	R4 RIP RAP								
		12117122	20.64	TN	27.50	567.60	17.00	350.88		918.48
		FUEL SURCHARGE TRUCK					21.05	21.05		21.05
		12117126	19.90	TN	27.50	547.25	17.00	338.30		885.55
		FUEL SURCHARGE TRUCK					20.30	20.30		20.30
		12117129	21.02	TN	27.50	578.05	17.00	357.34		935.39
		FUEL SURCHARGE TRUCK					21.44	21.44		21.44
		12117132	19.88	TN	27.50	546.70	17.00	337.96		884.66
		FUEL SURCHARGE TRUCK					20.28	20.28		20.28
		12117135	19.47	TN	27.50	535.43	17.00	330.99		866.42
		FUEL SURCHARGE TRUCK					19.86	19.86		19.86
		12117228	20.53	TN	27.50	564.58	17.00	349.01		913.59
		FUEL SURCHARGE TRUCK					20.94	20.94		20.94
		SUBTOTAL	121.44			3,339.61		2,188.35		5,527.96
		12/18/2023								
		TOTAL	121.44			3,339.61		2,188.35		5,527.96
INVOICE TOTAL								\$5,527.96		

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: 41321336

PAYMENT DUE \$5,527.96

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



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 21

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: 02/26/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Inland Bays Storm Repair From 5" Rain on 12.18.23
Priority: High
Req Return Date: 03/05/2024

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

70000-021

Item	Amount
1 Inland Bays Storm Repair From 5" Rain on 12.18.23	\$30,410.62
-T&M Work performed as directed from 12.19.23 to 01.09.24	
-Reference attached T&M spreadsheet and backup	
TOTAL CHANGE ORDER FOR THIS REQUEST	\$30,410.62

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, P.M.

Printed: _____

Date: _____

Date: _____

Cannon (234701)

Cannon Rd. 12/18/23 Storm Repair

70000-021

<u>Labor & Equipment @ T&M Rates:</u>	12/19	12/20	12/21	12/22	1/2	1/4	1/8	1/9	TOTAL HOURS	HOURLY RATE	TOTAL COST
Foreman	10.0	10.0	8.0	8.0		4.0	6.0		46.00	\$ 90.00	\$ 4,140.00
Laborer	4.5		10.5			10.0	10.0	10.0	45.00	\$ 52.00	\$ 2,340.00
F250/350 Truck w/Tools	5.5		8.0	8.0		4.0			25.50	\$ 18.00	\$ 459.00
CAT 315 Excavator GPS w/ Operator	4.5		8.0			4.0		4.0	20.50	\$ 175.00	\$ 3,587.50
INGERSOLL RAND SD70D SMOOTH 66			2.0						2.00	\$ 163.00	\$ 326.00
740B/A40G/A45G Artic Truck w/ Operator							6.0	2.0	8.00	\$ 290.00	\$ 2,320.00
CAT 953D Track Loader w/ Operator					2.0	6.0			10.00	\$ 213.00	\$ 2,130.00
CASE TR270 Compact Track Loader w/ Operator			2.0						2.00	\$ 132.00	\$ 264.00
CAT 336FL Excavator w/ Operator							6.0		6.00	\$ 215.00	\$ 1,290.00
CAT D6 Dozer w/ Operator							3.0	2.0	5.00	\$ 232.00	\$ 1,160.00
Peterbilt Tri Axle Dump Truck					11.0				11.00	\$ 125.00	\$ 1,375.00
											<u>\$ 19,391.50</u>

Materials @ Cost Plus 15% OH&P

Lowe's INV 72481B											\$ 295.69
Atlantic Concrete INV M688714 - Flowable Fill Mix											\$ 789.00
Atlantic Concrete INV M688715 - Flowable Fill Mix											\$ 789.00
River Asphalt INV B-827M-0007493 - 9.5mm											\$ 154.80
Ferguson INV 665646 - Filter Sock											\$ 235.00
Martin Marietta INV 41424714 - Cusher Run 302B											\$ 550.81
Ferguson INV 666242 - Filter Sock											\$ 235.00
Ferguson INV 666385 - Filter Sock, Silt Fence											\$ 1,780.00
Martin Marietta INV 41463847 - R4 Rip Rap											\$ 2,808.54
Direct and Correct INV 13134 - Bump Signs											\$ 110.00
SMI Services INV 128560 - Silt Fence											\$ 1,244.00
Direct and Correct INV 13154 - Bump Signs											\$ 70.00
Direct and Correct 13173 - Bump Signs											\$ 520.00
											<u>\$ 9,581.84</u>
15% OH&P											\$ 1,437.28
											<u>\$ 11,019.12</u>

TOTAL: \$ 30,410.62

Daily Time and Materials (T&M) Report

Date: 12/19/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-021 - Cannon Rd 12/18/23 Storm Repair - Billable

Quantity: 0

Labor

Hours

31158 - ARNOLD PARRECO

4.5

Total Labor Hours: 4.5

Equipment

Hours

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

4.5

Total Equipment Hours: 4.5

Daily Time and Materials (T&M) Report

Date: 12/19/2023

Foreman: TADD C FIBELKORN (11194)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-021 - Cannon Rd 12/18/23 Storm Repair - Billable

Quantity: 1

Labor

Hours

11194 - TADD C FIBELKORN

5.5

2570 - ROBERTO AVILEZ GALEANA

4.5

31166 - KERRY PEREZ-PEREZ

4.5

47068 - JARED O WOLFENBERGER

0

4804 - CLINTON BURROUGHS JR

0

Total Labor Hours: 14.5

Equipment

Hours

151396 - 2023 FORD F250 4X4 RC

5.5

Total Equipment Hours: 5.5

Daily Time and Materials (T&M) Report

Date: 12/20/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-021 - Cannon Rd 12/18/23 Storm Repair - Billable

Quantity: 0

Labor

Hours

31158 - ARNOLD PARRECO

5

47245 - LUKE D WORKMAN

5

Total Labor Hours: 10

Daily Time and Materials (T&M) Report

Date: 12/21/2023

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-021 - Cannon Rd 12/18/23 Storm Repair - Billable

Quantity: 0

Labor

Hours

11183 - GARY C FRANKLIN III

5.5

17104 - ASA IRWIN

5.5

31153 - WILLIAM P PLUMMER

5.5

31158 - ARNOLD PARRECO

8

47245 - LUKE D WORKMAN

8

Total Labor Hours: 32.5

Equipment

Hours

152868 - 2022 FORD F550 4X2 RC

8

308054 - CASE TR270 HF COMPACT TRACK LO

2

351063 - CAT 953D TRACK LOADER

2

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

8

604072 - INGERSOLL RAND SD70D SMOOTH 66

2

Total Equipment Hours: 22

Daily Time and Materials (T&M) Report

Date: 12/22/2023

Foreman: KYLE W YOUNG (51059)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-021 - Cannon Rd 12/18/23 Storm Repair - Billable

Quantity: 0

Labor

Hours

51059 - KYLE W YOUNG

8

Total Labor Hours: 8

Equipment

Hours

151185 - 2019 FORD F250 4X4 RC

8

Total Equipment Hours: 8

Daily Time and Materials (T&M) Report

Date: 1/2/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-021 - Cannon Rd 12/18/23 Storm Repair -
Billable

Quantity: 0

Notes:

Glenn (Kinsley Truck) Hauled in 2 loads of CR6/ needs to to be billed to this extra work 70000-021

Daily Time and Materials (T&M) Report

Date: 1/4/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-021 - Cannon Rd 12/18/23 Storm Repair - Billable

Quantity: 0

Equipment

Hours

351063 - CAT 953D TRACK LOADER

2

Total Equipment Hours: 2

Daily Time and Materials (T&M) Report

Date: 1/4/2024

Foreman: TADD C FIBELKORN (11194)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-021 - Cannon Rd 12/18/23 Storm Repair - Billable

Quantity: 1

Labor

Hours

11194 - TADD C FIBELKORN

4

2570 - ROBERTO AVILEZ GALEANA

4

31166 - KERRY PEREZ-PEREZ

4

47068 - JARED O WOLFENBERGER

4

4804 - CLINTON BURROUGHS JR

4

Total Labor Hours: 20

Equipment

Hours

151396 - 2023 FORD F250 4X4 RC

4

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

4

Total Equipment Hours: 8

Daily Time and Materials (T&M) Report

Date: 1/8/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-021 - Cannon Rd 12/18/23 Storm Repair - Billable

Quantity: 0

Labor

Hours

31153 - WILLIAM P PLUMMER

6

31158 - ARNOLD PARRECO

6

3407 - ROBERT M BALDERSON

3

37512 - TYLER C SEAVER

6

47245 - LUKE D WORKMAN

10

5724 - BRAYAN E CANSECO

6

Total Labor Hours: 37

Equipment

Hours

159102 - VOLVO A45G ARTIC TRUCK

6

351063 - CAT 953D TRACK LOADER

6

403065 - CAT 336FL EX/HYD/SCREEN

6

502044 - CAT D6N LGP DOZER/GPS

3

Total Equipment Hours: 21

Daily Time and Materials (T&M) Report

Date: 1/9/2024

Foreman: ARNOLD PARRECO (31158)

Kinsley Construction

234701 (CANNON ROAD DRAINAGE IMPROVEMENTS)

70000-021 - Cannon Rd 12/18/23 Storm Repair - Billable

Quantity: 0

Labor

Hours

31153 - WILLIAM P PLUMMER

4

3407 - ROBERT M BALDERSON

2

37512 - TYLER C SEAVER

4

47245 - LUKE D WORKMAN

4

5724 - BRAYAN E CANSECO

4

Total Labor Hours: 18

Equipment

Hours

159102 - VOLVO A45G ARTIC TRUCK

2

402124 - CAT 315 RP EXCAVATOR/GPS/SWIVE

4

502044 - CAT D6N LGP DOZER/GPS

2

Total Equipment Hours: 8



PAYMENTS ADDRESS

LOWE'S
P.O. BOX 669821
DALLAS, TX 75266-0775

For Inquiries, call at :
866-232-7443

Invoice # : 972481 -MFWSTF
Account Number : xxxxxx4120
Company Name : KINSLEY CONSTRUCTION INC
Address : ATTN: AMANDA KELLEY
PO BOX 2886
YORK, PA, 17405

Trans #:	388166494	P.O.#/Job Name:	234701
Sale Date:	12/19/2023	Store:	2795
Due Date:	02/15/2024	Buyer Name:	FIBELKORN TADD

SKU	Description	Qty	Unit	Price	Ex Price
000000000012212	7/16 CAT OSB SHEATHING	10	EA	\$14.20	\$142.00
	SALES TAX	1	EA	\$0.00	\$0.00
000000000155670	PROMOTIONAL DISCOUNT APPL	1	EA	\$0.00	\$0.00
000000000007020	2-4-93 KD WW SLCT STUD	25	PC	\$3.11	\$77.75
000000000009470	5LB PG10 DECK SCRW 3 IN G	2	EA	\$28.48	\$56.96
000000004063131	IRWN 25FT STRAIT LINE	1	EA	\$18.98	\$18.98

Subtotal: \$295.69

Tax: \$0.00

Total Invoice: \$295.69

Adjustments: (\$5.91)

Payments Applied: \$0.00

Total Amount Outstanding: \$289.78

Atlantic Concrete Co., Inc.

P.O. Box 321
 Milford, DE 19963-0321
 (302) 422-8017

PLANTS

Dover (302) 734-0530
 Milford (302) 422-8017
 Lewes (302) 856-7847
 Harrington (302) 398-8920
 Dagsboro (302) 934-8101

AUTHORIZATION

Additional Water _____
 Gal _____
 Signature _____

SEH
 234761

CUSTOMER ID 20723	P.O. NUMBER	JOB NUMBER	TIME 8:10:33	DATE 12/20/23	TICKET M688715
SOLD TO KINSLEY CONSTRUCTION INC P O BOX 2886 YORK PA 17405		DELIVER TO 24771 CANNON RD		Depart 75946	Return 76001
QUANTITY	PRODUCT CODE	PRODUCT DESCRIPTION	UNIT OF MEASURE	UNIT PRICE	EXTENDED PRICE
6.00	FLOW FILL	FLOWABLE FILL MIX Fuel Charge	yd(s)		
RECEIVED JAN 05 2024					
Thank You!					
TRUCK A134	PLANT Milford	SLUMP	DELIVERY INSTRUCTIONS: S 30 LT TRUCK 5 RT 5 RT CANNON		SUB TOTAL TAX TOTAL 789

bcu C 131.50 = 2

Unloading

Drivers are not permitted to add water to the mix to exceed the maximum slump. Drivers are prohibited from delivering concrete except under the truck's own power, and where site conditions do not permit the safe and proper operation of equipment. Drivers are not permitted to go beyond the curb line, except upon the customer's authorization and acceptance of risk for any loss or damage to the property or our equipment. This includes any wrecker or towing charges for getting out of the location.

Caution!

- Contains Portland cement. Freshly mixed concrete, or grout may cause skin injury.
 TAKE THESE PRECAUTIONS:
- Avoid all contact with eyes.
 - Wear rubber boots and gloves, and avoid prolonged contact directly with skin or through porous materials.
 - In case of contact with skin or eyes, flush thoroughly with water. If irritation persists, get medical attention promptly.
 - Keep children away.

Receipt and Release:

[Signature]
 Customer's representative

RECEIVED SUBJECT TO CONDITIONS ON REVERSE SIDE

Atlantic Concrete Co., Inc.

P.O. Box 321
Milford, DE 19963-0321
(302) 422-8017

PLANTS

Dover (302) 734-0530
Milford (302) 422-8017
Lewes (302) 856-7847
Harrington (302) 398-8920
Dagsboro (302) 934-8101

AUTHORIZATION

Additional Water _____
Gal _____
Signature _____

SEH
234701

CUSTOMER ID 20723	P.O. NUMBER	JOB NUMBER	TIME 8:04:49	DATE 12/20/23	TICKET M688714
SOLD TO KINSLEY CONSTRUCTION INC P O BOX 2886 YORK PA 17405		DELIVER TO 24771 CANNON RD			DEBIT 80702 REVENUE 80755
QUANTITY	PRODUCT CODE	PRODUCT DESCRIPTION	UNIT OF MEASURE	UNIT PRICE	EXTENDED PRICE
6.00	FLOW FILL	FLOWABLE FILL MIX Fuel Charge	yd(s)		
RECEIVED JAN 05 2024 <i>bcyc 131.50 =</i>					
TRUCK A135	PLANT Milford	SLUMP	Thank You!		
DELIVERY INSTRUCTIONS: S 30 LT TRUCK 5 RT 5 RT CANNON					SUB TOTAL TAX TOTAL 789-

Unloading

Drivers are not permitted to add water to the mix to exceed the maximum slump. Drivers are prohibited from delivering concrete except under the truck's own power, and where site conditions do not permit the safe and proper operation of equipment. Drivers are not permitted to go beyond the curb line, except upon the customer's authorization and acceptance of risk for any loss or damage to the property or our equipment. This includes any wrecker or towing charges for getting out of the location.

Caution!

Contains Portland cement. Freshly mixed concrete, or grout may cause skin injury.

TAKE THESE PRECAUTIONS:

- Avoid all contact with eyes.
- Wear rubber boots and gloves, and avoid prolonged contact directly with skin or through porous materials.
- In case of contact with skin or eyes, flush thoroughly with water. If irritation persists, get medical attention promptly.
- Keep children away.

Receipt and Release:

[Signature]
Customer's representative

RECEIVED SUBJECT TO CONDITIONS ON REVERSE SIDE



SEH
234701

River Asphalt - Dagsboro

30548 Thorogood Road
Dagsboro, DE 19939
Phone: 302.934.0881

Invoice

022 B-827M-
0007493

EIN 20-415 5560
AN EQUAL OPPORTUNITY
EMPLOYER

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

Job: Customer Pick Up
PO #

Date: Dec 25/23
Quote: KINSLEY

Remit to: PO Box 79
Skippack, PA 19474
Phone: 610.584.8500
Fax: 610.584.6410

Date	Ticket	Product	Unit	Quantity	Price Per Unit		Sales Tax	Amount
					Material	Haul		
Dec 21/23	00249482	9.5mm PRIV 160 PG4-22 25% Rap	TN	2.40 tn	64.50			154.80

RECEIVED DEC 29 2023

Total Quantity

Subtotal	154.80
Delivery	.00
Delaware	.00
Total	154.80

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.

SEH
234701

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0665646	\$235.00	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 17405

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
1883	1883	DEONLY	18 FILTER SOCK W STK	CRH	CANNON ROAD	01/02/24	IO 69705

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
1	1	ACFFS18X55S	18X55 FLTR SOCK W/ STKS	235.000	EA	235.00
			INVOICE SUB-TOTAL			235.00

 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.

01/03/2024

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	\$235.00
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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.



