



Sussex County Council Public/Media Packet

**MEETING:
September 20, 2022**

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

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

SEPTEMBER 20, 2022

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes – August 30, 2022

Reading of Correspondence

Public Comments

Consent Agenda

1. Use of Existing Sewer Infrastructure Agreement, IUA 1141 (Revised)
Scenic Manor, Mulberry Knoll Area

Todd Lawson, County Administrator

1. Administrator's Report

Hans Medlarz, County Engineer

1. EMS Public Safety Building, Project C19-04
 - A. Change Order 17
2. George, Miles & Buhr, Inc. - Architectural Services Contract
 - A. Approval of Amendment No. 4, Medic Stations 101, 103 & 111



3. Ellendale Water District, Project W20-17

A. Balancing Change Order & Substantial Completion

Mark Parker, Assistant County Engineer

1. Delaware Coastal Business Park Improvements, Project A21-11

A. Change Order No. 1

John Ashman, Director of Utility Planning & Design Review

- 1. Request to prepare and post notices Terrapin Island Annexation into the Sussex County Unified Sanitary Sewer District (Angola Neck Area)**

Old Business

1. Conditional Use No. 2300 filed on behalf of MRBP, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 56.93 ACRES, MORE OR LESS” (property lying on the southwest side of McCary Road [S.C.R. 385], approximately 857-ft south of Frankford School Road [S.C.R. 92]) (911 Address: N/A) (Tax Parcels: 533-5.00-38.00 & 41.04)

Grant Requests

- 1. United Way of Delaware Inc. for Delaware Goes Purple program on behalf of Sussex County Health Coalition**
- 2. Western Sussex Chamber of Commerce Inc. for their Broad Creek Bike and Brew event**
- 3. Delaware Botanic Gardens, Inc. for their 2022 Annual Fundraising dinner**

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,900,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”

USDA Loan Resolution for Herring Creek Area

Conditional Use No. 2311 filed on behalf of Phillip Jackson

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.83 ACRES, MORE OR LESS” (property lying on the northwest side of Robinsonville Road [S.C.R. 277], approximately 960 feet south of Cedar Grove Road [S.C.R. 283]) (911 Address: 18968 Robinsonville Road, Lewes) (Tax Parcel: 334-11.00-6.00)

Conditional Use No. 2312 filed on behalf of G. Fedale

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.65 ACRES, MORE OR LESS” (property lying on the north side of DuPont Blvd. [Rt. 113], approximately 730 feet northwest of Speedway Road [S.C.R. 325]) (911 Addresses: 24207 & 24217 DuPont Boulevard, Georgetown) (Tax Parcel: 133-2.00-38.00)

Conditional Use No. 2313 filed on behalf of John Ford

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REALTY OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS” (property lying on the southeast side of Savannah Road [Rt. 9] approximately 0.16 mile northeast of Wescoats Road [Rt. 12]) (911 Address: 1528 Savannah Road, Lewes) (Tax Parcel: 335-12.06-49.00)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on September 13, 2022 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, AUGUST 30, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 30, 2022, at 1:15 p.m., in Council Chambers, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 411 22
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 of the August 23, 2022 meeting were approved by consensus.

**Corres-
pondence**

There was no correspondence.

There were no public comments.

**Public
Comment**

Mr. Lawson reported that there were two considerations for committee appointments. The first one being a reappointment of Ms. Antoinette Wright-Johnson to the Sussex County Advisory Committee on Aging and Adults with Physical Disabilities for District 5. Mr. Lawson noted this is a reappointment for two years.

**Reappoint-
ment/Aging
Committee**

**M 412 22
Approve
Appointm-
ent/Aging
Committee**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson that be it moved that the Sussex County Council approve the reappointment of Ms. Antoinette Wright-Johnson to the Sussex County Advisory Committee on Aging and Adults with Physical Disabilities effective immediately for a term of two years.

Motion Adopted: 5 Yeas.

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

Reappointment/Personnel Board

Mr. Lawson reported that it is being recommended to reappoint Kathy Newcomb to the Personnel Board for a three-year term.

**M 413 22
Approve
Appointment/Personnel Board**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that be it moved that Sussex County Council approves the reappointment of Ms. Kathy Newcomb to the Sussex County Personnel Board effective immediately for a term of three years.

Motion Adopted: 5 Yeas.

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

**Disposition of County Property/
Park Avenue**

Mr. Lawson discussed disposition of County owned property that consists of multiple properties in the area of the Delaware Coastal Airport along Park Avenue. The disposition is required for the Delaware Department of Transportation's (DelDOT) preferred realignment of Park Avenue around the Airport. There are several properties involved and DelDOT is either acquiring fee simple title or an easement for access.

The respective tax parcel IDs are: 135-15.00-138.00; 135-20.00-75.00; 135-20.00-152.01; 135-20.00-153.00; and 135-20.00-154.03. In total, it is a fee acquisition of less than 3 acres from DelDOT.

Per the County Property Disposition Policy, County Directors were asked if they had a need for the properties and they do not.

The Park Avenue realignment is a joint effort between DelDOT, and Sussex County. The Park Avenue project will improve traffic around Georgetown and will ultimately allow the County to extend Runway 4-22 at the Delaware Coastal Airport.

Through the appraisal process, DelDOT estimates the value of its acquisitions from Sussex County to be worth approximately \$109,000. However, given the benefits to the County and DelDOT's commitment to construct necessary road improvements in Phase II of the Park Avenue project including two entrance ways to the business park, the County will donate the property to DelDOT to forego the acquisition payment.

**M 414 22
Approve
Disposition of County**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that Sussex County Council approves the disposition of certain pieces of land associated with Park Avenue realignment Phase 2 being

Property/
Park
Avenue

performed by the Delaware Department of Transportation for the respective tax parcels addressed during the presentation.

Motion Adopted: 5 Yeas

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

Adminis-
trator's
Report

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for July 2022 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 191 troopers assigned to Sussex County for the month of July.

2. Delaware Animal Services Performance Report – First Quarter

The Delaware Animal Services Performance Report for the second quarter of 2022 is attached listing the total number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 1,539 calls for service in the second quarter for Sussex County.

3. Sussex County – DeIDOT Permit Tracker

I am pleased to announce that the international Urban and Regional Information Systems Association (URISA) announced the County as a winner of its Exemplary Systems in Government (ESIG) award for enterprise systems for a custom online portal that tracks building permits and road improvements in Sussex County. The portal allows the County and the Delaware Department of Transportation (and anyone else using the public product) to view real-time information on projects, specifically agreements for triggering road improvements based on the number of building permits issued for new housing.

The GIS-based application, developed in 2021 by the County's Geographic Information office, DeIDOT, and the Delaware Information Technology department, aims to bridge the

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

information gap between the State, responsible for managing roads, and the County, which governs land use.

Congratulations to Mrs. Megan Nehrbas and her staff along with DelDOT staff for their efforts in achieving this award.