SEH

SPECIAL

FOR BILLING QUESTIONS PLEASE CALL

410-683-1250

P.O. Box 30013

Raleigh, NC 27622-0013

Visit eRocks™ at www.martinmarietta.comSOLD TO:

KINSLEY CONSTRUCTION INC

PO BOX 2886

YORK PA 17405

JOB NAME: CANNON AND INLAND BAYS RD DRAI

SHIP TO:

KINSLEY CONSTRUCTION INC

233 Stevenson Road

North East MD 21901 US

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.	
20868338 SO	234701-006		60293459	12	31111	North East Quarry	470287	1/03/24	41424714	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
01/02/24	7911	CRUSHER RUN 302B								
		12118522	20.81	TN	12.50	260.13				260.13
		12118588	20.76	TN	12.50	259.50				259.50
		SUBTOTAL	41.57			519.63				519.63
		TOTAL	41.57			519.63				519.63
						TAX RATE	6 %	TAX AMOUNT	31.18	
								INVOICE TOTAL	\$550.81	

01/05/2024

DETACH and Include this Return Portion with Payment



CUSTOMER NUMBER: 470287 KINSLEY CONSTRUCTION

INVOICE NUMBER: 41424714

REMIT TO:

MARTIN MARIETTA MATERIALS

PO BOX 935043

ATLANTA GA 31193-5043

PAYMENT DUE

\$550.81

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
0666242	\$235.00	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 17405

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
1883	1883	DEONLY	FILTERSOCK	CRH	CANNON ROAD	01/04/24	IO 69757

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
1	1	ACFFS8X200S	8X200 FLTR SOCK W/ STKS	235.000	EA	235.00
			INVOICE SUB-TOTAL			235.00
<p>*****</p> <p>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.</p>						
01/05/2024						

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	\$235.00
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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.

FERGUSON
WATERWORKS
 25 WHISSELL DRIVE
 COATESVILLE, PA 19320-0000

SEH
234701

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0666385	\$1,780.00	27830	1 of 1

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

Please contact with Questions: 610-384-2600

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

MASTER ACCOUNT NUMBER: 174640

SHIP TO:

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

CANNON ROAD
 INLAND BAYS AND CANNON ROAD
 MILLSBORO, DE 19966

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
1883	1883	DEONLY	TAD	CRH	CANNON ROAD	01/05/24	IO 69786


ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
2		2	ACFFS18X55S	18X55 FLTR SOCK W/ STKS	EA	470.00
5		5	ACFFS12X110S	12X110 FLTR SOCK W/ STKS	EA	1175.00
3		3	ACF3036751DE	36X100 FT DE DOT SILT FNC	RL	135.00
INVOICE SUB-TOTAL						1780.00

 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.

01/08/2024

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	\$1,780.00
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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.	
20891436 SO	234701-006	81206	60292018	12	31111	North East Quarry	470287	1/10/24	41463847	
Ship Date Car/Barge No.	Product No.	Description	Quantity	UM	Unit Price	Material Amount	Freight Rate	Freight Amount	Taxes & Fees	TOTAL
01/09/24	7382	R4 RIP RAP								
		12119031	19.82	TN	27.50	545.05	17.00	336.94		881.99
		FUEL SURCHARGE TRUCK					16.85	16.85		16.85
		12119032	20.68	TN	27.50	568.70	17.00	351.56		920.26
		FUEL SURCHARGE TRUCK					17.58	17.58		17.58
		12119042	21.43	TN	27.50	589.33	17.00	364.31		953.64
		FUEL SURCHARGE TRUCK					18.22	18.22		18.22
		SUBTOTAL	61.93			1,703.08		1,105.46		2,808.54
								FRT		
		TOTAL	61.93			1,703.08		1,105.46		2,808.54
								INVOICE TOTAL	\$2,808.54	

DETACH and Include this Return Portion with Payment



01/12/2024

REMIT TO:

MARTIN MARIETTA MATERIALS
PO BOX 935043
ATLANTA GA 31193-5043

CUSTOMER NUMBER: 470287 KINSLEY CONSTRUCTION

INVOICE NUMBER: 41463847

PAYMENT DUE \$2,808.54

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

Direct & Correct, Inc.

6236 Mud Mill Rd
Camden, DE 19934

SEH
234701

Invoice

Date	Invoice #
1/6/2024	13134

Bill To
Kinsley Construction, Inc 1110 E Princess St PO Box 2886 York, PA 17403

P.O. No.	Terms	Project
Cannon Drainage	Net 30	

Quantity	Description	Rate	Amount
	Invoice for Week Ending 01/06/2024; Invoice sent 01/10/2024		
2	Ongoing Rental of 2 Bump Signs with Windmaster Sign Stands on Cannon Rd in Millsboro DE 01/05/2024-01/06/2024 (2 Days)	5.00	10.00
1	Delivery & Setup of 2 Bump Signs with Windmaster Sign Stands on Cannon Rd in Millsboro DE on 01/05/2024	100.00	100.00

01/10/2024

Thank you for your continued support.	Total	\$110.00
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SMI SERVICES OF DELAWARE LLC
 17435 Mill Branch Place
 Bowie, MD 20716
 (302) 436.4410

Invoice

Invoice Date: 1/23/2024
 Due Date: 3/23/2024
 Invoice #: 128560

APPROVED
JOB NO. 234701
P. CODE See Below
DATE 01/24/24
P.M. 

Bill To:

Kinsley Construction, Inc.
 2700 Water Street
 PO Box 2886
 York, PA 17403

Service Date: 1/23/2024
 Client Contact: NICK PARRECO
 SMI Contact: CC
 SMI Work Order: 22572
 Purchase Order: 234701-001

Project: Cannon Rd Drain Imp 234701-001

Description	Quantity	Rate	Amount
1740-50-01 - F&I NEW SILT FENCE 2120-52-01	920	1.25	1,150.00
CO#1 - REPAIR SILT FENCE (EXACT QUANTITIES TBD) 70000-003	500	0.70	350.00
CO#1 - REMOVE SILT FENCE (EXACT QUANTITIES TBD) 70000-003	720	0.70	504.00
CO#3 - REPAIR SUPER SILT FENCE (EXACT QUANTITIES TBD) 70000-003	130	3.00	390.00
5% RETAINAGE WITHHELD	2,394	-0.05	-119.70
CANNON ROAD DRAINAGE IMPROVEMENTS KCI NO.: 234701 SUBCONTRACT NO.: 234701-001 PAY PERIOD: 12/25/23 - 1/23/24 PAY APP NO.: 11			

Handwritten notes:
 ?
 70000-021

All past due invoices subject to 1.5% monthly finance charge.
 Customer is responsible for all collection costs including but not limited to Attorney fees.

Total \$2,274.30
 Payments/Credits \$0.00
 Balance Due \$2,274.30

Direct & Correct, Inc.

6236 Mud Mill Rd
Camden, DE 19934

SEH
234701

Invoice

Date	Invoice #
1/13/2024	13154

Bill To
Kinsley Construction, Inc 1110 E Princess St PO Box 2886 York, PA 17403

P.O. No.	Terms	Project
Cannon Drainage	Net 30	

Quantity	Description	Rate	Amount
14	Invoice for Week Ending 01/13/2024; Invoice sent 01/17/2024 Ongoing Rental of Bump Signs with Windmaster Sign Stands on Cannon Rd in Millsboro DE 01/07/2024-01/13/2024 (7 Days)	5.00	70.00
01/18/2024			
Thank you for your continued support.		Total	\$70.00

Direct & Correct, Inc.

6236 Mud Mill Rd
Camden, DE 19934

SEH
234701

Invoice

Date	Invoice #
1/20/2024	13173

Bill To
Kinsley Construction, Inc 1110 E Princess St PO Box 2886 York, PA 17403

P.O. No.	Terms	Project
Cannon Drainage	Net 30	

Quantity	Description	Rate	Amount
	Invoice for Week Ending 01/20/2024; Invoice sent 01/24/2024		
4	Ongoing Rental of 2 Bump Signs with Windmaster Sign Stands on Cannon Rd in Millsboro DE 01/14/2024-01/15/2024 (2 Days)	5.00	20.00
2	Installation of Post Mounted Sign "Bump"	250.00	500.00

01/24/2024

Thank you for your continued support.	Total	\$520.00
---------------------------------------	--------------	----------



30512 Thorogoods Road
Dagsboro, DE 19939
Phone: Fax:

Pending Change Order Request: 22

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: 02/26/24
Project: CANNON ROAD DRAINAGE IMPROVEMENTS
KCI No: 234701-
Re: Argo Labs PFOA Testing
Priority: High
Req Return Date: 03/05/2024

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

70000-025

Item	Amount
1 Argo Labs PFOA Testing	\$1,012.12
-T&M Work performed as directed, reference attached T&M spreadsheet and backup	
TOTAL CHANGE ORDER FOR THIS REQUEST	\$1,012.12

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, P.M.

Printed: _____

Date: _____

Date: _____

Cannon (234701)

Argo Lab 213 PFAS/OA/OS Outsourced

70000-025

Materials @ Cost Plus 15% OH&P

AgroLab Inv 1147466 - 213 PFAS/OA/OS Outsourced
15% OH&P

\$ 880.10
\$ 132.02
\$ 1,012.12

TOTAL: \$ 1,012.12

Remit To: Matrix Sciences Intl. Inc.
101 Clukey Dr.
Harrington, DE 19952
(302) 566-6094

SEH



Invoice No. : 1147466
Date Reported : 12/18/2023

Account No. : 3933

Bill To Account No. : 3933

Terms: See Monthly Statement
Please Include Invoice Number on Checks.

SEITZ, MITCH
KINSLEY CONSTRUCTION INC.
1110 EAST PTINCESS ST.
YORK PA 17403

SEITZ, MITCH
KINSLEY CONSTRUCTION INC.
1110 EAST PTINCESS ST.
YORK PA 17403

Results For	Test	Count	Price	Gross Amount	Discount	Net Amount	
KINSLEY CONSTRUCTION INC.	213 PFAS PFOA PFOS OUTSOURCED	1	\$880.10	\$880.10	\$0.00	\$880.10	
Environmental Sample(s) Sub-Total				\$880.10	\$0.00	\$880.10	
Total Samples : 1				Total Sample Cost :	\$880.10	\$0.00	\$880.10
				Prepaid Postage Cost :		\$0.00	\$0.00
				Total Invoice :			\$880.10

12/19/2023



***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. 4B
4. Date Change Order Initiated - 3/5/24
- 5.
- | | | |
|----|--------------------------------------|---|
| a. | Original Contract Sum | <u>\$11,467,000.00</u> |
| b. | Net Change by Previous Change Orders | <u>\$1,373,778.93</u> |
| c. | Contract Sum Prior to Change Order | <u>\$12,840,778.93</u> |
| d. | Requested Change NTE | <u>\$ 95,800.00</u> |
| e. | Net Change (No. of days) | <u> </u> |
| f. | New Contract Amount | <u>\$12,936,578.93</u> |
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:

Repair damage to the Submerged Gravel Wetland bypass swale due to irrigation washout; and improve bank stabilization along the Submerged Gravel Wetland bypass swale by adding riprap slopes and swales.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Kinsley Construction, Inc., Contractor

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: 23

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: Bypass Swale Rev. Dated 02/12/24
Priority: High
Req Return Date: 03/05/2024

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

Item	Amount
1 Bypass Swale Rev. Dated 02/12/24	\$95,800.00
TOTAL CHANGE ORDER FOR THIS REQUEST	\$95,800.00

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, P.M.

Printed: _____

Date: _____

Date: _____

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: Patrick Brown, Project Engineer.

RE: ***JAMES FARM ECOLOGICAL PRESERVE
RECOMMENDATION TO AWARD PROJECT C23-21, PROPOSED CAMPUS***

DATE: March 5, 2024

Sussex County and the Delaware Center for Inland Bays (CIB) have a long-standing relationship with regards to the James Farm Ecological Preserve, beginning in 1998 with the first occupancy lease agreement. On September 19, 2017, Council granted a 20-year occupancy extension to the original agreement.

In 2016, a Master Plan was completed. Several Phases of recreational, educational and preservation improvements were outlined. Design and permitting of Phase I was completed in August 2017, focusing on the Cedar Neck Road entrance and on-site parking. On behalf of the CIB, Sussex County applied for a DNREC Outdoor Recreation Parks and Trail (ORPT) Grant and received \$67,000 through Agreement 18-247T. This grant funding coupled with County allocations allowed construction activities to begin. Council approved change order 1 on December 11, 2018 expanding the project to complete Phase 1 with substantial completion granted April 30, 2019.

In 2019 the County pre-applied for a DNREC ORPT grant with the funding match consisting of both CIB contributions and a County allocation of the FY 20 budget. Council approved submission of the grant application on August 13, 2019 with adoption of Resolution R 017 19. DNREC awarded \$82,250 by Agreement ORPT 19-190 allowing professional architectural & engineering services to be secured for design and permitting a partial implementation of Phase II improvements. On April 28, 2020 Council authorized the Engineering Department to negotiate agreements with Kimley Horn & Associates for applicable work over a 5-year period. On June 30, 2020 Council authorized the agreement for Project C20-38, James Farm Master Plan Implementation, Phase 2 with a not-to-exceed fee of \$71,435.00 for updates to the Master Plan and for design of an ADA compliant restroom, with any remaining funds utilized by construction activity.



In their June 11, 2020 letter, DNREC recommended Sussex County submit a 2020 ORPT grant application not exceeding \$100,000.00 to further implement the James Farm Master Plan. The CIB developed grant application materials in coordination with the Engineering Department, with Sussex County allocating funds over two fiscal years for the 2020 ORPT match of \$100,000.00 as recommended by DNREC. On September 29, 2020 Council adopted Resolution R 013 20 approving the 2020 DNREC ORPT grant application with County match of \$100,000.00. In November 2020, DNREC approved the application through Grant Agreement ORPT 20-259T providing up to \$100,000.00 in DNREC funding.

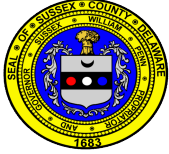
The mentioned Project C20-38 developed construction documents for an ADA compliant restroom. A State of Delaware contract allowed for direct procurement of a prefabricated facility; DNREC concurred the County's General Labor and Equipment contract satisfied procurement policy for minor site and utility improvements necessary to receive the restroom. On January 26, 2021 Council authorized procurement of the building and approval to utilize surplus equipment with set-aside of sewer connection charges. The Engineering Department proceeded to coordinate all work between State vendor, CIB, the consultant team and contractors to deliver and install the prefabricated restroom with necessary site and utility improvements. The public restroom has been in service at the James Farm since the July 2021.

A primary goal of the Master Plan remained the realization of new education and maintenance facilities. Over recent years, efforts to complete design and permitting of these buildings occurred concurrently with the CIB's work to secure all necessary funding. The Engineering Department assisted the CIB and their architectural team with final design and permitting efforts, culminating in Sussex County contract documents for Project C23-21, Proposed Campus at James Farm Ecological Preserve.

The Project was publicly advertised by newspaper and County website, along with direct notification to several contractors on file. Three contractors attended the October 25, 2023 pre-bid meeting and three (3) bids were received on the deadline of Friday, December 15, 2023. A tabulation of bids is attached. The low bidder is Bancroft Construction Co, of Wilmington, Delaware, with a total base bid amount of \$2,144,500.00. Documents stipulated the bid evaluation would review the total base bid only but included an alternate / deduct amount for modification of wood framing and siding pressure treatment type. The Bancroft bid provided a \$54,000.00 deduct amount, and Engineering has determined the modification is warranted.

Since the bid opening, the Center for Inland Bays has reviewed project funding sources with the County Finance Department and details for transferring funds into County escrow. The Finance Department confirmed \$100,000.00 of County funds remains budgeted under the referenced ORPT grant's matching dollar commitment. The CIB will provide the balance of project funding. **Therefore, the Engineering Department recommends Council award the proposed campus project to the lowest base bidder Bancroft Construction Co, with the alternate / deduct included, for a contract amount of \$2,090,500.00, contingent upon the Finance Department's receipt of project funding from CIB.**

The Engineering Department will provide contract administration and inspection in house.



Sussex County

BID TABULATION SHEET

Project: Proposed Campus at James Farm Ecological Preserve

Project No.: C23-21

Award Date: N/A

Awarded Bidder: N/A

Bidder	Base Bid
Bancroft Construction	2,144,500.00
Delmarva Veteran Builders	2,155,000.00
The Whayland Company	2,750,000.00



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: February 29, 2024

RE: County Council Report for C/Z 1998 filed on behalf of Louis, Janet & William Melton

The Planning and Zoning Department received an application (C/Z 1998 filed on behalf of Louis, Janet & William Melton) for a change of zone from a GR General Residential District to a B-2 Neighborhood Community Zoning District for Tax Parcels 134-12.00-73.00, 73.01, 73.02 & 73.03. The property is located at 36294, 36306 and 36328 Old Mill Road, Ocean View. The parcel size is 2.11 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 7 reasons as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on February 20, 2024. At the conclusion of the Public Hearing, the Council closed the Public Record and deferred action on the application for further consideration. 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 1998 Louis, Janet & William Melton

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-2



NEIGHBORHOOD COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.11 ACRES, MORE OR LESS. The properties are lying on the southwest side of Old Mill Road (S.C.R. 349) and the northwest corner of Railway Road (S.C.R. 350), at the intersection of Railway Road (S.C.R. 350) and Old Mill Road (S.C.R. 349). 911 Address: 36294, 36306, & 36328 Old Mill Road, Ocean View & N/A. Tax Map Parcels: 134-12.00-73.00, 73.01, 73.02, & 73.03.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Site Plan, a copy of the Applicant's exhibits, a copy of DelDOT's Service Level Evaluation Response, and a copy of the Staff Analysis. Mr. Whitehouse stated that there are four comments received for the Application, with one being a duplicate.

The Commission found that Louis Melton, the Applicant, spoke on behalf of his application. Mr. Melton stated that he proposed a change in zoning from a GR (General Residential) to a B-2 (Neighborhood Community) district; Mr. Melton paraphrased the purpose of the district as to provide primarily office retail, shopping, and personal services to serve the needs of a relatively small area; Mr. Melton stated that he had performed research and found that the population of Sussex County has grown by about 300 people a month; that he stated the baby boomer curve is going to continue with the demographics to the area; that there are approximately 2,000 homes within a mile range of the parcel listed in the Application; that those homes are being occupied by a median age of 63 and the aging demographics comes with the demand for more personal services in which they are asking for a rezoning of this area to provide infrastructure support off of Rt. 26; that with the increased traffic on Rt. 26 the accessibility of such services as beauty salons, accounting services, medical, etc. are difficult to access during the summer and is reason to allow for the infrastructure to be developed to help the local residents; that across the street from the property is the Sundance Club, which only has one main entrance, which along with the development of Evans Farm will need to widen Old Mill Rd to provide ingress and egress, by doing so we will benefit from those; that currently, there are two other structures on the property; that on the left is a 3,200 sq. ft. building which has a garage and a 1,200 sq. ft. apartment; that the middle lot is currently empty and on the right is a home; that the middle lot is the location they would like the infrastructure to go, but currently they did not have anything specific; that they did not believe this is suitable for any nighttime activities like a restaurant or bar due to the traffic pattern; that some opposition was submitted stating that there were no businesses in the area, but he had found approximately six or seven businesses within a close proximity.

The Commission found that there was no one who wished to speak in support of Application C/Z 1998 Louis, Janet & William Melton and one person who wished to speak in opposition to the Application.

Mr. Dave Bartlett, spoke on behalf of residents in Banks Acres, in opposition to the Application regarding the surrounding Commercial zoning within a one mile circumference of the proposed property; that the current area has an influx of empty commercial properties that the above stated businesses could go into rather than changing the current zone; that the area in and around the requested area for the most part is residential and farms and zoned as AR-1; that placing a commercial building in the center of that zone would be completely out of character; that by allowing the zone to be changed to B-2 there would be nothing stopping the development of any nighttime activity even if the Applicant stated that was not what they are proposing; that ultimately, the proposal will create a traffic nightmare, it could place unwanted or unneeded businesses in an area that is currently all residential in nature and would have the possibility

of future unwanted businesses in the area, thereby decreasing property values for existing property owners, and he requested that the Planning Commission deny the request for a change in zone.

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 1998 Louis, Janet & William Melton. Motion by Mr. Mears to defer for further consideration, seconded by Mr. Collins 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. Mears moved that the Commission recommend approval of C/Z 1998 for Louis, Janet & William Melton for a change in zone from GR “General Residential” to B-2 “Business Community” based upon the record made during the public hearing and for the following reasons:

1. B-2 Business Community Zoning is designed to allow office, retail shopping, and personal service uses that serve a relatively small area, including low-density and medium-density neighborhoods.
2. The site is in the Coastal Area according to the current Sussex County Comprehensive Plan. B-2 zoning and the uses permitted in that District are appropriate in the Coastal Area according to the Plan.
3. This location is centrally located in an area that contains a lot of existing and new low- and medium-density residential development. It will provide a convenient location for B-2 uses and will reduce the need for current and future nearby residents to have to travel to Route 26 for shopping and services that can be located on this site. It is an appropriate location for B-2 zoning.
4. The rezoning will not adversely affect area roadways or traffic.
5. The rezoning will also not adversely affect nearby properties or property values.
6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
7. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins and carried to recommend approval of C/Z 1998 Louis, Janet & William Melton, for the reasons stated in the motion. Motion carried 4-1.

Ms. Wingate stated nay, for the concerns she had in relation to the small road condition, and stated that she would rather see small businesses on Roxana Rd.

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

PLANNING & ZONING COMMISSION

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



Sussex County

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JAMIE WHITEHOUSE
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 3rd, 2024

Application: C/Z 1998 Louis Melton, Janet Melton, & William M. Melton

Applicant: Louis Melton, Janet Melton, & William M. Melton
22476 Grebe Lane
Ocean View, DE 19970

Owner: Louis Melton, Janet Melton, & William M. Melton
22476 Grebe Lane
Ocean View, DE 19970

Site Location: The properties are lying on the southwest corner of the intersection of Railway Road (S.C.R. 350) and Old Mill Drive (S.C.R. 349) in Ocean View, Delaware.

Current Zoning: General Residential (GR) District

Proposed Zoning: Business Community (B-2) District

Future Land Use Map Designation: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Company/District

Sewer: Sussex County

Water: Tidewater

Site Area: 2.11 acres +/-

Tax Map IDs: 134-12.00-73.00, 73.01, 73.02, & 73.03



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner II
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: December 19, 2023
RE: Staff Analysis for CZ 1998 Louis, Janet, & William M. Melton

The purpose of this memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application CZ 1998 (Lewis, Janet, & William M. Melton) 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 Parcels 134-12.00-73.00, 73.01, 73.02, and 73.03 to allow for a change of zone from a General Residential (GR) zoning district to a Business Community (B-2) zoning district. The property is lying on the southwest side of Old Mill Road (S.C.R. 349) and the northwest corner of Railway Road (S.C.R. 350) at the intersection of Railway Road (S.C.R. 350) and Old Mill Road (S.C.R. 349) containing 2.11-acres +/-.

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.

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

The Coastal Area land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home (2018 Sussex County Comprehensive Plan, 4-16).

Zoning Information: The subject property is zoned General Residential (GR). The properties to the south as well as the properties to the east and west are zoned General Residential. The property to the north, across Old Mill Road (S.C.R. 349) is zoned General Residential (GR) and the properties to the west and northwest of the subject site are zoned Medium Density Residential (MR) and General Commercial (C-1).



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 zoning of Business Community (B-2) is listed as an applicable zoning district in the “Coastal Area”.

Existing Change of Zones within the Vicinity of the Subject Property: Since 2011, there has been three (0) Change of Zone applications within a 1-mile radius of the application site.

Site Considerations

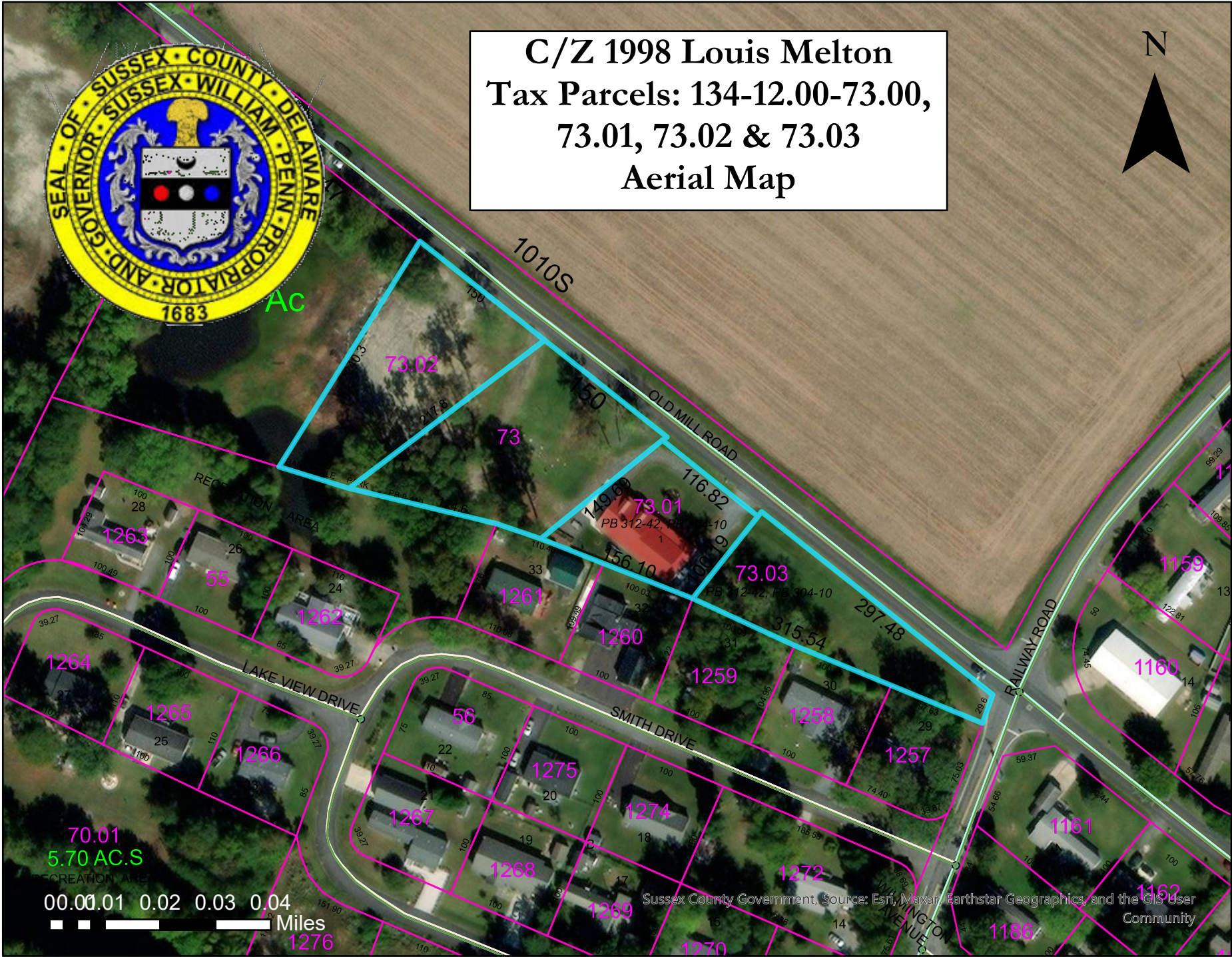
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** This parcel is in the vicinity of lands used for agricultural purposes.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The parcel is located in flood zone “X” the 0.2% Annual Flood Hazard Zone. The parcel is located within areas of fair groundwater recharge.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an General Residential (GR) Zoning District to a Business Community (C-3) Zoning District could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.



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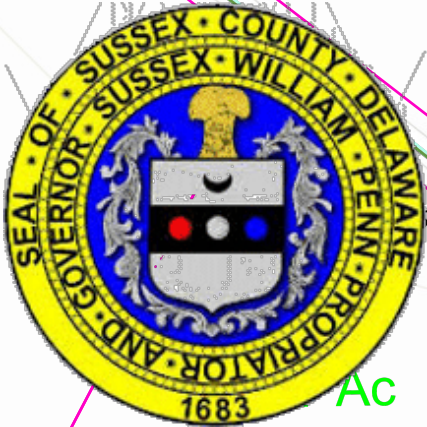
**C/Z 1998 Louis Melton
Tax Parcels: 134-12.00-73.00,
73.01, 73.02 & 73.03
Aerial Map**



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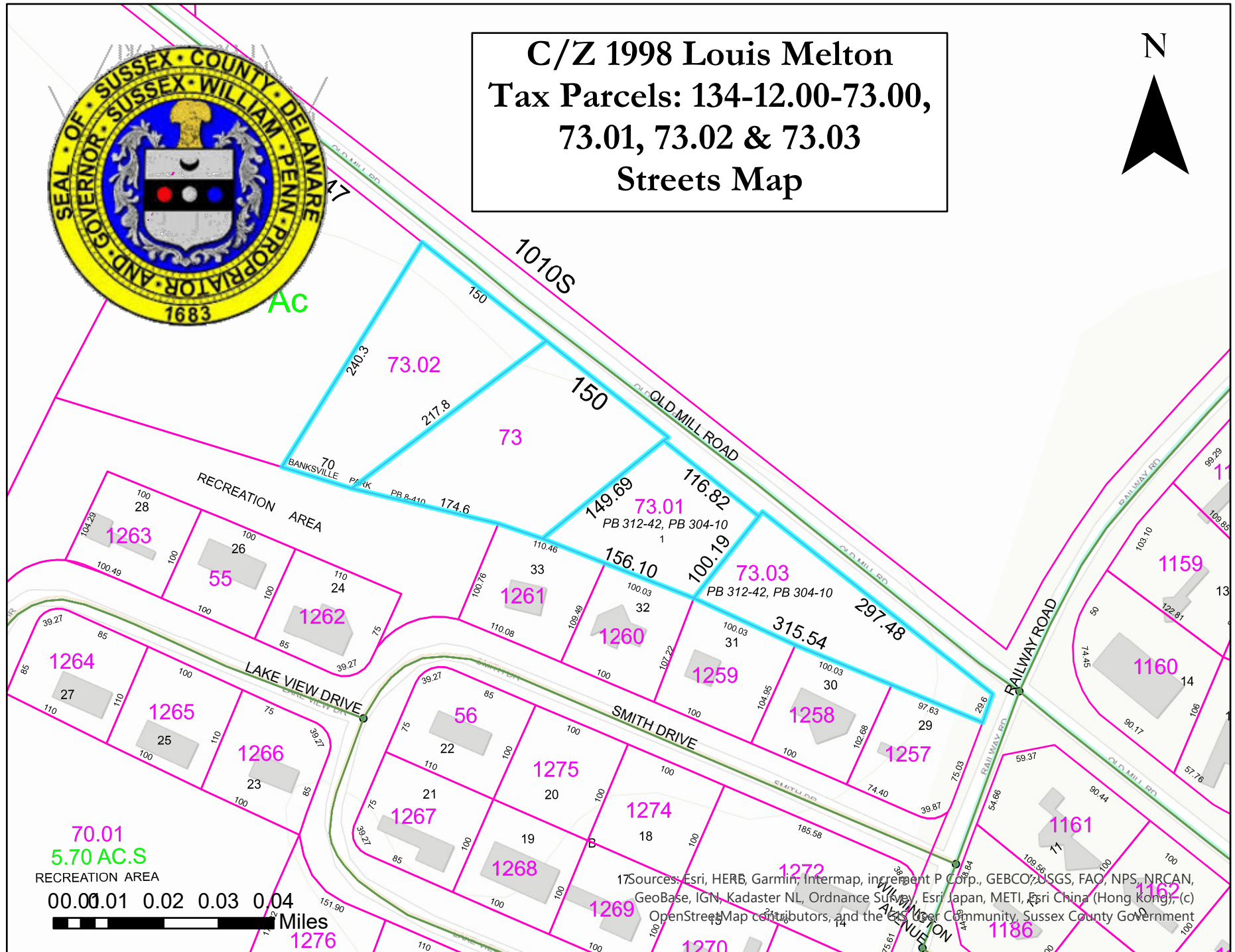
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Sussex County Government, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



AC

C/Z 1998 Louis Melton Tax Parcels: 134-12.00-73.00, 73.01, 73.02 & 73.03 Streets Map