4. Council Meeting/Holiday Schedule

A reminder that Council will not meet on Tuesday, September 6th or Tuesday, September 13th. The next regularly scheduled Council meeting will be held on Tuesday, September 20th at 10:00 a.m.

County offices will be closed Monday, September 5th, for the Labor Day holiday.

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

**ESRI
Enterprise
Agreement**

Megan Nehrbas, Senior Manager of GIS presented a ESRI Enterprise Agreement for Council's consideration. Mrs. Nehrbas discussed the functions of the Geographic Information Office.

Mrs. Nehrbas explained that the County typically renews the licensing agreement annually through the State contract. However, due to the County's growth, usage patterns and overall critical dependencies throughout County departments as well as public face applications, it is being recommended to move into an enterprise agreement. This agreement will accommodate the growth and provides a cost saving. A full rehost of the entire architecture is needed due to servers being outdated.

Mrs. Nehrbas showed the departments within the County that have critical GIS dependencies. The ESRI portals allow staff to bring in feeds from other agencies such as weather reports, watches, and warnings as well as overlay with internal information such as 911 calls. Post storm, the ESRI portal is used to quickly collect and assess storm damage which impacts the ability to apply and qualify for FEMA funding. Another internal use is damage prevention. Miss Utility tickets are put through the system so that they can be tracked, monitored, and automatically assigned to the field crew.

Mrs. Nehrbas provided a graph showing the public facing usage growth

**ESRI
Enterprise
Agreement
(continued)**

which continues to increase.

Mrs. Nehrbas explained how the ESRI products are used as a collaboration with State agencies.

Mrs. Nehrbas shared a report of savings examples. She added that the overall savings will be based on usage.

**M 415 22
ESRI
Enterprise
Agreement**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved that Sussex County Council enter into an Enterprise License Agreement with ESRI at the recommendation of IT and GIO for a three-year commitment for a price not to exceed \$140,000 per year.

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/
Ordinance
No. 22-05/
CZ1949/
CU2304**

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented Ordinance No. 22-05, CZ1949 and CU2304 filed on behalf of J.G. Townsend Jr., Co. Mr. Whitehouse reminded Council that at the last County Council meeting, action was deferred for further consideration after closing the record.

The gavel was given to Mr. Hudson.

Mr. Vincent stated that he has a concern about the right-of-way issues that were brought up by Mr. Schaeffer and referenced during the public hearing. Mr. Vincent added that the record was not left open.

Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-12.00-16.04”.

**M 416 22
Defer
Action/
Ordinance
No. 22-05**

A Motion was made Mr. Vincent, seconded by Mr. Hudson to defer action, and ask Mr. Moore to research and draft a suitable condition to protect the right-of-way.

The gavel was given back to Mr. Vincent.

Mr. Schaeffer expressed a concern that the issue discussed is not in the purview of the County Council and whether or not action should be delayed on an applicant’s project. Mr. Vincent replied that he believes that there is purview. In addition, there was confusion by both parties of where the

**M 416 22
Defer
Action/
Ordinance
No. 22-05
(continued)**

right-of-way was located. Mr. Moore reported that typically, the County does not get into private agreements between parties unless they are known. In this case, it is known, and it would be appropriate to have a condition drafted that would address the issue. Mr. Moore added that the record was not left open to bring more information forward.

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/
CZ1949**

Mr. Whitehouse 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 MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS” filed on behalf of J.G. Townsend Jr. & Co.

**M 417 22
Defer
Action/
CZ1949**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson to defer action, and ask Mr. Moore to research and draft a suitable condition to protect the right-of-way.

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/
CU2304**

Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (84 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.62 ACRES, MORE OR LESS” filed on behalf of J.G. Townsend Jr. & Co.

**M 418 22
Defer
Action/
CU2304**

A Motion was made by Mr. Vincent, seconded by Mr. Hudson to defer action, and ask Mr. Moore to research and draft a suitable condition to protect the right-of-way.

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 419 22
Rehoboth Beach
Historical
Society**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,500 (\$1,500 from Mr. Schaeffer's Councilmanic Grant Account) to Rehoboth Beach Historical Society for the Rehoboth Beach Museum's 150th Anniversary Exhibit.

Motion Adopted: 5 Yeas

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

**M 420 22
Chamber of
Commerce
for Greater
Milford, Inc.**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give \$500 (\$500 from Mrs. Green's Councilmanic Grant account) to Chamber of Commerce for Greater Milford, Inc. for their Riverwalk Festival.

Motion Adopted: 5 Yeas

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

**M 421 22
Town of
Greenwood,
Inc.**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,000 (\$1,000 from Mrs. Green's Councilmanic Grant Account) to the Town of Greenwood Inc. for a playground handicap upgrade.

Motion Adopted: 5 Yeas

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

**M 422 22
Great
Futures
Fund**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$2,500 (\$1,250 from Mr. Rieley's Councilmanic Grant Account and \$1,250 from Mr. Hudson's Councilmanic Grant Account) to Great Future Funds for their Great Futures Gala for the Oak Orchard/Riverdale Boys and Girls Club 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 423 22
Laurel
Women's
Civic Club**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$250 (\$250 from Mr. Vincent's Councilmanic Grant Account) to Laurel Women's Civic Club for Wreathes Across America project.

Motion Adopted: 5 Yeas

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

**M 424 22
American
Cancer
Society**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,500 (\$300 from each Councilmanic Grant Account) to American Cancer Society Inc. for Relay for Life of Sussex County.

Motion Adopted: 5 Yeas

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

**Council
Members'
Comments**

A discussion was held regarding the 5th District Council member race.

Mr. Moore read the procedures for public hearings on zoning matters.

**Public
Hearing/
CU2309**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS" (property lying on the north side of Coastal Highway [Route 1] approximately 0.14 mile southeast of Deep Branch Road [S.C.R. 234]) (911 Address: 12537 Coastal Highway, Milton) (Tax Parcel: 235-8.00-62.00)

The Planning and Zoning Commission held a Public Hearing on this application on July 28, 2022, and on August 11, 2022, the Planning & Zoning Commission recommended approval of the application for the six reasons stated and subject to the eight recommended conditions.