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RECREATION AREA

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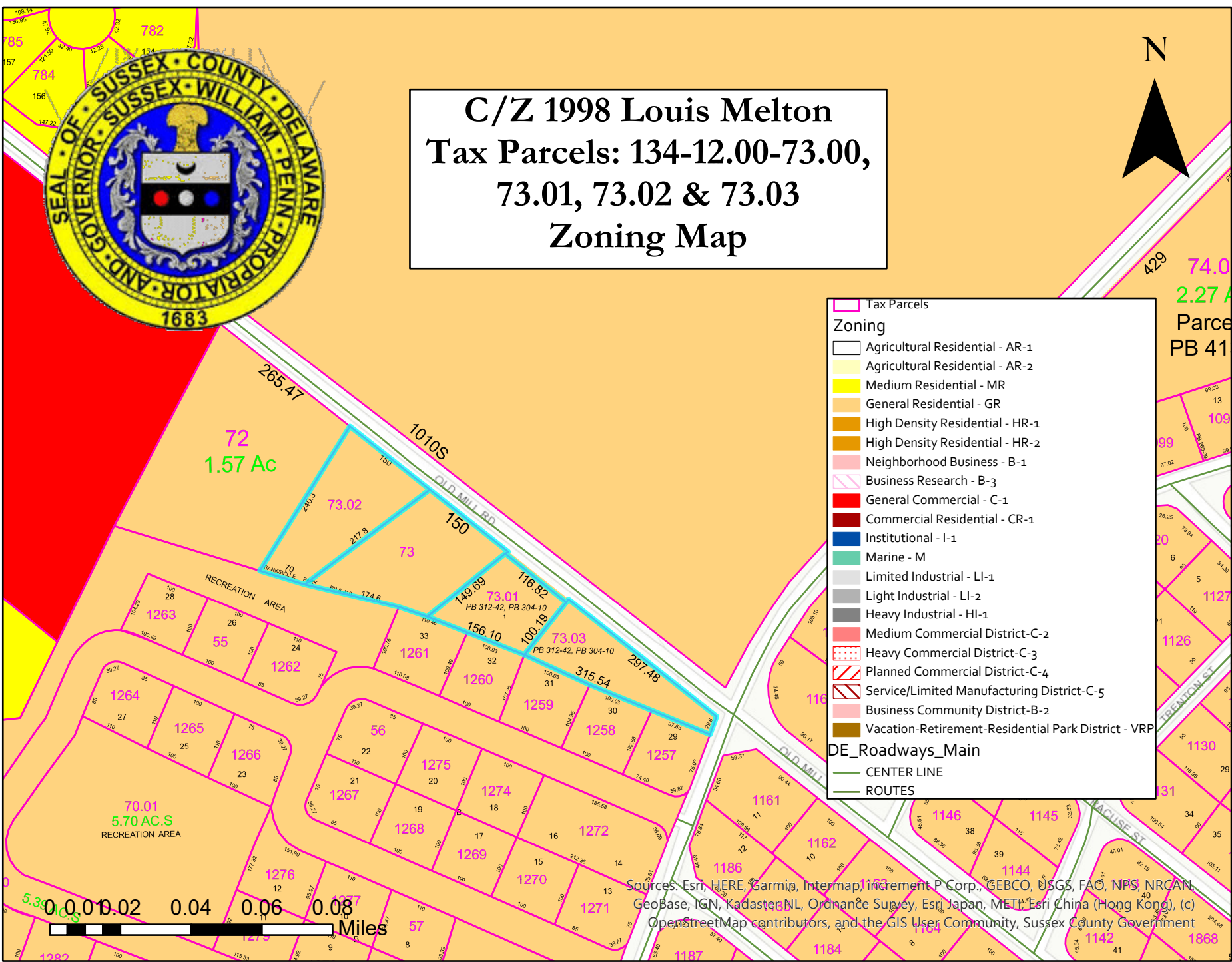
17Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government



C/Z 1998 Louis Melton Tax Parcels: 134-12.00-73.00, 73.01, 73.02 & 73.03 Zoning Map



- Tax Parcels
- 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
- Neighborhood Business - B-1
- Business Research - B-3
- General Commercial - C-1
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- Medium Commercial District-C-2
- Heavy Commercial District-C-3
- Planned Commercial District-C-4
- Service/Limited Manufacturing District-C-5
- Business Community District-B-2
- Vacation-Retirement-Residential Park District - VRP
- DE_Roadways_Main
- CENTER LINE
- ROUTES



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Introduced: 9/19/23

Council District 4: Mr. Hudson

Tax I.D. No.: 134-12.00-73.00, 73.01, 73.02, & 73.03

911 Address: 36294, 36306, & 36328 Old Mill Road, Ocean View & N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.11 ACRES, MORE OR LESS

WHEREAS, on the 1st day of November 2022, a zoning application, denominated Change of Zone No. 1998 was filed on behalf of Louis, Janet & William Melton; 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. 1998 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 [GR General Residential] and adding in lieu thereof the designation and B-2 Business Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the southwest side of Old Mill Road (S.C.R. 349) and the northwest corner Railway Road (S.C.R. 350) at the intersection of Railway Road (S.C.R. 350) and Old Mill Road (S.C.R. 349) and being more particularly described in the attached legal descriptions prepared by Scott and Schuman, P.A., D. Stephen Parsons, P.A., & Parsons & Robinson, P.A. said parcels containing 2.11 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: February 29, 2024

RE: County Council Report for Ord. 23-09 relating to the Sewer Tier Map of the Comprehensive Plan in Relation to Tax Parcel 533-11.00-23.02.

On May 16, 2023, the County Council introduced an Ordinance to amend the Sewer Tier Map within the adopted 2018 Comprehensive Plan in relation to Tax Parcel 533-11.00-23.02.

The Planning & Zoning Commission held a Public Hearing on the application on October 12, 2023. At the meeting of October 12, 2023, the Planning & Zoning Commission recommended the adoption of the Ordinance for the reasons as outlined within the motion.

Following the Commission's recommendation to adopt the Ordinance, the Ordinance was submitted to the State of Delaware's Preliminary Land Use Review process. The PLUS meeting was held on November 15, 2023. The County Council held a Public Hearing on the potential amendment at its meeting of November 14, 2023. As the PLUS response from the State of Delaware was not available at the time of the County Council hearing, the Council deferred action on the application and left the record open to receive PLUS comments from the Office of State Planning and Coordination.

Below is a link to the Minutes of the County Council Meeting of November 14, 2023.

[Link to the Minutes of the November 14, 2023, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting of October 12, 2023.



Minutes of the October 12, 2023, Planning & Zoning Commission Meeting

ORD 23-09

AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02. The property is lying on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388). 911 Address: N/A. Tax Map Parcel: 533-11.00-23.02. Zoning: AR-1 (Agricultural Residential).

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Concept Plan, a copy of the current Sewer Tier Map taken from the Comprehensive Plan, and a letter from the Sussex County Engineering Department. Mr. Whitehouse stated no public comment was received in relation to the Ordinance Application and stated PLUS comments had not been received, as it would not get sent to PLUS until it receives a recommendation from the Commission.

Mr. Robertson advised the Commission that typically, Mr. Hans Medlarz, Sussex County Engineer, performs the presentations for these types of Ordinance requests on behalf of the Sussex County Engineering Department, but unfortunately, he was unable to make the public hearing that evening; that historically, this type of Sewer Tier Map amendment would have been handled at the County Engineering level, but because it was placed within the Comprehensive Plan as a map, it is now required to come before the Planning & Zoning Commission, Sussex County Council, as well as PLUS. Mr. Robertson stated the request was to amend the Sewer Tier Map to bring the property into the appropriate Sewer Tier; that he did not want to diminish the role of the Commission, however, the particular request was strictly an engineering issue, and typically if the Engineering Department stated they were satisfied, the Commission and Council typically accept that approval.

The Commission found that Mr. David Hutt, Esq., with Morris James, LLP, spoke on behalf of the Ordinance Application. Mr. Hutt stated that currently the property is shown to be within a Sewer Tier 4 area, which is a "System Optional" area; that the current Application proposes a change to a Sewer Tier 2 area, which is a "Sussex County Planning Area"; that there was a previously approved Sewer Tier Map amendment, which was approved by County Council in June 2023, as Ordinance No. 2931; that this Ordinance was adopted for properties located on the western side of Zion Church Rd.; that it is an Engineering Department concern, however, it does involve Chapter 4, as it relates to areas within the Coastal Areas; that with Chapter 4 it states, that central sewer facilities are strongly encouraged within the Future Land Use Map designation of the Coastal Area; that the entire site is located within the Coastal Area, and with the approval provided in June 2023, this amendment request would simply fill in the location on the map.

Mr. Robertson stated the recommendation of the amendment to the Sewer Tier Map, will have no relation to the recommendation made for the following land use application for C/U 2389 AWH Properties, LLC, and the Ordinance would have not been introduced, had County Engineering not already signed off on it.

Mr. Whitehouse advised the Commission on the PLUS process for the Application.

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


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

Mr. Robertson stated he had prepared a motion and read the prepared motion into the record per the Commission's request.







Mr. Mears moved that the Commission recommend approval of ORD 23-09 to amend the Sussex County Sewer Tier Map of the Comprehensive Plan in relation to Tax Parcel 533-11.00-23.02, based on the recommendation from Sussex County Engineering, the coordination of Sussex County Engineering with the property owners, and the fact that this is an amendment to the Sewer Tier Map to reflect the sewer tiers on adjacent properties.

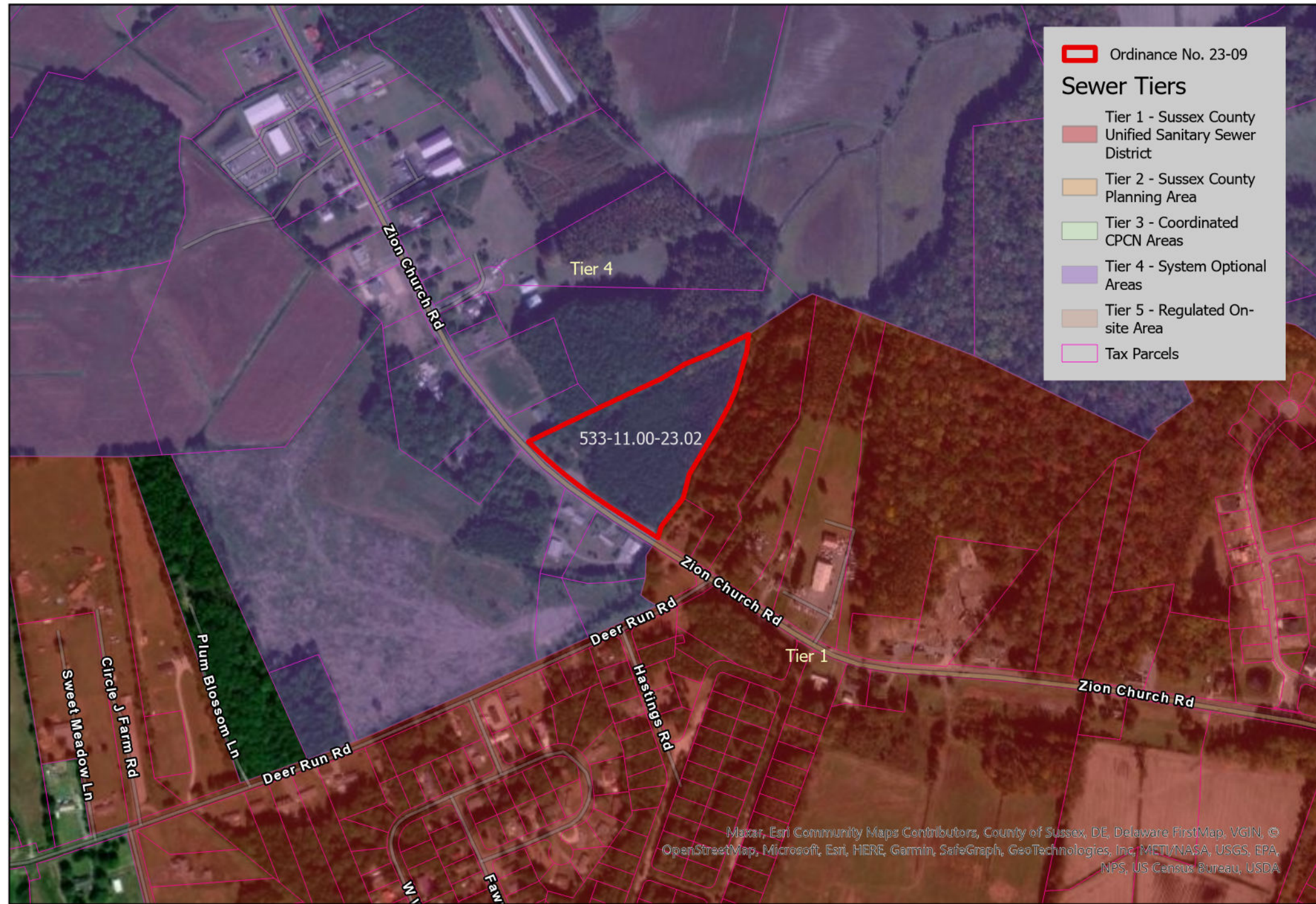
Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of ORD 23-09 to amend the Sussex County Sewer Tier Map of the Comprehensive Plan in relation to Tax Parcel No. 533-11.00-23.02 for the reasons stated in the motion. Motion carried 4-0.

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

 Ordinance No. 23-09

Sewer Tiers

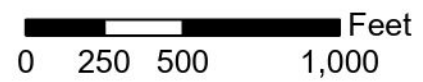
-  Tier 1 - Sussex County Unified Sanitary Sewer District
-  Tier 2 - Sussex County Planning Area
-  Tier 3 - Coordinated CPCN Areas
-  Tier 4 - System Optional Areas
-  Tier 5 - Regulated On-site Area
-  Tax Parcels



Maxar, 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

Exhibit A
 Ordinance No. 23-09
 AWH Properties, LLC
 FLUM - 533-11.00-23.02 (Sewer Tier Amendment)

 Ordinance No. 23-09





STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

December 15, 2023

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

RE: PLUS Review – 2023-11-13; Sussex County Sewer Tier Map Amendment Ord. No. 23-09 - Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on November 15, 2023 to discuss the proposed Sussex County comprehensive plan amendment. According to the application, the County desires to amend parcel 533-11.00-23.02 on the Sewer Tier Map within their Certified Comprehensive Plan to depict the parcel as being in Tier 1 rather than Tier 4.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: Dorothy Morris 739-3090

This parcel is adjacent to an existing Tier 1 area and is within a coastal area of the Sussex County Comprehensive Plan. This office has no objections to the planned amendment.

With that said, this PLUS review is not commenting on any proposed development on the property. If any future proposed development meets PLUS criteria, the owner will be required to have a full review through the PLUS process if it meets the PLUS thresholds. This parcel is within Investment Level 3 and appears to have significant environmental features which should be considered during any proposed future development planning. Additional, more descriptive site specific comments will be provided should the site plan be reviewed through PLUS.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- DelDOT has no comments on the proposed ordinance.

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 735-3495

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

Forested Wetlands and Forest Removal

The forested wetlands on this property could support an array of plants and animals, most notably wetland dependent species such as amphibians.

- Maintain an upland buffer of at least 100 feet from wetlands.
- Maintain input to natural wetlands at the pre-construction level. Avoid causing an increase or decrease in the naturally occurring water level.
- Avoid diverting surface water from roadways and stormwater facilities into the wetlands on site. Water quality could be detrimentally affected by run-off, which can contain oil and other pollutants.
- Avoid installing sewers with grates, which can create a hazard for amphibians and reptiles.
- Design the development to exclude curbs. If road curbing is part of the design, curbing that allows small animals, such as turtles and salamanders, to climb out of the roadbed (such as Type 2 or Cape Cod curbing) is preferred over steep, vertical curbing.
- Use open bottom box culverts to allow for natural substrate to remain and in-water passage of aquatic life. Additionally, culverts should be left as wide as possible to ensure that salamanders can travel through them.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/conservation/>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites or known National Register-listed or eligible properties on the parcel.
- While there are no known sites within the parcel, there is a moderate to high potential for both prehistoric and historic archaeological resources in the northwest ¼ of the parcel. This area appears to be a slightly elevated and stable landform with moderately well drained soils and immediate access to water.
- Historic aerials and maps show historic period occupations along Zion Church Road. While none of these dwellings are indicated within the parcel, some are immediately adjacent to the proposed area. Therefore, there is moderate potential for historic archaeological resources on the parcel.
- This Office recommends an archaeological survey prior in the NW ¼ of the parcel, should ground disturbance occur within this portion of the parcel.
- The DE SHPO would like to remind the client/applicant that if there is federal involvement, in the form of licenses, permits, or funds, that the federal agency, often through its client/applicant, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. This is particularly relevant, if after annexation, federally involved municipal work should occur throughout the parcel.

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

- This Agency has no objection and submits no comments for the comp plan amendment Ord 23-09.
- This Agency does have comments for the two projects on each side of Zion Church Rd. We suggest you do a preliminary meeting for each project prior to submitting for site plan approval.

Once the amendment is voted on by Planning and Zoning and/or Town Council, please forward a copy of the decision regarding the amendment to this office for our files. Thank you for the opportunity to review this amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell". The signature is fluid and cursive, with a large initial "D" and a stylized "E".

David L. Edgell, AICP
Director, Office of State Planning Coordination

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
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Sussex County

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Memorandum

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

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

CC: Everett Moore, County Attorney

Date: March 1, 2024

RE: County Council Report for C/U 2389 filed on behalf of AWH Properties, LLC

The Planning and Zoning Department received an application (C/U 2389 filed on behalf of AWH Properties, LLC) for a commercial storage facility including RV/Boat storage, the storage of commercial vehicles, and an office, to be located at Tax Parcel 533-11.00-23.02. The property is located on the northeast side of Zion Church Road (Rt.20), approximately 275 feet northwest of Deer Run Road (SCR. 388). The parcel size is 6.95 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on October 12, 2023. At the meeting of October 26, 2023, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 14 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on November 14, 2023. At the conclusion of the Public Hearing, Council closed the Public Record and deferred action on the application for further consideration. Below is a link to the minutes of the County Council meeting of November 14, 2023.

[Link to the Minutes of the November 14, 2023, County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting of October 12, 2023, and October 26, 2023.



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

Minutes of the October 12, 2023, Planning & Zoning Commission Meeting

C/U 2389 AWH Properties, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS. The property is lying on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388). 911 Address: N/A. Tax Map Parcel: 533-11.00-23.02.

Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Staff Analysis, the Applicant's Exhibit Booklet, a Jurisdiction Determination letter, a Soil Survey, the DelDOT Service Level Evaluation Response, and a letter received from the Sussex County Engineering Department - Utility Planning Division.

Mr. Whitehouse stated the original PLUS comments included in the record had been revised to correct a typo, and he submitted into the record the revised PLUS comments, which remain the same other than the correction of minor typographical errors.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP spoke on behalf of the owners and Applicants for C/U 2389 AWH Properties, LLC, and C/U 2392 Zion Church Ventures, LLC; that also present were Mr. Matt Williams and Mr. Brad Absher, Principals of both AWH Properties, LLC and Zion Church Ventures, LLC, and Mr. Jamie Sechler, P.E. with Davis Bowen & Friedel, Inc.

Mr. Hutt stated that the properties are located directly across from each other along Zion Church Rd.; that the property's ownership groups are the same, despite the different names of the entities; that the properties are located along Zion Church Rd. (Rt. 20), being a short distance north from Deer Run Rd; that C/U 2392 Zion Church Ventures, LLC would be the western project, and C/U 2389 AWH Properties, LLC would be the eastern project; that the Application for C/U 2389 AWH Properties, LLC is for RV, boat and self-storage, which is a permitted Conditional Use within the AR-1 (Agricultural Residential) District; that the proposed use for the western side, is a new form of self-storage; that this form of self-storage is a bit more elaborate, being where a person can buy an individual self-storage unit, that would be located within the proposed project area; that these projects are often referred to as a "Hobby Condo"; that within the surrounding area for both properties are Your Space Self Storage, European Coach Werkes, Inc., the recently approved GR-RPC known as Twin Cedars, and Hampton Park; that both properties are located within Investment Level 3, which is where the State anticipates growth in the near and long term future; that there is a portion of the western parcel, for C/U 2392 Zion Church Ventures, LLC, which is located within Investment Level 4, where the State does not anticipate growth; that the surrounding areas are generally located within Investment Levels 2 and 3; that in areas located within Investment Level 4 are areas where the State believes there may be wetlands; that neither of the Applications will involve public funds for their proposed uses; that these Applications will provide a service for the existing residents in the area to

store their belongings; that according to the 2045 Future Land Use Map found in Sussex County's Comprehensive Plan both properties are located within the Coastal Area, which is a Growth Area; that properties located to the west of the sites are located within the Developing Area, which is also a Growth Area; that the permitted uses within the Coastal Area and the Developing Area are very similar; that mixed-use development is encouraged in those areas, to help provide convenient services that allow people to work close to home; that the Applications propose a mixed use for the area, to provide a service for individuals who live in communities or cluster subdivisions where they are not permitted to have an RV, boat or multiple vehicles; that these Applications will provide people a location to be able to do so; that he felt, this makes the proposed uses very consistent with the Comprehensive Plan; that both properties are located with the AR-1 (Agricultural Residential) Zoning District; that there are a variety of zoning classifications along Zion Church Rd. consisting of C-1 (General Commercial), B-1 (Neighborhood Business), CR-1 (Commercial Residential), GR (General Residential) and HR-1 (High Density Residential); that Mr. Hutt shared a visualization of all the subdivisions located within a five mile radius of the properties, which reflected a large number of existing subdivisions within the surrounding area of the sites; that the surrounding area is a highly residential area of Sussex County, making the proposed uses a need for the area; that the objective for both Application's is to provide a location in the proximity to all the various subdivisions for those uses; that on the eastern side, for C/U 2389 AWH Properties, LLC, the primary use is for boat and RV storage, which would be stored outside; that on the western side, for C/U 2392 Zion Church Ventures, LLC, the proposed units would provide indoor, climate controlled storage space, where work could be performed, or vehicles could be washed; that the style of the two self-storage units is the biggest difference between the two Applications; that neither property is located within a flood plain, as they are both located within the Flood Zone X area; that Artesian Water Company holds the CPCN for both properties; that they have acquired a Willing & Able letter for C/U 2389 AWH Properties, LLC, however, they had not yet received the Willing & Able letter for C/U 2392 Zion Church Ventures, LLC; that both properties were right on the edge of the Sewer Tier Map; that in June 2023, through Ordinance No. 2931, the western property was brought into the Sewer Tier 2; that Ord 23-09 proposes to do the same on the eastern property; that there are no rare, threatened or endangered species likely to be located on either property; that there was a report from Watershed Eco submitted into both exhibit books; that there are no known archaeological sites or national registered, listed or eligible properties located on either site and there are no Wellhead Protection Areas or Excellent Water Recharge areas on either site.

Mr. Hutt stated that C/U 2389 AWH Properties, LLC, being the eastern property, was the subject site of the previously heard application for ORD 23-09; that this location is for the proposed use of boat and RV storage; that there would be a 2,500 sq. ft. self-storage building located to the northern end of the property; that there would be a 576 sq. ft. office located just in front of the self-storage building; that the entrance would be located off Zion Church Rd., which will align with the entrance to the western property; that one unlit sign is requested to be placed along Zion Church Rd., not to exceed 32 sq. ft.; that any security lighting would be downward screened, as to not shine onto Zion Church Rd. or onto neighboring properties; that the site was evaluated by Watershed Eco for the presence of wetlands; that a report, as well as, a Preliminary Jurisdictional Determination have been included within the project materials; that there was a recent Supreme Court decision, which reclassified wetlands and the definition of wetlands nationally; that there are two ditches that run along the boundaries of the property with a 50 ft. tax ditch right of way; that they had discussions with Mr.

James McCulley and Mr. William Twupack, with Watershed Eco, who indicated the wetlands located to the rear of the property, may continue to be classified as wetlands as they have intermittent connections to the tax ditches; that there is a 25 ft. buffer proposed from the wetlands; that the Application does pre-date the adoption of the Resource Protection Buffer Ordinance; that per the DelDOT Service Level Evaluation Response, there would be a diminutive impact on traffic, which is the lowest impact a project could have, with less than 50 vehicle trips per day for the proposed use; that they have proposed a condition that no washing, cleaning or maintenance are permitted on the site and he requested to submit for the record proposed conditions and the Willing & Able letter for C/U 2389 AWH Properties, LLC at the end of his presentation.

Mr. Hutt stated that C/U 2392 Zion Church Ventures, LLC, being the western property, proposing 180,500 sq. ft. of warehouse or storage buildings; that reflected on the site plan are 19, 9,500 sq. ft. buildings, located to the rear of the property; that in addition to the proposed climate-controlled buildings, there is a proposed 2,500 sq. ft. building for a car wash, with a potential additional amenity of a clubhouse, pool and patio area, to be located just off Zion Church Rd.; that the additional amenities are optional; that the individual units are anticipated to be much like a “Man Cave; that a person would purchase a unit; that the person would then have, through that purchase, access to the car wash and amenities; that the frequent users of these types of units are people with hobbies, who desire to have their hobbies located within a climate controlled environment; that these are typically people who wish to store motorcycles, sports cars, classic cars, RVs, boats and other hobby type items; that many people who have these types of hobbies, also enjoy tinkering with those hobby items; that this proposed use will allow people to do that; that these units would allow people to work on their hobby items, and be around others who may share the same hobby interests; that this is the reasoning for the potential clubhouse, to allow for people a place to meet to discuss their similar hobbies; that the car wash amenity would not be an optional amenity and is absolutely proposed; that the car wash area would be an area for those who are a part of the condominium association to wash their vehicles; that to allow people the ability to work on their vehicles, there would be an oil recycling facility located on the site; that all work would be performed indoors; that each unit would have a regular sized door, as well as a large garage door; that because it is a condominium unit, there would be flexibility for personalization to the interior of the unit; that the entrance would be located off Zion Church Rd.; that Mr. Jamie Sechler did participate in a pre-submittal meeting with DelDOT for both properties; that there would be a fence around the entirety of the property, with a gated entrance; that a request for one unlit sign, not exceeding 32 sq. ft., would be located on Zion Church Rd.; that any security lighting would be downward screened, as to not shine onto neighboring properties or Zion Church Rd. or Deer Run Rd.; that the site was evaluated by Watershed Eco for the presence of wetlands; that a report, as well as, a Preliminary Jurisdictional Determination have been included within the project materials; that the wetland areas on the site do not have any connections, and are likely no longer regulated or jurisdictional wetlands; that this is still a determination which needs to be made; that in the case those areas are considered wetlands, a 25 ft. buffer is proposed from those areas; that in addition, there are two locations where there would be an impact to the wetlands; that per consultation with Watershed Eco, they indicated that a nationwide permit to fill the two locations, because they are less than .5 acre, would be readily available; that within the pre-submittal meetings with DelDOT the western entrance from Zion Church Rd. was required, and therefore would offer no other way to access the bulk of the property without crossing what may, or may not, be wetlands according to the Supreme Court; that according to the DelDOT Service Level Evaluation Response, the proposed use

would have a negligible impact on traffic, indicating that the anticipated traffic would be less than 50 vehicles per hour and less than 500 vehicle trips per day; that he requested to submit the proposed findings and conditions for C/U 2392 Zion Church Ventures, LLC; that proposed Condition O states, *any wetlands will be delineated on the Final Site Plan, which Plan should also show a 25 ft. buffer from those wetlands or a permit from the U.S. Army Corp of Engineers for mitigate in specific locations shown on the Final Site Plan*; that proposed Condition B states, *no unit or area within the property can be used for housing or overnight accommodations*; that proposed Condition C states, *that the business may only use the area for climate controlled storage*, and goes on to state the business cannot use the units for a manufacturing or industrial uses or to be used as a mail center or mail drop off location; that business are welcome to use the units for their self-storage needs, however they would not be permitted to conduct their business from the site; that another proposed condition states that there would be no outdoor storage; that there would an RV sewer cleanout on the site, which would be located near the oil recycling area; that these areas would be shown on the Final Site Plan, and the car wash amenity is certain; that the other amenities would be dependent on the market, but request a place holder on the plan to prevent the Applicant from having to return for a future Conditional Use.

Mr. Hutt stated both Applications are requesting a Conditional Use; that Conditional Uses are uses that are public or semi-public in character, for the convenience and welfare of area residents, and to promote the orderly general convenience, orderly growth, and prosperity of the County; that the Commission will get to place conditions on any approval they provide for the Applications and with the specific proposed conditions, they feel both Applications will provide a valuable service to individuals who live within the area.

Mr. Mears questioned if the office would be for the use of the business or anticipated to be rented to another business, if the car wash and pool were for the exclusive use of the unit owners, and mentioned there may need to be a condition for quiet time, as there is potential for hot rods and motorcycles.

Mr. Hutt stated the office is intended to be used for the business; that it would be located outside of the gated fence as a place to sign up to purchase one of the units; that he confirmed that the car wash and pool would be only for the use of the condominium owners, and he believed the quiet time would be handle by the condominium restrictions and regulations.

Ms. Wingate questioned what the reasoning was for the proposed clubhouse and pool; that the types of people who would be drawn to use the storage units, typically already have a clubhouse and pool within their own community; that she questioned who will ensure that no one resides in any of the units, and she stated a lot of communities are beginning to offer storage facilities.

Mr. Hutt stated the Condominium Association would monitor and regulate through the monitored access gate; that the Association would be able to distinguish if a person has entered but has not left; that much like a residential condominium, there would be the management of the facilities and property as well; that the proposed clubhouse and pool are optional amenities; that he felt these amenities are offered for owners who would like to have access to those amenities, while not being home; that other option would be the unit owner may drop their significant other and/or children off

at the pool while they work on their hobby in the unit, and the amenities offer owners a place to meet and socialize over common hobbies.

The Commission found that no one wished to speak in support of the Applications, and two people spoke with questions regarding the Applications.

Mr. James Frey questioned the Application. Mr. Frey questioned how a condominium could be associated with boat and RV storage and if each unit would have individual water and sewer service.

Mr. John Frey questioned the Application. Mr. Frey questioned the need for the clubhouse and pool; that he was confused regarding the wetlands, he questioned if the property could become something bigger or different in the future and requested that there be fencing, or a buffer placed between the project and his property should the Application be approved.

Mr. Hutt stated water and sewer would be available to each unit.

Chairman Wheatley questioned if someone could place a full bathroom in a unit.

Mr. Hutt stated yes, a unit owner would be permitted to place a full bath in the unit if they desired, and the Applicant would have no objection to some type of landscape buffer or fencing being placed along those boundaries of concern.

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

At the conclusion of the public hearings, the Commission discussed the Applications.

In relation to C/U 2389 AWH Properties, LLC. Motion by Mr. Mears to defer for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Minutes of the October 26, 2023, Planning & Zoning Commission Meeting

C/U 2389 AWH Properties, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS. The property is lying on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388). 911 Address: N/A. Tax Map Parcel: 533-11.00-23.02.

The Commission discussed the Application which had been deferred since October 12, 2023.

Mr. Mears moved that the Commission recommend approval of C/U 2389 AWH Properties, LLC for a commercial storage facility including outdoor RV and boat storage and an office within the AR-1 District based upon the record made during the public hearing and for the following reasons:

1. The Applicant seeks approval for an RV and boat storage facility on approximately 6.95 acres.
2. The location is within the “Coastal Area” according to the Sussex County Comprehensive Plan. This type of use can be appropriate in this Area according to the Plan.
3. The site is in the vicinity of several areas that have developed with commercially and residential-zoned properties. This includes properties in the area with HR (High Density) Zoning, GR (General Residential) Zoning, AR-1 Zoning, and multiple business and commercial Zoning districts. This use is compatible with the surrounding uses and Zoning.
4. There is a need for the use proposed by the Applicant in this area of Sussex County. There are many nearby residential developments that prohibit the storage or parking of boats and RVs within them. This is an appropriate, convenient location that addresses the need for off-site storage of their boats and RVs.
5. The Applicant has stated that access will be limited and will be controlled by keycards. As a result, the use will not have a substantial impact on area roadways. DelDOT has also stated that the use will have a “Diminutive” impact on area roadways.
6. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact on the neighboring properties or community.
7. The use is of a public or semi-public character and is desirable for the general convenience and welfare of residents in this area of Sussex County.
8. No parties appeared in opposition to this Application.
9. This recommendation for approval is subject to the following conditions:
 - A. The use shall be limited to the storage of boats and RVs, a 2,500-square-foot storage building, and a 576-square-foot office building. No other storage of vehicles or equipment shall occur on the site.
 - B. The facility shall only be accessible from 6:00 a.m. until dusk and access to the site shall be locked to prevent after-hours access.
 - C. The perimeter of the site shall be fenced with a 6-foot-high fence that screens the property from neighboring and adjacent properties and roadways. In addition, there shall be a landscaped berm along the property’s road frontage. The details of this berm shall be shown on the Final Site Plan.
 - D. No sales or maintenance of boats or RVs shall occur on the site.
 - E. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - F. Any wetlands shall be delineated on the Final Site Plan and there shall be a 25-foot buffer from those wetlands.
 - G. The site will be served with public sanitary sewer via a connection to the Sussex County regional wastewater transmission, treatment, and disposal Unified District facilities. The Applicant shall comply with all requirements and specifications of the County Engineering Department.
 - H. The Final Site Plan shall clearly show all areas for parking and these areas shall be clearly marked on the property itself. There shall be no parking within the Property’s setbacks.

- I. 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 in a manner that is consistent with Best Management Practices.
- J. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site.
- K. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and RVs located on the site.
- L. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.
- M. No junked or unregistered boats, boat trailers, or RVs shall be stored on the site.
- N. The final site plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins and carried unanimously to recommend approval of C/U 2389 AWH Properties, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: October 12th, 2023

Application: CU 2389

Applicant: AWH Properties, LLC
107 W. Market Street
Georgetown, DE 19947

Owner: AWH Properties, LLC
107 W. Market Street
Georgetown, DE 19947

Site Location: Located on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388).

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

Proposed Use: Commercial Storage Facility to include RV/Boat Storage, Storage of Commercial Vehicles, and an Office

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Co.

Sewer: Sussex County

Water: Artesian Water Company, Inc.

Site Area: 6.95

Tax Map ID.: 533-11.00-23.02



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: February 2, 2023
RE: Staff Analysis for C/U 2389 AWH Properties, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2389 AWH Properties, LLC to be reviewed during the MONTH XXth, 2023, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 533-11.00-23.02 to allow for a commercial storage facility to include RV/Boat Storage, storage of commercial vehicles, and an office. The Plan includes covered and uncovered RV/Boat Storage, a 2,500 square foot commercial storage building, and a 576 square foot office structure. The property is located on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388). The parcel is comprised of a total of 6.95 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 (FLUM) 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 parcels have a Growth Area designation of "Coastal Area." The parcels adjacent to the subject property landward and all along Indian River Bay also have the Future Land Use Map (FLUM) designation of "Coastal Area."