(See the minutes of the Planning and Zoning Commission dated July 28 and August 11, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Ms. Mackenzie Peet, Esq., with Baird Mandalas Brockstedt Federico & Cardea, spoke on behalf of the Application; that Rockswitch Properties, LLC submitted a Conditional Use application on August 13, 2021, to request the Conditional Use of land for a small office space, located within the AR-1 (Agricultural Residential) Zoning District; that the office space is proposed for their real estate services, property management and construction business out of an existing single family dwelling located on the property; that adjacent properties to the site are

**Public
Hearing/
CU2309
(continued)**

zoned AR-1 (Agricultural Residential) and GR (General Residential); that properties located across the street are zoned C-1 (General Commercial); that these properties, located along the southbound side of Rt. 1 include the Valero Gas Station and an auto repair shop; that the applicant appeared before the Planning and Zoning Commission on July 28, 2022; that on August 11, 2022, the Commission recommended approval for the Conditional Use application; that the Applicant request the Council recommend approval for the proposed Conditional Use of an office for Rockswitch Properties, LLC's real estate service, property management and construction business; that the Applicant is okay with the conditions provided by the Planning and Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 425 22
Adopt
Ordinance
No. 2881/
CU2309**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to Adopt Ordinance No. 2881 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS" for the reasons given by the Planning and Zoning Commission and conditions as follows:

1. The site was previously approved as a Conditional Use for a marine sales business at this location. This Application is for a less intensive use as a real estate service business office. There will not be any sales from the site. This Application is consistent with the previous use of the site for business and commercial purposes.
2. The Applicant intends to use the existing residential-style structure for a real estate services office.
3. The Applicant has stated that this site will only be used for real estate services, property management, and construction management uses and that a majority of the work will occur off-site. This is a low-impact use that is appropriate for this location.
4. The proposed use will not generate a significant amount of traffic, and it will not have any adverse effect on area roadways.
5. The proposed use is very limited in nature within the existing residential-style structure, and it will not have any adverse impact on neighboring properties or the community.
6. No parties appeared in opposition to this application.
7. This recommendation is subject to the following conditions:
 - a. The use shall be limited to use as an office within the existing structure for real estate services, property management, and construction management.
 - b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.

**M 425 22
Adopt
Ordinance
No. 2881/
CU2309
(continued)**

- c. The Applicant shall comply with any DelDOT entrance and roadway improvement requirements.**
- d. No parking shall be permitted in the front yard setback.**
- e. No outside storage of construction equipment, materials, or other items associated with the business shall be permitted. This site shall be used only as an office.**
- f. Any dumpsters or trash receptacles on the site shall be screened from the view of neighboring properties and roadways.**
- g. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.**
- h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas

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

**Public
Hearing/
CU2310**

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 FOOD PANTRY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.966 ACRES, MORE OR LESS” (property lying on the west side of Union Street Ext. [Rt. 5], approximately 0.24 mile south of Reynolds Pond Road [S.C.R. 231] (911 Address: 12898 Union Street Ext.) (Tax Parcel: 235-7.00-18.00)

The Planning and Zoning Commission held a Public Hearing on this application on July 28, 2022 and on August 11, 2022, the Planning & Zoning Commission recommended approval of the application for the nine reasons stated and subject to the twelve recommended conditions.

(See the minutes of the Planning and Zoning Commission dated July 28, and August 11, 2022.)

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Timothy Willard, Esq. spoke on behalf of the Application; that also present were Ms. Donna Murawski, President, Mr. Lawrence Bivens, Vice President and Ms. Barbara (Bobbi) Hemmings, Treasurer; that the Planning and Zoning Commission recommended approval; that there are no problems with any of the conditions given by the Planning and Zoning Commission; that the intention is to demolish the two sheds located in the back of the property which is a change in the findings; that Milton Community Food Pantry, Inc. is a 501(c)(3); that they currently serve about 50 families; that it is all run by volunteers; that there is a need for central storage in the area; that the request is for a food pantry; that

**Public
Hearing/
CU2310
(continued)**

they gather all of the food and distribute it once a week to those in need; that he requested to present a video on behalf of the Milton Food Pantry; that the video stated the mission began after a minister received a request for help from a mother and her children who had not eaten in over a day; that the minister supplied the mother and children food from her own pantry; that the next day the church began a food pantry ministry; that the property is located north of Milton along Union St. Extended; that the property is located within a Coastal Area which calls for a variety of uses; that the property is located within the GR General Residential Zoning District; that there is one house located on the property; that the site plan was shown; that the house will be used for the preparation and storage of the food; that the two sheds in the back will be demolished due to their condition; that there is a pole barn proposed on the site plan, to be used for food storage; that the applicant has purchased the property; that the DelDOT Service Level Evaluation (SLE) did not require a Traffic Impact Study (TIS); that an entrance only access is proposed at the northern section of the horseshoe driveway; that an exit only is proposed for the other entrance to the property; that there will be six extra parking spots in addition to the driveway for incoming cars; that the distribution will only be held one day a week from 9:00 a.m. until 1:00 p.m.

Ms. Donna Murawski spoke on behalf of the Application; that she is the President and Executive Director of the Milton Community Food Pantry; that since COVID, the distribution is done in a drive thru model where nobody gets out of their vehicle; that for the day of distribution the volunteers use a walkie talkie system; that as vehicles arrive, the volunteers relay how many people are in the family; that volunteers in the building bring out bags of food, which were already prepackaged for the family size in need; that the volunteers place the food in the vehicle; that the vehicle then leaves with their food; that the driveway can accommodate about 12 vehicles; that on distribution days, there will be volunteers at the entrance and exit of the site to help manage traffic flow; that on distribution day, there are about 12-15 volunteers present.

Mr. Timothy Willard, Esq. spoke on behalf of the Application; that the Planning Commission did find that this serves an essential public purpose; that it is limited in nature and would not adversely affect neighboring properties; that it is appropriate for the location; that the conditions that were imposed were limited to just distribution which indicates there will be no loitering; that there will be no parking along Route 5; that lighting shall be inward facing; that the dumpsters will be screened; that all storage will be indoors; that a lighted 2'x3' sign, located on the building is requested; that the Final Site Plan is subject to the review and approval of the Planning & Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 426 22
Amend
Findings/
CU2310**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to amend finding No. 6 to remove the following line “There are also existing garages on the property that will remain and be utilized for storage”.

Motion Adopted: 5 Yeas.

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

**M 427 22
Adopt
Ordinance
No. 2882/
CU2310**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to Adopt Ordinance No. 2882 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A FOOD PANTRY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.966 ACRES, MORE OR LESS” for the reasons and conditions given by Planning and Zoning as amended:

- 1. This use is for a community food bank serving the area around Milton and northeastern Sussex County. It is a 501(c)(3) organization that relies upon in-kind donations of canned and packaged goods and monetary donations.**
- 2. The food pantry began on a small scale in 2014. It grew to the point where it currently provides food to approximately 50 families, with an all-volunteer staff of 10-12 people. There is an established need for this service in this area of Sussex County.**
- 3. The food pantry has grown to the point where it needs a centralized building for storage, organization, and distribution. Currently, the food is stored in refrigerators, freezers, and garages in homes owned by volunteers. There is also outdoor storage at a community church. By having one centralized location, the Applicant will be able to operate more efficiently in an appropriate location.**
- 4. This proposed use satisfies the stated purpose for granting a Conditional Use: it has a public or semi-public character, and it is essential and desirable for the general convenience and welfare of Sussex County and its residents.**
- 5. This use will be limited in nature and will not adversely affect the neighboring properties or neighborhood. It will be a food pantry, or food storage and distribution center. No meals will be offered for consumption on-site and it will be prohibited from becoming a soup kitchen or similar operation. There was testimony in the record from the Applicant that the food pantry will only occur on limited days in any given week, and the process is very organized.**
- 6. The use is limited to the existing dwelling and that will be converted to offices and space to organize food donations for distribution and an additional pole building. The property will generally maintain its residential appearance at all times except for days when food distribution occurs. The pole building will also be permitted on the site for additional space to store food awaiting distribution.**

M 427 22
Adopt
Ordinance
No. 2882/
CU2310
(continued)

- 7. The location along Route 5, just north of Milton, is an appropriate location for this limited type of use. Route 5 is considered a major collector roadway by DelDOT, which makes it an appropriate location for this use.**
- 8. The property is in the Coastal Area according to the Future Land Use Map within the Sussex County Comprehensive Plan. The Coastal Area permits a variety of uses, including commercial uses that are more intensive than this food pantry.**
- 9. There were numerous letters in support of this operation at this location from the Town of Milton, area churches, the Milton Community Foundation, and other organizations and individuals supporting not only the need for this operation but also the proposed location for it. While there was opposition to the location of the food pantry, the stated concerns will be mitigated by the conditions placed upon this use.**
- 10. This recommendation is subject to the following conditions:**
 - A. The use shall be limited to a food pantry where donated food is collected for distribution. The food shall be distributed for off-site consumption only. No soup kitchen-type operations or food service for on-site consumption shall occur on the site.**
 - B. No loitering shall be permitted on the site, and there shall be signage on the site confirming that loitering is prohibited.**
 - C. As stated by the Applicant, food distributions shall only occur one day per week, and shall only occur between the hours of 9:00 a.m. through 1:00 p.m. This shall not prohibit the use of the building on other days to receive and organize donations for later distribution or for office use.**
 - D. The Applicant shall comply with all roadway and entrance improvement requirements established by DelDOT.**
 - E. The Applicant shall not permit parking along Route 5 or stacking of vehicles within the Route 5 Right of Way waiting to access the property. In addition to volunteers directing traffic, there shall be signage placed on the site confirming that no parking or stacking of vehicles shall be permitted along Route 5.**
 - F. There shall be parking for at least 6 client vehicles on the site in addition to the driveway area and parking for staff and volunteers. These parking spaces shall be shown on the Final Site Plan and clearly marked on the site itself. There shall also be directional signage installed throughout the site to direct the flow of vehicles to and from the site in an orderly manner.**
 - G. Any security lighting shall be designed so that it does not shine on neighboring properties or roadways.**
 - H. All dumpsters shall be screened so that they cannot be seen from area properties or roadways.**
 - I. All donations shall be stored indoors.**
 - J. One lighted sign, not to exceed 2 feet by 3 feet in size, shall be permitted on the building.**
 - K. The failure to abide by these conditions of approval may result in the termination of this Conditional Use.**

**M 427 22
Adopt
Ordinance
No. 2882/
CU2310
(continued)**

L. 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**

A Motion was made by Mr. Hudson, seconded by Mrs. Green to adjourn at 2:29 p.m.

**M 428 22
Adjourn**

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.}

ENGINEERING DEPARTMENT

| | |
|---------------------------|----------------|
| ADMINISTRATION | (302) 855-7718 |
| AIRPORT & INDUSTRIAL PARK | (302) 855-7774 |
| ENVIRONMENTAL SERVICES | (302) 855-7730 |
| PUBLIC WORKS | (302) 855-7703 |
| RECORDS MANAGEMENT | (302) 854-5033 |
| UTILITY ENGINEERING | (302) 855-7717 |
| UTILITY PERMITS | (302) 855-7719 |
| UTILITY PLANNING | (302) 855-1299 |
| FAX | (302) 855-7799 |



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John J. Ashman 
Director of Utility Planning & Design Review

RE: ***Existing Wastewater Infrastructure Use Agreement***
REVISED Scenic Manor – IUA 1141
File: OM 9.01

DATE: September 20, 2022

The Engineering Department requests approval of a revised agreement for the existing wastewater infrastructure use with **MKR Land Investment, LLC** for the **Scenic Manor** project in the Mulberry Knoll Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the revised arrangement, the **Scenic Manor** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **MKR Land Investment, LLC** will contribute **\$940,940.00** for the financial catch-up contribution of the existing infrastructure to serve **324.00** Equivalent Dwelling Units per the previously approved agreement but will add the design, construction and acceptance of offsite forcemain in Mulberry Knoll Road. Payment will be required on a phased approach based on number of building permits obtained. System Connection Charges in place at the time of building permit request will still apply.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Scenic Manor REVISED – IUA1141

THIS AGREEMENT (“Agreement”), made this 25 day of AUGUST 2022, by and between:

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

MKR LAND INVESTMENT, LLC a Delaware limited liability corporation and developers of a project known as **Scenic Manor**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as part-of Tax Map parcel 334-18.00-43.00 to be known as **Scenic Manor** (“Project”) and;

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

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

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect 324.00 additional equivalent dwelling units to County’s existing sanitary sewer system and to utilize the existing transmission capacity in said system, Developer agrees to financial catch-up contribution in the net amount of \$940,940.00 for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) First installment of the contribution in the amount of \$250,000.00 is due prior to the County’s building permit issuance of the 50th lot; and;
Second installment of the contribution in the amount of \$250,000.00 and the design of the offsite 6” forcemain along Mulberry Knoll Road to Route 24 is due prior to the County’s building permit issuance of the 101st lot; and;

Third and final installment of the contribution in the amount of \$440,940.00 and the installation & acceptance of the offsite 6" forcemain is due prior to the County's building permit issuance of the 201st lot.

- (5) All the conditions of this agreement must be disclosed to any and all third-party purchasers of the project and/or part of the project prior to the time of settlement.
- (6) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (7) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (8) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (9) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (10) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (11) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (12) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.

- (13) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.
- (14) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (15) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (16) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (17) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (18) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (19) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.

Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **260 Hopewell Road, Churchville MD 21028.**

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

FOR THE COUNTY:

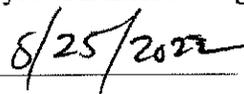
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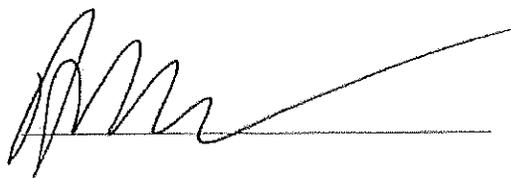
By: _____
(President - Sussex County Council)
_____ (DATE)

ATTEST:

Tracy N. Torbert
Clerk of the County Council

FOR MKR LAND INVESTMENT, LLC

By:  _____ (Seal)
Shawn Pyle - Authorized Signatory
 _____ (DATE)

WITNESS:  _____

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***EMS Public Safety Building – Project C19-04***
A. Change Order No. 17

DATE: September 20, 2022

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

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

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

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

Following the March Council presentation, the scope still evolved considerably due to design revisions and added design features. Consequently, GMB and its subconsultants exceeded the



previously approved allocations bringing the project to bid. GMB offered a discounted fee of \$75,000.00 to cover these services. In addition, they proposed a construction services fee of \$244,500.00. Overall, the professional services were well below 10% of construction, comparing favorably with industry standards and on August 10, 2021, County Council authorized issuance of GMB's Amendments No. 2 & 3 increasing the overall not to exceed amount to \$681,000.00.