Coastal Areas are growth areas that are among "the most desirable locations in Sussex County for new housing" and contain "ecologically important and sensitive characteristics." The Plan also notes that these areas have "significant impact upon water quality within the adjacent bays and inlets" (2018 Sussex County Comprehensive Plan, 4-15). The Plan includes guidelines for growth in Coastal Areas noting "retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads" and notes that "commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home" (2018 Sussex County Comprehensive Plan, 4-15).

Under the guidelines in the Plan, the proposed Conditional Use to permit commercial storage including the storage of RVs, boats, and commercial vehicles could be seen as appropriate at this site.

Zoning Information



The subject parcels are zoned Agricultural Residential (AR-1) District with the adjacent properties also zoned Agricultural Residential (AR-1). The extended Zion Church Road corridor east and west of the parcel also include parcels in the General Residential (GR), General Commercial (C-1), Medium Commercial (C-2), Service/Limited Manufacturing (C-5), Commercial Residential (CR-1), and Neighborhood Business (B-1) Zoning Districts.

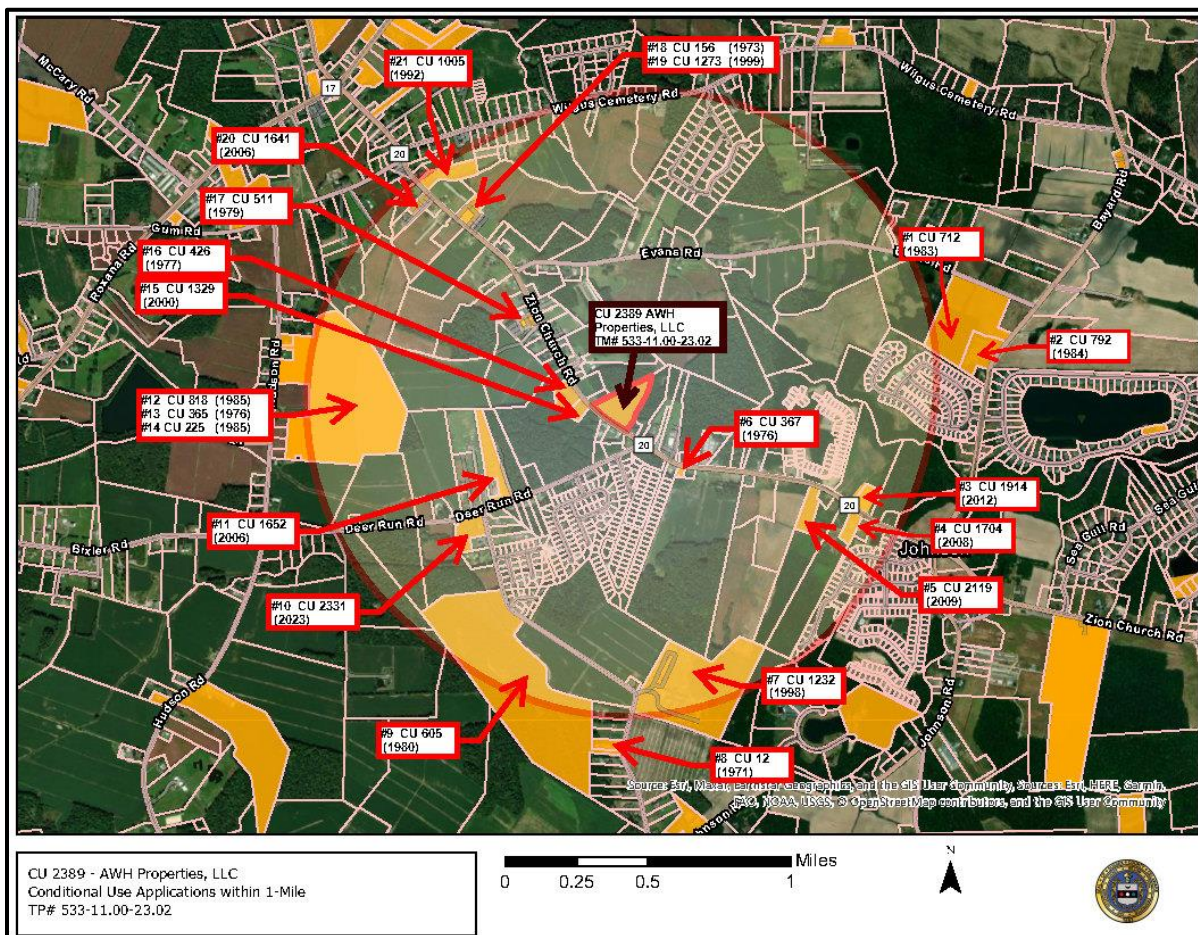
Conditional Use Applications within the Vicinity of the Subject Site
 (Within a 1-mile radius of the subject site)

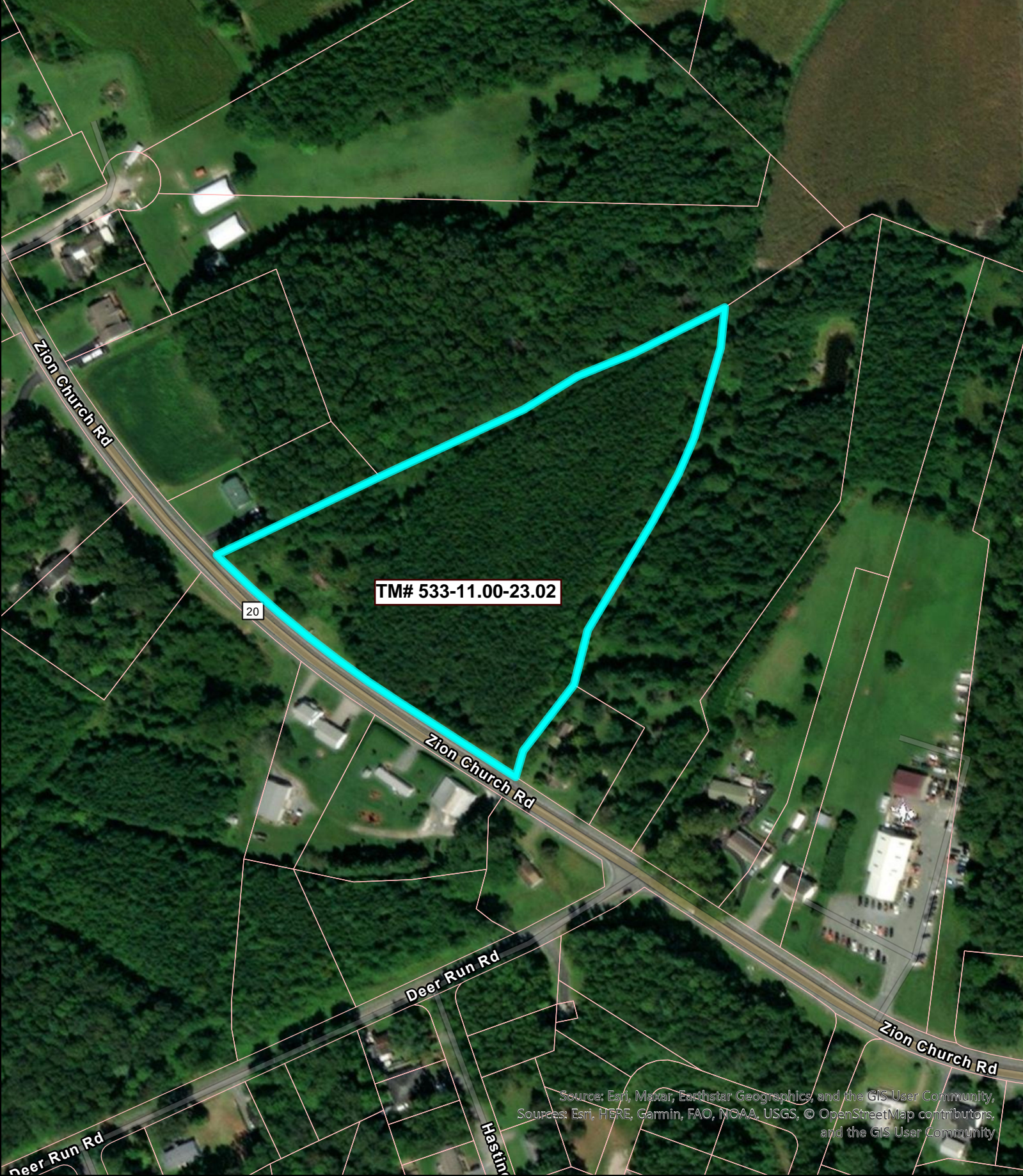
Conditional Use Applications (Within a 0.5-mile radius of the subject site)							
Item # on Attached Map	Application Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
#1	<u>CU 712</u>	Harvey C. Becker, etux.	AR-1	Manufactured Home Park	Denied	5/17/1983	N/A
#2	<u>CU 792</u>	Peter J. Berntsen,	AR-1	Appliance Repair & Sales	Approved	5/8/1984	N/A
#3	<u>CU 1914</u>	Steven Krebs & Barbara Krebs	B-1	Barbeque Prep and Sales	Approved	1/17/2012	Ord. No. 2233
#4	<u>CU 1704</u>	PMP Associates	B-1	Health Care & Medical Offices	Approved	1/8/2008	Ord. No. 1950
#5	<u>CU 1812</u>	Roxana Preferred Properties	GR	Retail & Commercial w/20 Apartment Units	Withdrawn	12/7/2009	N/A
#6	<u>CU 367</u>	George P. Fountain	C-1	Automobile & Truck Repair Shop	Approved	8/10/1976	N/A

#7	<u>CU 1232</u>	William D. & Karen L. Simpson.	GR	Recreational Vehicle Park/Campground & Boat Storage	Approved	3/17/1998	Ord. No. 1222
#8	<u>CU 12</u>	Fenwick Properties	AR-1	Manufactured Home Park	Approved	7/20/1971	Ord. No. 808
#9	<u>CU 605</u>	Cee Bee, Inc.	AR-1	Borrow Pit	Approved	11/25/1980	N/A
#10	<u>CU 2331</u>	Sweet Meadows Riding Academy	AR-1	Horse Riding Academy w. Overnight Accommodations	Approved	1/10/2023	N/A
#11	<u>CU 1652</u>	Ken Gillam & Joan Gillam	AR-1	Boat Storage	Withdrawn	6/5/2006	N/A
#12	<u>CU 818</u>	Cygnnet Construction Corp.	AR-1	Borrow Pit Expansion	Approved	5/7/1985	Ord. No. 246
#13	<u>CU 365</u>	Gladys Swann	AR-1	Manufactured Home Park	Denied	9/7/1976	N/A
#14	<u>CU 517</u>	Cygnnet Construction Corp	AR-1	Borrow Pit	Approved	03/17/81	N/A
#15	<u>CU 1329</u>	John & Mary Frey	AR-1	Used Car Sales	Denied	4/11/2000	N/A
#16	<u>CU 426</u>	Ronald Chandler	AR-1	Repair & Service All Type of Motor Vehicles	Approved	8/2/1977	N/A
#17	<u>CU 511</u>	Charles & Holly Carmack	C-1	Drywall Contractor, Building Material Sales & Warehouse of Building Materials	Approved	1/16/1979	N/A

#18	<u>CU 156</u>	Roxana Volunteer Fire Co	AR-1	Equipment Storage	Approved	8/21/1973	N/A
#19	<u>CU 1273</u>	Roxana Vol. Fire Company	AR-1	Expansion Of Fire Station	Approved	3/30/1999	Ord. No. 1296
#20	<u>CU 1641</u>	Carroll & Diane Brasure	AR-1	Service Vehicles Parking	Approved	3/28/2006	Ord. No. 1838
#21	<u>CU 1005</u>	James E. Harrington	AR-1	Boat & Trailer Storage and Farm Equipment Repair	Approved	7/14/1992	Ord. No. 843

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for the construction of a commercial storage facility to include RV/Boat Storage and an office at this site, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



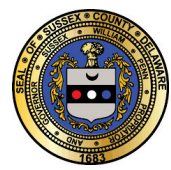
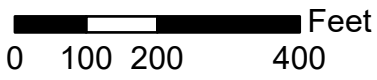


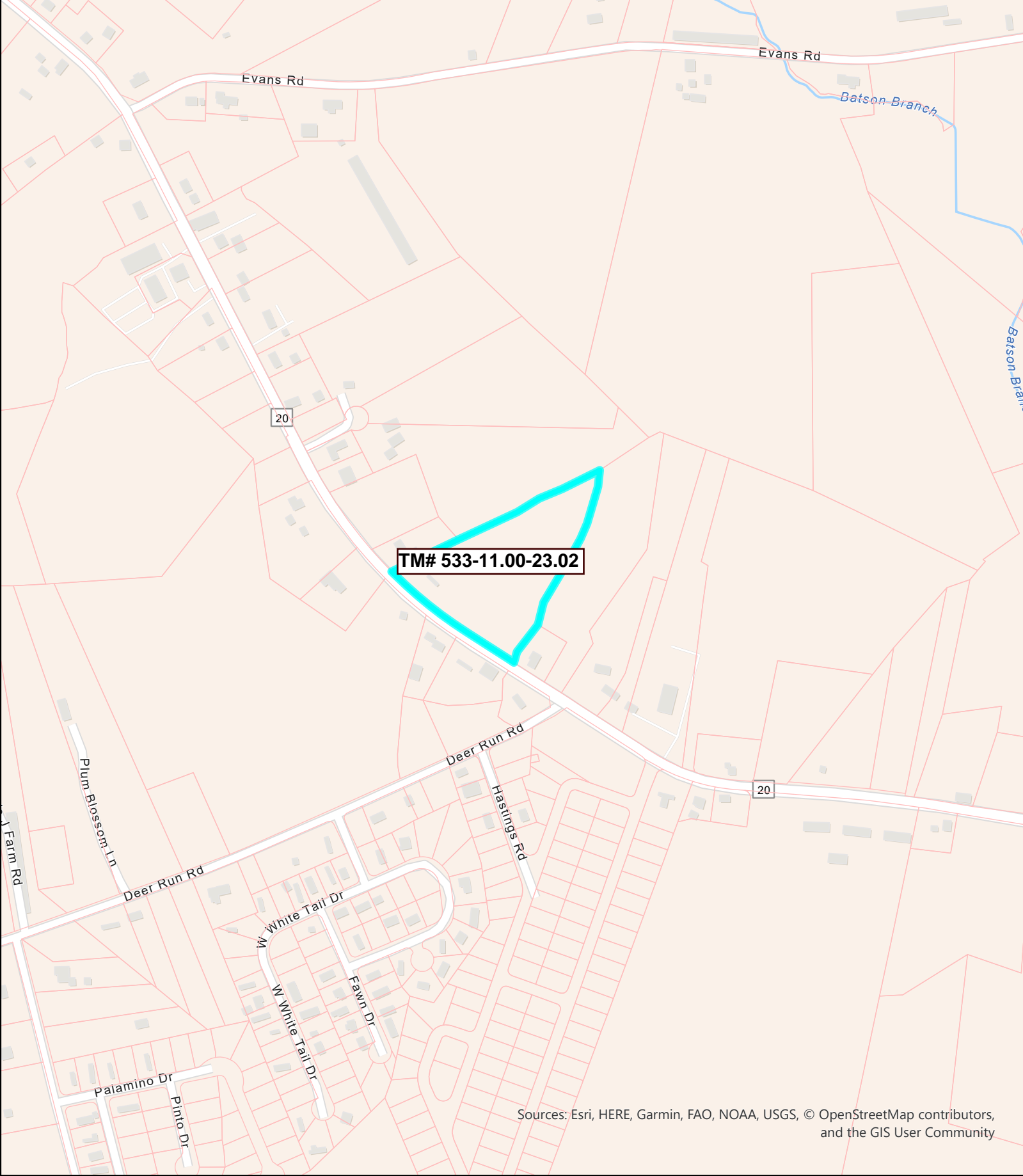
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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community,
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors,
and the GIS User Community

CU 2389 - AWH Properties, LLC
Aerial Map
TP# 533-11.00-23.02

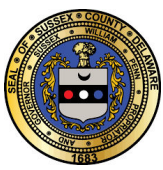
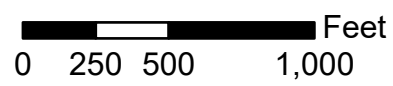