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

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

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

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

The plenum needed to be either sprinkled or all materials had to be fire rated. The only material not meeting the rating was the water piping. The County requested the PVC piping for ease of maintenance and the mechanical subcontractor suggested to add fire rated insulation but switch the valving to PVC under a partial credit for a net Change Order No. 3 cost of \$13,554.94. In addition, the County EMS team had initiated a proposed Change Order No. 4 for air filtration system safety upgrades, paid for through American Rescue Plan Act funds in the amount of \$4,740.28. On November 20, 2021, County Council approved both change orders.

The Department and the contractor concluded the change order scope associated with the emergency mezzanine exit required a permit. The work was complex requiring scope modifications for eight (8) trades. The electrical trade also included some minor changes to the outlet configurations to accommodate the selected A/V equipment for a total \$58,245.80 which County Council approved under Change Order No. 5 on January 11, 2022.

The existing EOC allegedly had dual primary electric power feeds based on original design drawings, staff recollection as well as DP&L records. Upon examination of the actual EOC transformer by DP&L, it was determined that the facility had only one feed. Prior to that, the electrical sub-contractor had initiated some limited conduit installations, Council issued a reimbursement Change Order No. 6 in the amount of \$1,905.85.

However, for the project to proceed, DP&L and the County's General Labor & Equipment contractor had to extend primary power to the existing transformer from the opposite side of Rudder Lane. In addition, the transformer and generator location for the building was revised, as

well as vehicle charging circuits added. These changes were priced out and approved by Council on March 1, 2022, under Change Order No. 9 in the amount of \$56,830.98.

In December 2021, following a detailed Miss Utility locate, the Team recognized that there were conflicts between the proposed gravity storm drainage pipe and the existing high voltage lines off site. The stormwater management design had the stormwater pipe system crossing the intersection of Airport Road and Aviation Avenue. Close examination revealed that this crossing was not plausible as the stormwater pipe intersected approximately eight other utilities primarily high voltage electric lines and sewer force mains at different elevations.

While investigating stormwater options, two existing roof drainage pipe conflicts came to light. The combination of both these impacts required a re-work of the entire grading plan, along with the redirection of the storm drainage piping along Airport Road. The Department and the contractor agreed on the scope and pricing, including the required fill and on March 1, 2022, Council issued the associated Change Order No. 7 in the amount of \$62,924.75.

In the filling process of “Lake Thomas”, unsuitable soils were encountered. The site work contractor undercut these areas and restored them with suitable materials. This work was performed on a time and materials basis under Change Order No. 11. Also covered under this request is an adjustment to a drop ceiling and bulkhead location in the corridor leading to the northside of the existing EOC building. On March 22, 2022, Council accepted Change Order No. 11 in the amount of \$5,427.58.

Bancroft had submitted RFI#44 seeking clarification regarding the EOC kitchen renovations due to a lack of existing condition documentation on the mechanical drawings and insufficient detailing of connections. GMB’s plan envisioned an open ceiling concept with cabinet & countertop which was unable to incorporate the two roof drains in the existing exercise room and kitchen. With an acceptable resolution plan needed, the Department worked with Bancroft and developed the attached “Owner Resolution Plan No.3 addressing the existing conditions and on March 22, 2022, Council accepted credit Change Order No. 12 in the amount of (\$15,118.52).

The heating and hot water systems were designed based on availability of natural gas. Chesapeake Utilities’ service extension project from the Coastal Business Park to Rudder Lane is delayed and may not be ready at the time of building commissioning. The utility directed us to seek an interim solution using their subsidiary, Sharp Energy, which already supplies propane to the Joint Maintenance Facility under this arrangement. The Engineering & Finance Departments developed a purchase order, and the line is installed.

Due to a conflict in the existing lobby, the stud wall had to be extended alongside the existing beam, allowing the proposed wall to bypass the structural steel. Bancroft submitted PCO #013 to modify said exterior stud wall framing and to extend the drywall and batt insulation to the structure in the rooms. Team EMS had made this request for sound attenuation based on sensitive medical discussions. For the extension of the drywall and batt insulation, the price per unit is \$11.57/sf of wall in the event more rooms are added. On May 17, 2022, County Council approved Change Order No. 13 in the amount of \$16,711.84 and the unit of \$11.57/sf.

The EOC staff has made the Engineering Department aware of issues with the State Police IT equipment server room. The room is overheating frequently because equipment has been added over time. This room is the only server room w/o a dedicated source of cooling.

J.T. Richardson is the mechanical subcontractor for Bancroft working on the Public Safety Building. They were working for the County directly with the concurrence of Bancroft and in March 2022 when we issued an on-call mechanical PO for urgent repairs at the Complex. We advised Council on May 17, 2022, that we would follow this same approach in this case based on the same hourly rates and agreed upon mark-ups.

On June 21, 2022, County Council approved Change Order No. 14 in the aggregate amount of \$26,371.68 addressing the modifications listed below:

1. Special floor tile color selection.
2. Separation of the decorative architectural wall from one to two location.
3. Back-up cooling tower protection by bollards.
4. Structural modifications to the he primary cooling tower support.
5. Roof membrane boots to cover penetrations in six (6) locations.
6. Additional epoxy coating.
7. Lobby storefront modifications.

Change Order No. 15 is the result of RFI-60 and a field change for the gutter support in the mechanical well of the sloped roof system. The latter was needed to build out the wall section around the well to allow the installation of the gutter system. RFI-60 exposed an issue related to the door jams of the overhead door in the logistics warehouse. The original approach left an exposed brick veneer edge which was addressed by adding a secondary steel channel on each jam. On July 26, 2022, Council approved Change Order No. 15 in the aggregate amount of \$11,357.87.

The EMS team requested modifications to the room signage in February of 2022. It went through several iterations reducing the costs. The final version, Change Order 16, was approved by Council on August 23, 2022, in the amount of \$2,361.79.

The Department is now presenting Change Order No. 17 for Council's consideration. It is the result of several RFI's, material lead-time issues, and modifications to avoid conflicts during construction.

1. In an effort to maintain adequate height in the Circuit Training Room for use of a stair climber with ample head room, the suspended acoustic ceiling baffles were deleted resulting in a credit, but the suspended linear light fixtures had to be changed to a slim line model.
2. The lead time for the approved Wayne Dalton Door was 20 weeks after confirmation of the actual opening which would lead to an open building during winter. The Overhead Door product has a current lead time of 10 weeks. We received a letter from the sub-contractor (attached) explaining why they field measure the exact opening before placing the order for the for doors. Therefore, we propose to change suppliers for the three (3) overhead doors located at the Operations Garage side of the facility. The operator was also changed from a drawbar trolley mechanism to a side drive which will reduce the amount of bracketing and supports required for the operator and will allow for the door to be manually operated via a chain.

3. On August 7th, 2022, a vehicle fleeing from Georgetown PD, headed Eastbound on Airport Rd, failed to navigate the turn near the intersection of Aviation Ave. In doing so the vehicle damaged 84' of construction fence which needed to be replaced.
4. The EOC and State Police Mobile Command Unit (MCU) cabinets had to be relocated from its current position to a location closer to the building to accommodate the visitor parking lot.
5. The rigging of the flagpole specified in the construction documents was going to conflict with a pole mounted LED light fixture. Therefore, the flagpole model was changed to an external halyard type to avoid the conflict. The cost shown in this change order represents the price increase in material since the quotation was received for the basis of design.
6. Associated with item 4 above, this item is regarding the extension of the decorative fence to enclose the MCU Cabinet and existing condensing units on the East side of the building within the staff only area of the facility.
7. For optimal clearance for the roof access ladder, ductwork had to be re-routed from the planned location requiring extra fittings and straight duct.
8. In order to maintain the desired ceiling heights in the offices and rooms around the perimeter of the Logistics Warehouse, several HVAC transfer ducts and grilles were deleted from the scope of work, resulting in a credit. The purpose of the transfer duct and grille is to allow outdoor being delivered into the room, a path back to the nearest return grille. However, when dealing with low air volumes, it is acceptable to utilize the undercut between the floor and bottom of the door as the “relief air path” allowing the outdoor air a path back to the unit.

Therefore, the Department request Council’s approval of Change Order No. 17 in the aggregate amount of \$30,089.13.



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

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

DRAFT

Prime Contract Potential Change Order #016: CE #057, 058, 060, 061, 062, 066, 068 & 069

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

POTENTIAL CHANGE ORDER TITLE: CE #057, 058, 060, 061, 062, 066, 068 & 069

CHANGE REASON: No Change Reason

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)
CE #057 - Circuit Training Room Ceiling Changes

CE #058 - Over Head Door Change

CE #060 - Replace Damaged Temporary Fence

CE #061 - MCU Cabinet Pad
Concrete Pad for MCU Cabinet per Thompson CO #8

CE #062 - Additional Cost for Flagpole Change
Change (3) Flagpoles from 1SC30C61SAT to ESS30D51SAT

CE #066 - Fence Extension

CE #068 - Roof Ladder & HVAC Conflict

CE #069 - Mezzanine Room Plenum and Steel Conflict

ATTACHMENTS:

MCU Cabinet.png Screen Shot 2022-08-26 at 11.13.07 AM.png Sussex County Building Add-On Quote.pdf PCO #7 - RFI #71 Mezzanine Rm Plenum Ceiling & S Steel Conflict.pdf PCO #6 - RFI #69 Roof Ladder & HVAC Conflict.pdf Fence Extension Sketch.pdf CO-00002-Sussex County Public Safety Building - Contract.PDF COR #8 MCU CABINET PAD-SUSSEX PUBLIC SAFETY BUILDING.pdf TEMP Fence Quote.pdf 1313_220727143307_001.pdf

Table with 5 columns: #, Cost Code, Description, Type, Amount. Contains 2 rows of data for electrical and gypsum board work.



| # | Cost Code | Description | Type | Amount |
|---|----------------------------|---|---|--------------------|
| 3 | 08-360 - Overhead Doors | | Subcontract | \$4,005.00 |
| 4 | 01-561 - Temporary Fence | | Other | \$1,950.00 |
| 5 | 02-001 - Site Construction | MCU pad | Subcontract | \$2,495.50 |
| 6 | 10-350 - Flagpoles | change 3 flag poles to model #ESS30D51SAT | Subcontract | \$1,200.00 |
| 7 | 02-820 - Fences and Gates | | Subcontract | \$13,895.00 |
| 8 | 15-001 - Mechanical | | Subcontract | \$3,416.00 |
| 9 | 15-001 - Mechanical | | Subcontract | \$(2,182.00) |
| | | | Subtotal: | \$27,021.50 |
| | | | BCC GCs (5.00% Applies to all line item types.): | \$1,351.08 |
| | | | Bond (1.00% Applies to all line item types.): | \$283.73 |
| | | | Profit (5.00% Applies to all line item types.): | \$1,432.82 |
| | | | Grand Total: | \$30,089.13 |

Morgan Helfrich (George, Miles & Buhr, LLC)
 400 High Street
 Seaford Delaware 19973

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

Bancroft Construction Company
 1300 N. Grant Avenue_x000D_ Suite 101
 Wilmington Delaware 19806

 SIGNATURE DATE

 SIGNATURE DATE

 SIGNATURE DATE

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: *George, Miles & Buhr, Inc. - Architectural Services Contract
A. Approval of Amendment No. 4, Medic Stations 101, 103 & 111*

DATE: September 20, 2022

The single Public Safety Building concept was first introduced in the FY 2019 Budget Ordinance. The building's purpose is to consolidate all EMS training, administration, and logistics functions in one facility replacing the current locations. Following a publicly advertised request for proposals, Council awarded the EMS Department's - Architectural Consulting Services base contract to the George, Miles and Buhr, Inc. (GMB) on July 17, 2018. It covered the North Seaford Medic Station 110 and the Public Safety Building Project C19-04 initial programming and design effort. This station was the first one which had to meet the revised State's fire prevention code requiring a fire suppression sprinkler system.

In October of 2020, the Department presented the 60% design review to County Council followed by a 75% design presentation in March of 2021. Based on the County's request GMB was asked to create several breakout specialty scopes for procurement under Cooperative Purchasing Agreements. This increased the project design complexity and on March 23, 2021, Council approved GMB's amendment No.1.

Following the March Council presentation, the scope still evolved considerably due to design revisions and added design features. Consequently, GMB and its subconsultants exceeded the previously approved allocations bringing the project to bid. GMB offered a discounted fee of \$75,000.00 to cover these services. In addition, they provided a proposal for construction administration services and on August 10, 2021, County Council approved GMB's respective Amendments No. 2 & 3.



On October 26, 2022, Council approved Amendment No.1 to George, Miles & Buhr’s – 2019 Miscellaneous Engineering Base Contract for the site and entrance design associated with the relocations of the existing stations 101 in Lincoln, 103 in Dagsboro and a new station 111 on Cave Neck Road west of Milton.

All stations will have individual site, stormwater management, fire suppression and DelDOT entrance plans. In addition, two of the stations will require on-site wastewater disposal options under challenging site conditions, especially in Lincoln. The permitting of these sites is progressing on different schedules due to difficulties in securing the respective contracts.

The architectural design will start with a prototype to be duplicated on each of three sites. Due the staggered site schedules the proposal reflects separate bids and construction periods. For administrative purposes, the design projects will be identified as Prototype, Building #2, and Building #3 and construction can be phased over a period not to exceed to three (3) years.

The Department is requesting approval of Amendment No.4 to George, Miles & Buhr, Inc.’s – 2018 Architectural Services Contract in the not to exceed amount of \$452,000.00 to be billed in accordance with GMB’s audited hourly rates.