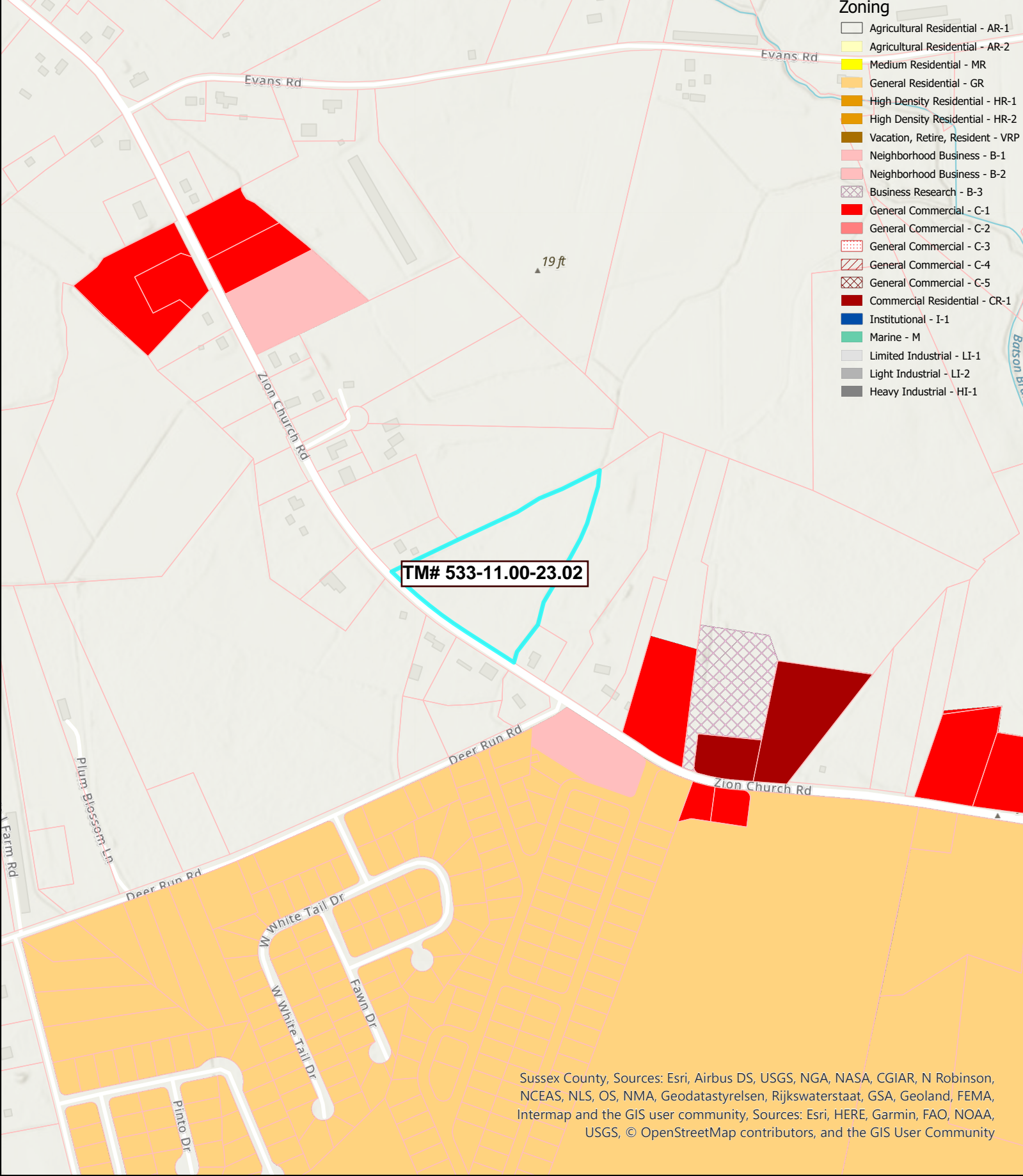
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Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CU 2389 - AWH Properties, LLC
Street Map
TP# 533-11.00-23.02



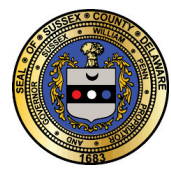
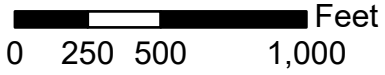
- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - Neighborhood Business - B-2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



TM# 533-11.00-23.02

Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CU 2389 - AWH Properties, LLC
 Zoning Map
 TP# 533-11.00-23.02



Introduced: 5/16/23

**Council District 4: Mr. Hudson
Tax I.D. No.: 533-11.00-23.02
911 Addresses: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS

WHEREAS, on the 11th of July 2022, a conditional use application, denominated Conditional Use No. 2389 was filed on behalf of AWH 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 Conditional Use No. 2389 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2389 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast side of Zion Church Road (Rt. 20), approximately 275 feet northwest of Deer Run Road (S.C.R. 388), and being more particularly described in the attached legal description prepared by Davis , Bowen, & Friedel, Inc., containing 6.95 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: March 1, 2024

RE: County Council Report for C/Z 1993 filed on behalf of Ocean One Holdings, LLC

The Planning and Zoning Department received an application (C/Z 1993 filed on behalf of Ocean One Holdings, LLC) for a change of zone from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial Zoning District for Tax Parcel 235-8.00-39.00. The property is located on the west side of Coastal Highway (Rt. 1), and the southeast side of Broadkill Road (Rt. 16), at the intersection of Coastal Highway (Rt. 1) and Broadkill Road (Rt. 16). The parcel size is 64.85 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 10 reasons as outlined within the motion (copied below).

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

[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 1993 Ocean One Holdings, 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 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 64.85 ACRES, MORE OR LESS. The property is lying on the west side of Coastal Highway (Rt. 1), and the southeast side of Broadkill Road (Rt. 16), at the intersection of Coastal Highway (Rt. 1) and Broadkill Road (Rt. 16). 911 Address: N/A. Tax Map Parcel: 235-8.00-39.00 (p/o).

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's Exhibit Booklet, a copy of the DelDOT Service Level Evaluation Response, a copy of the Applicant's Traffic Impact Study, a copy of the DelDOT response to the Traffic Impact Study, and a copy of the Staff Analysis. Mr. Whitehouse stated that the Application received nine written comments, which were included in the Commission's paperless packet.

The Commission found that Mr. David Hutt, Esq. with Morris James, LLP, spoke on behalf of the Applicant, Ocean One Holdings, LLC; that also present were two principal owners, Mr. Joel Sens, Mr. Chris Kalil, and additionally, Mr. DJ Hughes, P.E. and Senior Traffic Engineer, with DBF, Inc. Mr. Hutt stated that the application relates to 64.8 acres, which amounts to the frontage along Rt. 16 and Rt. 1, Rt. 1 running left to right, and Rt. 16 going up and down; that the 50.7 acres making up the remainder of the property will remain as its current zoning of AR-1 (Agricultural Residential); that the property is located along the eastern side of Rt. 16, outside the Town of Milton; that the property lies at the intersection of Rt. 1 (Coastal Highway), and Rt. 16 (Broadkill Rd), and directly across from the Rookery Golf Course; that currently, DelDOT has a construction project underway at this location to install a grade-separated interchange for Rt. 1, to go over top of Rt. 16 (Broadkill Rd); that when looking at the Google Earth image, one can see the property is located at the corner of Rt. 1 and Rt. 16; that the Rookery Golf Course is directly across Rt. 1 on the Eastern side; that immediately to the south of the property is the Milton NAPA Auto Parts store; that to the west of the property is an assemblage of lands that is within an Agricultural Preservation District and the Smith Landing Campground situated along the river; that along Rt. 16 west toward the Town of Milton and the intersection of Reynolds Rd., is the Lockwood Design and Construction office, a self-storage facility adjacent to that and Frantic Frets Music and Antique store; that adjacent to that is Fuel Automotive; that north of Rt. 16 in close proximity to the site is the Eagles Nest facilities, whose uses include a church, a preschool and the elementary and middle school campuses for Delmarva Christian School; that to the north of that is the Deep Branch Family Campground; that between the church and the campground there is a proposed assisted living facility that the Planning Commission had approved a Preliminary Site Plan, with Final Site Plan approval currently being worked on; that to the northeast side of Rt. 1, across from the Rookery Golf Course is a GR (General Residential) subdivision, Grants Way; that to the east of the Rookery Golf Course is the subdivision, Woodfield Preserve; that presently there are no improvements to this property and it is currently used for agricultural purposes; that the property is within an area where there is a diverse amount of uses ranging from various businesses to schools, golf courses, churches, campgrounds and agricultural area; that this property has fewer residential areas with individual residences along Rt. 16 and some of the roads that come off of Rt. 16 and Rt. One but there are only two residential communities within close proximity; that many of the items discussed correspond with the appropriate zoning designation; that when one looks at the Zoning Map, one can see it is consistent with sound land use, by having commercial ventures, activities and zoning along intersections, like Rt. 1; that following Rt. 1, there is a C-1 (General Commercial), commercially zoned property at the intersection of Rt. 5, and another C-1 parcel located at the intersection of Deep Branch Rd and Rt. 1; that travelling south you will see another C-1 zoning at the Eagles Nest facilities, a commercial zone on both sides of Rt. 1 and Hudson Rd; that commercial zones continue on

the north to south and east to west side of Rt. 1 extending to Eagle Crest Rd and Cave Neck Rd; that the County has approved two more change of zone requests at Cave Neck Rd. and Rt. 1 for C-3 (Heavy Commercial) being for Chapel Farm, also known as C/Z 1982 and C-2 (Medium Commercial) for Alice Robinson, known as C/Z 1916; that the Future Land Use Map designates the property as being located within a developing area, which the County has designated as an area of growth; that the property is at the location of a major intersection within Sussex County; that DelDOT has listed Rt. 1 as principal arterial; that Sussex County Zoning Code classifies Rt. 1 as a major arterial roadway being one of three primary North-South corridors in the State of Delaware; that Rt. 16 is another primary road within Sussex County being an East-West corridor designated by DelDOT as a major collector; that the property is located at the intersection of major roadways recognized by both DelDOT and Sussex County; that currently, DelDOT is spending more than \$30 million to create a grade separated intersection at this location; that central water is available to this property through Artesian Water Company and sewer is available through Artesian Wastewater Management; that the Comprehensive Plan states that a growth area within appropriate intersections, commercial uses should be allowed within developing areas with good road access and few nearby homes should allow for business and industrial parks; that the Comprehensive Plan states that developing area infrastructure should have central water and sewer facilities; that all of these features of the Comprehensive Plan meet the description of the property and purpose of this application; that the Application's consistency with the description of developing areas and the comprehensive plan, the application is consistency with the purpose of the C-3 Zoning District as it sits along a major arterial road and the application is intended to serve local and regional residents as well as the traveling public; that the Office of State Planning Coordination publishes the state strategies for state policies and spendings regarding how the state views land use on the state strategies map, this property has been designated as being within Investment Level 3, which states the site is located in an area favorable for longer term planning and anticipation of future development; that for the property to be a C-3 zoning, it is required to be a minimum of one acre, a minimum of 75 feet wide, and a minimum of 100 feet deep, all of which this property meets; that the primary portion of the property does not contain wetlands; that the area at the southern tip of the property does show a wetland area; that if this application is successful, those wetlands would be formally delineated and the requirements of Sussex County's Resource Buffer Protection requirements would be applied and followed; that the majority of the property is not in a floodplain, however there is a potential for a portion to be within an AE designated area, but given its location, it would not impact any use or development; that there are no Chapter 89 Source Water Protection areas on the property, as there is no Wellhead Protection areas, nor does the property contain any Excellent Groundwater Recharge areas; that central water and sewer are available through Artesian Water Resources; that a Willing & Able letter to provide central water and sewer letter to this site was provided to Mr. Whitehouse from Artesian Resources; that a Service Level Evaluation request was sent to DelDOT and the report indicated that DelDOT, through its conversations with the developer, knew of potential uses, and with the size and acreage involved that a traffic impact study would be a requirement due to the impact on the traffic here; that as of December 26, 2023 a Traffic Impact Study Review Letter from DelDOT clarified the maintenance of the proposed service road and on/off ramps would be the state's responsibility moving forward; that Ocean's One Holdings, LLC acquired the property in 2019 at which time it was 120 acres; DelDOT acquired 4.5 acres in the northeast corner of the property as part of the grade separated intersection improvements; that since the acquisition DelDOT and the Applicant have had several discussions about the potential uses of the property in order to create a plan to incorporate improvements to the current grade separation as to prevent anyone from going back and reworking the entirety of it; that the application is the next step in that process; that they

requested the Commission look at the Traffic Impact Study and realize that this is a proposed concept; that the developer currently has no contracts or letters of intent and this is a conceptual vision for potential uses; that the Applicant's vision for the property is a retail and entertainment complex for not only local residents but tourists who travel the Rt.1 corridor; that the current Traffic Impact Study Review Letter relates to the entirety of the parcel, being the full 115 acres, and the subject request is only on just a portion of that property; that one of the key components of the Traffic Impact Study Review Letter is the offsite requirements that the developer will have; that some of which DBF, Inc. added into an image provided to show them if the application should be successful; that there are the DelDOT Development Coordination Manual Entrance and frontage improvements, the design and construction of a service road between Broadkill Rd and the southerly limits of the property, to which the service road will need to be built to State standards and dedicated to public use for this property and the property to the south of the service road will start at Rt. 16 and extend all the way to the southern boundary; that a service road is required at this location because Rt. 1 is included within DelDOT's Corridor Capacity Preservation Program; that a second requirement in the Traffic Impact Study Review Letter is the design and construction of a dual lane roundabout as the property's access point comes off of Rt. 16; that this would require a relocation of Ramp C, and it would be incorporated, going through the access point to Rt. 1; that the offsite improvements include an on/off ramp to and from the service road to Rt. 1 as a connection point, an all-way stop-controlled intersection with exclusive roads for the service road where it intersects with Rt. 1, a traffic signal installation and agreements at two intersections created by the grade-separated interchange and approximately \$105,000 contribution to the traffic signal revolving fund for potential future traffic light at Zion Church Rd along Rt. 16; that the last requirement is the closure of the third median South of Rt. 16 and Rt. 1 to prevent cross over traffic from one side to the other; that this is not a site plan review being presented, but rather DelDOT's off site improvement requirements; that when one adds all of the areas for the service road, the roundabout and the on/off ramps to Rt. 1, the total acreage is 7.8 acres of the site which is adequate for the service road; that design details have yet to be determined and this is only a potential concept; that the application is different from others because it allows road improvements to precede the improvements that would come from the site plans for change of zone since the grade separation is already under way; that the intended use of this property is in the nature of a business or commercial park and when looking to the surrounding area it is consistent with the references in the Comprehensive Plan; that there are few nearby homes, you have infrastructure improvements with traffic and it is located within a busy intersection; that this application has nine letters submitted, five of which are in support of the application; that the letters are from Representative Stelle Parker Selby, a representative from Milton, the Milton Chamber of Commerce, Kent Sussex Leadership Alliance, Southern Delaware Tourism and the Sussex Economic Development Action Committee, and for all of the stated reasons, the Applicant requests that the Planning Commission recommend to County Council that the change of zone application be approved.

Mr. Collins stated that since there are no specific plans and no specific businesses in place, the site could be anything commercial.

Mr. Roberston questioned if the Application had gone through PLUS.

Mr. Hutt stated that the project had not gone through PLUS because the requested zoning classification is consistent with the Comprehensive Plan and it does not qualify for the Office of State Planning to review it, but a site plan that exceeded 50,000 sq. ft. would require a PLUS review.

The Commission found that there were three people who wished to speak in support of C/Z 1993, Oceans One Holdings, LLC, and four people who wished to speak in opposition to the Application.

Mr. Scott Thomas, Executive Director for Southern Delaware Tourism, spoke in support of the Application regarding the opportunities with respect to tourism and promoting visitation and new entertainment for not only those who are traveling here but also those who already live here.

Ms. Karen Falk, Executive Director of the Milton Chamber of Commerce, spoke in support of the Application regarding the potential to significantly enhance our local economy, generate employment opportunities, increase consumer spending, and foster a dynamic business environment.

Ms. Karen Sposato, a resident of Milton, DE for 30 years, spoke in support of the Application regarding the project elevating the Milton region with much-needed shopping, entertainment, and lodging.

Mr. Naoto Kada, a property owner of Milton, DE for 25 years, spoke in opposition to the Application regarding the buffer zone for the project; that Mr. Kada stated his property sits directly across from the project location; that he had to give up 150 ft. of frontage to DelDOT and would like to have a buffer zone put in with heavy vegetation to minimize the noise from the heavy commercial zone.

Ms. Monique Fitzhugh, a property owner near the planned development, spoke in opposition to the Application regarding the idea that there is no plan in place for the development and that approving a change of zoning before knowing what the applicant is proposing would create problems as they are asking to change from agricultural to heavy commercial, leaving the possibilities open to anything from a theme park to a gas station.

Mr. Rich Barrasso spoke on behalf of Sussex Alliance for Responsible Growth, also known as SARG, in opposition to the Application regarding the concern of the safe travel along Rt. 1 due to the capacity being exceeded based on the current designs and that the plan to change zones to the highest use for C-3 without a plan in place for site development could lead to more issues as the project moves on.

Mr. Donald McLamb, a neighboring property owner, spoke in opposition to the Application stating that the reason there are no homes within close proximity to the site is because his wife's family, who owns the property next to it, has put about 300 plus acres into Farmland Preservation to keep it from being developed and continue farming it for life; that the family also owns the campground on that same property and has concerns about the increased traffic, access roads and environmental concerns that develop with a heavy commercial district such as the issue of runoff.