GEORGE, MILES & BUHR, LLC



ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com



August 10, 2022

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

Attn: Hans Medlarz
County Engineer

Re: Prototype EMS Facility
Design, Bidding and Construction Administration Services

Dear Hans:

We are pleased to present this proposal for the referenced project.

PROJECT DESCRIPTION

Design of a prototype EMS facility which will be duplicated on each of three (3) building sites. Our understanding of the project comes from three (3) undated conceptual site plans each of the Lincoln, Millsboro, and Milton properties prepared by Sussex County Engineering, a concept floor plan furnished by your office, and various emails including a preliminary building program by you.

All three (3) projects will be bid and constructed separately. For administrative purposes, the projects are identified as Prototype, Building #2, and Building #3. Construction may be phased over a period not to exceed to three (3) years.

Our proposal is more particularly described as follows.

SCOPE OF SERVICES

A. ARCHITECTURAL (PROTOTYPE)

1. Meet (**Meeting #1**) with you and designated representatives of Sussex County to review the published building program and note specific challenges and modifications from previously constructed similar facilities. The new building prototype will be a smaller, hybrid design than previous facilities. Prepare meeting minutes and an itemized new building program for review and written approval by you.
2. Prepare a code review utilizing applicable codes such as the applicable editions of International Building Code (IBC), the Delaware Fire Prevention Code, NFPA 101 Life Safety Code, the International Energy Conservation Code (IECC) and Americans with Disabilities Act Accessibility Guidelines.

JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

3. Prepare a 30% design (SD) package consisting of a floor plan, two (2) representative exterior elevations sections, and a building cross section.
4. Meet **(Meeting #2)** with you to present the SD design package and to solicit comments and questions. Preliminary recommendations for MEP and special systems will be presented at this meeting.
5. Upon receipt of your written approval of the SD package, prepare 60% design (DD) drawings consisting of an updated floor plan, a preliminary reflected ceiling plan, exterior elevations (4), building cross sections, and two (2) or more representative exterior wall sections.
6. Prepare DD level specifications in book form.
7. DD level structural, civil and MEP drawings will be prepared as part of this submission.
8. Prepare a preliminary estimate of probable cost based on industry recognized SF data such as Means.
9. Meet **(Meeting #3)** with you to present the DD design package and to solicit comments and questions.
10. Upon receipt of your written approval of the DD package, proceed with preparation of the 90% design (CD) drawings consisting of plans, elevations, sections, interior elevations, schedules, details, and notes.
11. Prepare CD level specifications in book form. Front end specifications will be included.
12. Update the preliminary estimate of probable cost.
13. Prepare building envelope energy use calculations utilizing COMCheck software as required for permit.
14. Meet with you **(Meeting #4)** to present the CD package for review and approval.
15. Incorporate your CD design review comments and prepare the final CD package suitable for bidding, permitting, and construction. The bid package will consist of fully coordinated architectural, structural, and MEP drawings.

B. BIDDING (PROTOTYPE)

1. Assist you and the County in bid document distribution through a plan room chosen by you.
2. Attend a pre-bid meeting to field questions from bidders.

3. Review up to twenty (20) bidder Requests for Information (RFI's) and up to six (6) Substitution Requests.
4. Attend a public bid opening chaired by Sussex County.
5. Review bids and issue a letter of recommendation for contract award.
6. We understand the County will be issuing and putting together all Addenda themselves.

C. CONSTRUCTION ADMINISTRATION (PROTOTYPE)

1. Review up to twenty (20) contractor requests for information (RFI) and shop drawings combined.
2. Make up to three (3) site visits during construction including a punch list inspection. Issue written reports of our findings for each visit.

D. STRUCTURAL (PROTOTYPE)

1. Meet with you and designated client representatives for a kickoff meeting to review the program and contract agreement. Provide recommendations for framing systems for the proposed structure including recommendations for updating areas of concern from the previously designed Seaford Facility.
2. Perform structural design of the building using the specified framing system.
3. Design the foundation system for the building based on results of the soil investigation. It has been assumed that this building can be supported on a shallow foundation system and no pile plan will be required.
4. Attend up to two (2) meetings with you and the client at appropriate milestones between the 30% and 95% design phase to discuss the progress of the design and incorporate your comments and coordinate with all design disciplines.
5. Provide 60% Design Development Documents to you for review and comment, consisting of a foundation plan, roof framing plan, sections, details and notes and outline specifications.
6. Prepare sealed 100% Construction Documents, including written specifications, in conjunction with the 100% architectural Construction Documents for use by the selected developer to bid, permit and construct the project.

E. MECHANICAL, ELECTRICAL & PLUMBING (PROTOTYPE)

MEP design and engineering services will be furnished by Diamond State Engineering of Dover, Delaware. A copy of its proposal is attached to this letter.

ASSUMPTIONS AND CONSIDERATIONS

- Civil/Site Engineering is excluded from this agreement and provided under a separate contract.
- The building prototype program and design shall govern the design of all three buildings.
- The scope description shown above is for the base prototype design (Prototype). Design fees for the subsequent building iterations (Building #2 and Building #3) shall be discounted as copyright fees to 35% of the base prototype design fee as delineated in the Fee Summary following.
- Major changes in the prototype program and/or design for Building #2 and/or Building #3 as identified by the Architect will be subject renegotiation of those fees.
- Design will be continuous and without major interruption.
- Attendance at public meetings is excluded from this agreement.
- Work for each design milestone effort (Concept, SD, DD, CD and Final) will not commence until written approval of the previous design milestone by Sussex County is received by this office.
- Commencement of Bidding Services as defined by this agreement will not take place until written approval to proceed by Sussex County is received by this office.
- Design documents will be fully coordinated among the design disciplines before issuance for bidding.
- Estimates of probable costs are based on research on bid outcomes of projects of similar scope, size and complexity as this project and are not guaranteed.
- Meetings will be as noted herein. Additional requested meetings will be invoiced at our standard hourly rates.
- Program changes for the prototype design made after 60% design completion will be considered additional services and shall be invoiced at our standard hourly rates.
- Any item not specifically indicated herein is excluded from this agreement. Additional requested services will be invoiced at our standard hourly rates.

FEE SUMMARY

We propose to furnish the above-named services according to the following fee breakdown.