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 1993 Ocean One Holdings, LLC. Motion by Mr. Collins 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. Collins moved that the Commission recommend approval of C/Z 1993 for Ocean One Holdings, 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. 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.
2. The site has frontage along Route 1 and Route 16 at the intersection of those two significant roadways. Route One is identified as an “Other Principal Arterial” by DelDOT and a “Major Arterial Roadway” in the Sussex County Code. DelDOT identifies Route 16 as a “Major Collector”. This location is appropriate for C-3 zoning.
3. This site is the location of a grade-separated intersection (or overpass) that is being constructed by DelDOT with on-ramps and off-ramps. DelDOT and this developer have coordinated throughout the intersection design process about the design of this site and its access including an internal service road. This coordination has taken into account the possibility that this property would be rezoned to C-3. For all of these reasons, C-3 Zoning is appropriate for this property.
4. A Traffic Impact Study was required for this site by DelDOT, and DelDOT issued its Review Letter of that study on December 26, 2023. That Review Letter clarified the maintenance of the proposed service road and on- and off-ramps to the site. After taking into account the development of the entire property, DelDOT confirmed the proposed off-site road improvements will include, but not be limited to (1) typical entrance and frontage improvements; (2) design and construction of a service road between Route 16 and the southerly limits of the property; (3) design and construction of a dual-lane roundabout for the property’s access to Route 16 and an on-ramp to Route One; (4) design and construction of an on/off ramp to Route One; (5) construction of an all-way stop intersection where the service road intersects the Route One ramps; (6) traffic signal installation and agreements at two intersections created by the new Route One overpass; (7) closure of medians within Route One near the overpass; and (8) typical bicycle, pedestrian and transit improvements within the property and off-site.
5. The site will be served by central water and sewer.
6. Sussex County has anticipated the development of this particular site based upon the investment that DelDOT is making in the intersection there. According to the current Sussex County Comprehensive Plan, this site is designated as being in the “Developing Area” which is a “Growth Area”. It is one of the few areas in this part of Route One that anticipates a more intensive use while protecting the eastern side of Route One from more intensive development. This planning suggests that development beyond the current AR-1 zoning can occur in this specific location and C-3 zoning is appropriate here.
7. This application received support from several sources, including the Milton Chamber of Commerce, the Kent Sussex Leadership Alliance, Southern Delaware Tourism, the Southern Delaware Economic Development Action Committee, and State Representative Parker Selby. The theme of this support was summarized best by Representative Parker Selby, who stated that this is “a project that looks like smart growth with safety and the economy in mind.”
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. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
10. For all of these reasons, it is appropriate to recommend approval of this Change in Zone from AR-1 to C-3 at this location.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 1993 Ocean One Holdings, LLC for the reasons stated in the motion. Motion carried 5-0.

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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: December 14th, 2023

Application: CZ 1993 Ocean One Holdings, LLC

Applicant: Ocean One Holdings, LLC
179 Rehoboth Avenue Suite 1081
Rehoboth Beach, DE 19971

Owner: Ocean One Holdings, LLC
179 Rehoboth Avenue Suite 1081
Rehoboth Beach, DE 19971

Site Location: Located on the west side Coastal Highway (Rt. 1) and the south side of Broadkill Road (Rt. 16), approximately 1.67-mile(s) northwest of the intersection of Coastal Highway and Hudson Road (S.C.R. 258).

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

Proposed Zoning: Heavy Commercial (C-3) Zoning District

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Milton Fire Co.

Sewer: Artesian Water Company, Inc.

Water: Artesian Wastewater Management

Site Area: 64.855-acre(s) +/-

Tax Map ID.: 235-8.00-39.00



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: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: November 6, 2023
RE: Staff Analysis for CZ 1993 Ocean One Holdings, LLC

The purpose of this memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application CZ 1993 (Ocean One Holdings, LLC) to be reviewed at the December 14th, 2023, 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 235-8.00-39.00 to allow for a change of zone from an Agricultural Residential (AR-1) zoning district to a Heavy Commercial (C-3) zoning district. The property is lying on the west side of Coastal Highway (Rt. 1) and the south side of Broadkill Road (Rt. 16), approximately 1.67-mile(s) northwest of the intersection of Coastal Highway and Hudson Road (S.C.R. 258). A portion of the parcel containing 64.855-acres +/- out of 113.85-acres +/- is to be considered for this Change of Zone application.

Comprehensive Plan Analysis

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

As outlined within the 2018 Sussex County Comprehensive Plan, The Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental trends. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. – A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home (Sussex County Comprehensive Plan, 4-14).

Zoning Information



The parcel is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north, south, and west are also zoned Agricultural Residential (AR-1) Zoning District. The properties to the north and northeast across Coastal Highway have multiple zoning districts that contain General Commercial (C-1), General Residential (GR), and Agricultural Residential (AR-1) Zoning Districts.

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 Agricultural Residential Zoning District (AR-1) and the proposed zoning of Heavy Commercial (C-3) are listed as applicable zoning districts in the “Developing Area”.

Existing Change of Zones within the Vicinity of the Subject Property

Since 2011, there has been three (3) Change of Zone applications within a 1-mile radius of the application site.

Conditional Use No.	Applicant	Current Zoning	Proposed Zoning	CC Decision Date	Ordinance No.
1743	Charles & Cristy Greaves	AR-1	CR-1	3/25/2014	2342
1833	Eagles Nest Fellowship Church	AR-1	CR-1	11/28/2017	2535
1970	Eagles Nest Fellowship Church	AR-1	I-1	N/A (Withdrawn)	N/A



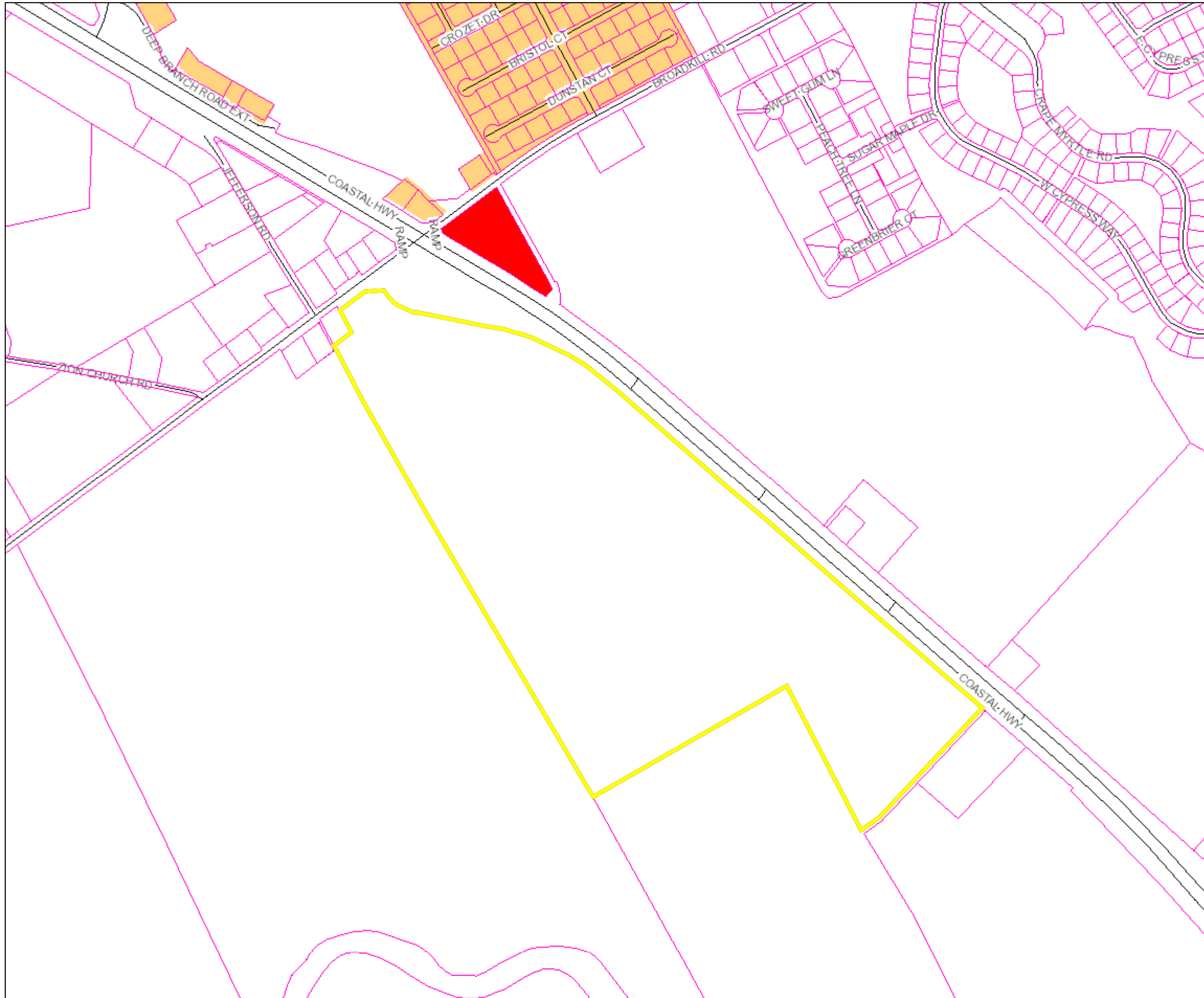
Site Considerations

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** This parcel is actively used for agricultural purposes and 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.):** A minor portion located in the southeast side of the subject parcel is located within the “AE” Flood Zone as well as the 0.2% Annual Flood Hazard Zone. The parcel is located within areas of fair and good groundwater recharge.

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



Sussex County



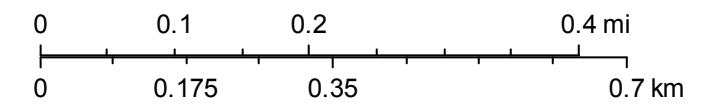
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Owner Name	OCEAN HOLDINGS LLC	ONE
Book	5128	
Mailing Address	179 REHOBOTH AVE STE 1	
City	REHOBOTH BEACH	
State	DE	
Description	RD DRAWBRIDGE TO	
Description 2	MILTON FX	
Description 3	N/A	
Land Code		

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 - Override 1
- polygonLayer**

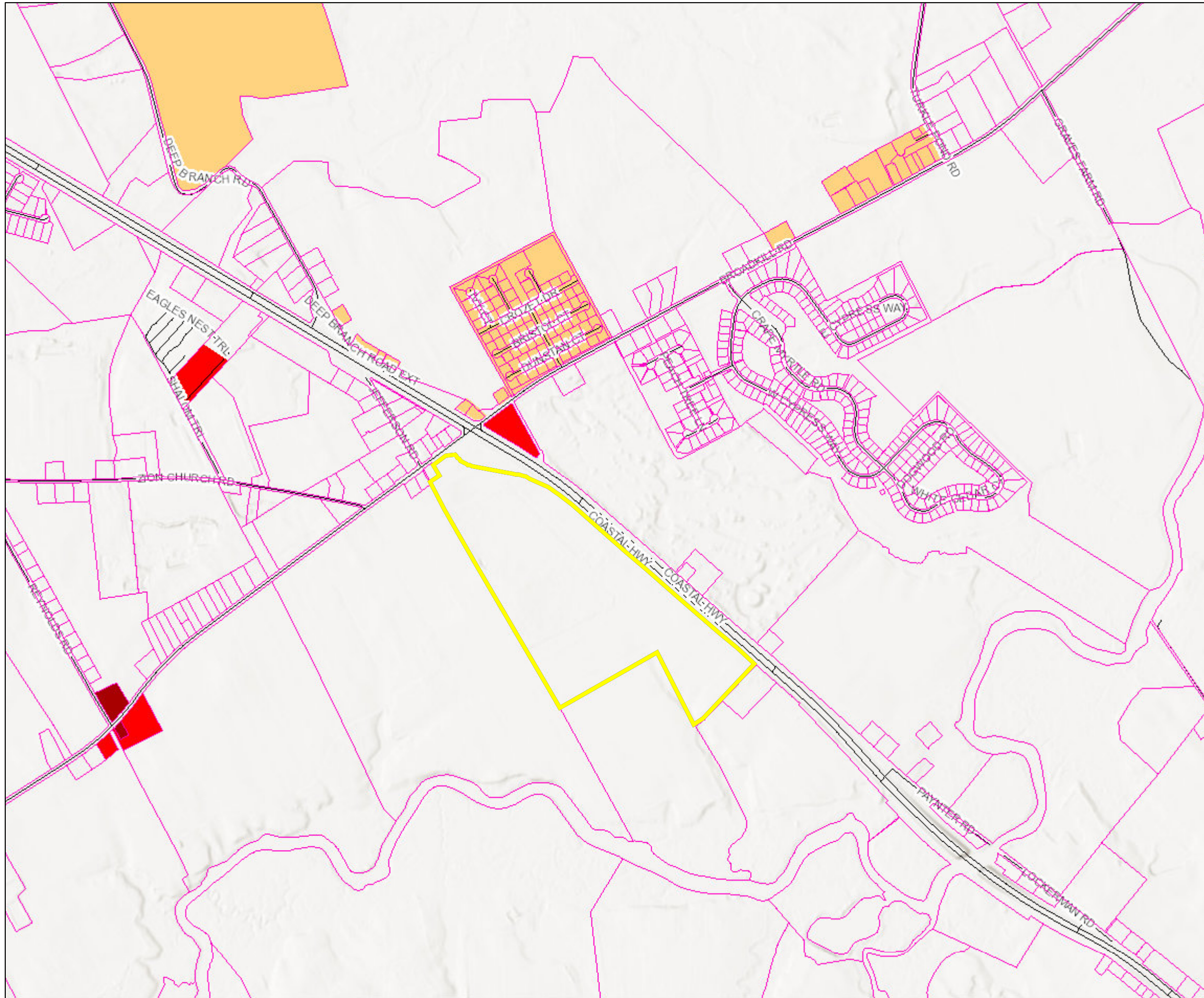
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- Tax Parcels
- Streets

1:9,028





Sussex County



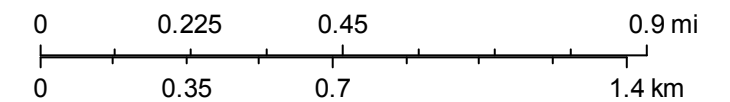
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Description 2	MILTON FX	
Description 3	N/A	
Land Code		

- polygonLayer

 - Override 1
- polygonLayer

 - Override 1
- ⋯ Tax Parcels
- Streets

1:18,056



Introduced: 02/21/23

Council District 3: Mr. Schaeffer
Tax I.D. No.: 235-8.00-39.00 (P/O)
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 64.85 ACRES, MORE OR LESS

WHEREAS, on the 21st day of September, 2022, a zoning application, denominated Change of Zone No. 1993 was filed on behalf of Ocean One Holdings, LLC; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1993 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-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 parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the west side of Coastal Highway (Rt. 1) and the southeast side of Broadkill Road (Rt. 16) at the intersection of Coastal Highway (Rt. 1) and Broadkill Road (Rt. 16) and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt, LLC., said parcels containing 64.85 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.

To Be Introduced: 3/5/24

Council District 2: Mrs. Green
Tax I.D. No.: 430-17.00-15.17
911 Address: 14477 Deer Forest Road, Bridgeville

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (5 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.56 ACRES, MORE OR LESS

WHEREAS, on the 9th day of February 2023, a conditional use application, denominated Conditional Use No. 2425 was filed on behalf of Nasir Mahmood; 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. 2425 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. 2425 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Nanticoke Hundred, Sussex County, Delaware, and lying on north side of Deer Forest Road (S.C.R. 565) approximately 0.29-mile northwest of Cedar Corners Road Road (S.C.R. 638) and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A., said parcel containing 2.56 acres, more or less.

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

To Be Introduced: 3/5/24

Council District 1: Mr. Vincent
Tax I.D. No.: 331-3.00-186.00
911 Address: 22540 Bridgeville Highway, Seaford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL BUILDING FOR OUTPATIENT SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.24 ACRES, MORE OR LESS

WHEREAS, on the 10th day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2439 was filed on behalf of Eric Johnson; 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. 2439 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. 2439 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 Seaford Hundred, Sussex County, Delaware, and lying on the west side of Bridgeville Highway (S.C.R. 13) approximately 0.85 mile southwest of Sussex Highway (Rt. 13) and being more particularly described in the attached legal description prepared by Aleman Echevarria Attorneys at Law, said parcel containing 2.24 acres, more or less.

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

To Be Introduced: 3/5/24

Council District 4: Mr. Hudson

Tax I.D. No.: 134-17.00-6.00

911 Address: 37985 Muddy Neck Road, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRE, MORE OR LESS

WHEREAS, on the 29th day of March 2023, a zoning application, denominated Change of Zone No. 2008 was filed on behalf of DTN Properties, 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. 2008 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 B-2 Business Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the east side of Muddy Neck Road (S.C.R. 361), at the intersection of Muddy Neck Road (S.C.R. 361) and Butler Boulevard, approximately 200 feet north of Parker House Road (S.C.R. 362), and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A., said parcel containing 0.50 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.