I. PROTOTYPE BUILDING:

| | |
|-------------------------|----------------------|
| Architectural | \$ 106,120.00 |
| Structural | \$ 10,000.00 |
| MEP | <u>\$ 61,800.00</u> |
| Total Design Fee | \$ 177,920.00 |

| | |
|--------------------------|---------------------|
| Architectural | \$ 10,680.00 |
| Structural | \$ 500.00 |
| MEP | <u>\$ 1,500.00</u> |
| Total Bidding Fee | \$ 12,680.00 |

| | |
|---------------------|---------------------|
| Architectural | \$ 27,060.00 |
| Structural | \$ 2,500.00 |
| MEP | <u>\$ 3,880.00</u> |
| Total CA Fee | \$ 33,440.00 |

| | |
|---|--------------------|
| Reimbursable Expenses (2.5% of total fee) | <u>\$ 5,600.00</u> |
|---|--------------------|

| | |
|-------------------------------|----------------------|
| TOTAL FEE (PROTOTYPE): | \$ 229,640.00 |
|-------------------------------|----------------------|

II. BUILDING #2:

| | |
|---|---------------------|
| Architectural | \$ 37,142.00 |
| Structural | \$ 3,500.00 |
| MEP | <u>\$ 21,600.00</u> |
| Total Design Fee (35% of Prototype Fee) | \$ 62,242.00 |

| | |
|--------------------------|---------------------|
| Architectural | \$ 10,680.00 |
| Structural | \$ 500.00 |
| MEP | <u>\$ 1,500.00</u> |
| Total Bidding Fee | \$ 12,680.00 |

| | |
|---------------------|---------------------|
| Architectural | \$ 27,060.00 |
| Structural | \$ 2,500.00 |
| MEP | <u>\$ 3,880.00</u> |
| Total CA Fee | \$ 33,440.00 |

| | |
|---|--------------------|
| Reimbursable Expenses (2.5% of Total Fee) | <u>\$ 2,700.00</u> |
|---|--------------------|

| | |
|---------------------------------|---------------------|
| TOTAL FEE (BUILDING #2): | \$111,062.00 |
|---------------------------------|---------------------|

III. BUILDING #3:

| | |
|---|---------------------|
| Architectural | \$ 37,142.00 |
| Structural | \$ 3,500.00 |
| MEP | <u>\$ 21,600.00</u> |
| Total Design Fee (35% of Prototype Fee) | \$ 62,242.00 |

| | |
|-------------------|---------------------|
| Architectural | \$ 10,680.00 |
| Structural | \$ 500.00 |
| MEP | <u>\$ 1,500.00</u> |
| Total Bidding Fee | \$ 12,680.00 |

| | |
|---------------|---------------------|
| Architectural | \$ 27,060.00 |
| Structural | \$ 2,500.00 |
| MEP | <u>\$ 3,880.00</u> |
| Total CA Fee | \$ 33,440.00 |

| | |
|---|--------------------|
| Reimbursable Expenses (2.5% of Total Fee) | <u>\$ 2,700.00</u> |
|---|--------------------|

TOTAL FEE (BUILDING #3): **\$111,062.00**

GRAND FEE TOTAL ITEMS I THROUGH III **\$451,764.00**

PROPOSAL CONDITIONS

We propose to bill for additional written requested services in accord with the attached Schedule of Hourly Rates & Expenses and General Conditions.

The General Conditions noted on the attachment apply to the entire agreement.

If acceptable, please sign this proposal and return a copy to our office. If you have any questions, do not hesitate to call me.

Sincerely,



Morgan H. Helfrich, AIA LEED AP

MHH/sh

Attachments: Schedule of Hourly Rates & Expenses
 General Conditions
 Diamond State Engineering Proposal

APPROVED BY:

By: _____

Printed Name: _____

Date: _____

Title: _____

Phone Number: _____

Email Address: _____



GEORGE, MILES & BUHR, LLC

SCHEDULE OF HOURLY RATES & EXPENSES

HOURLY RATES

Effective July 1, 2022

| CLASSIFICATION | HOURLY RATE |
|--|-----------------------|
| Senior Project Director | \$ 185.00 - \$ 225.00 |
| Project Director | \$ 160.00 - \$ 205.00 |
| Senior Project Manager | \$ 135.00 - \$ 185.00 |
| Project Manager | \$ 115.00 - \$ 160.00 |
| Assistant Project Manager | \$ 115.00 - \$ 155.00 |
| Senior Project Engineer/Architect/Landscape Arch | \$ 115.00 - \$ 155.00 |
| Senior Environmental Scientist | \$ 100.00 - \$ 155.00 |
| Project Engineer/Architect/Landscape Arch | \$ 105.00 - \$ 145.00 |
| Graduate Engineer/Architect/Landscape Arch | \$ 95.00 - \$ 140.00 |
| Environmental Scientist | \$ 70.00 - \$ 135.00 |
| Senior Designer | \$ 90.00 - \$ 145.00 |
| Designer | \$ 75.00 - \$ 115.00 |
| CADD Operator | \$ 70.00 - \$ 100.00 |
| Construction Representative | \$ 90.00 - \$ 135.00 |
| Resident Project Representative (RPR) | \$ 65.00 - \$ 125.00 |
| Senior Project Coordinator | \$ 90.00 - \$ 125.00 |
| Project Coordinator | \$ 65.00 - \$ 115.00 |
| Surveyor | \$ 95.00 - \$ 135.00 |
| Survey Crew Chief | \$ 70.00 - \$ 120.00 |
| Survey Technician | \$ 40.00 - \$ 80.00 |
| Administrative/IT Support | \$ 50.00 - \$ 115.00 |
| GIS Specialist | \$ 60.00 - \$ 95.00 |
| Senior Technician | \$ 60.00 - \$ 125.00 |
| Technician | \$ 40.00 - \$ 75.00 |

EXPENSES

All items per each, unless noted.

Internal:

| | |
|--|------------------|
| Photocopies: | |
| Black & White | \$ 0.20 |
| Color | \$ 0.50 |
| Prints/Plots: | |
| Black & White/Color | \$ 0.50 /s.f. |
| Mylar | \$ 2.00 /s.f. |
| Travel: | |
| Mileage | \$ 0.625/mile* |
| Subsistence (Meals & Lodging) | At Actual Cost |
| Overnight/Immediate Delivery | At Actual Cost |
| Survey Crew Rates | |
| 2 person crew | \$ 130.00/hour |
| 3 person crew | \$ 150.00/hour |
| Other: | |
| Electronic Media Copies/Transfers/File | \$ 300.00/file |
| Website Project File Sharing | \$ 1.00/MB/month |
| Construction Management Software | \$ 200.00/month |
| Surveying Equipment/Total Station Only | \$ 35.00 /day |
| Surveying Equipment/Total Station + GPS Unit | \$ 150.00 /day |

* Adjusted annually in accordance with the Internal Revenue Service Directives

GENERAL CONDITIONS

(Effective July 1, 2021)

AGREEMENT

The term "Agreement" refers to the undertaking by George, Miles & Buhr, LLC ("GMB") to perform Services described in the attached Proposal and these General Conditions. The Agreement shall become effective upon acceptance by Client of the attached Proposal and General Conditions, which when acknowledged in writing, are authorization to proceed. The Agreement is between Client and GMB, and their respective partners, divisions, affiliates, members, successors and assigns, both of whom promise not to transfer or assign any interest in the Agreement without the other party's written consent. The Agreement supersedes all prior written proposals or negotiations and is conditioned upon Client's acceptance of these General Conditions. No modification of the terms of the Agreement or General Conditions shall be valid unless authorized in writing by both parties. If additional services are required by Client, GMB will provide the services when authorized in writing and documented to do so by Client.

FEES, RETAINER

Any estimate of the fees and expenses that GMB expects to incur in providing Client with services outlined in the attached Proposal is not a maximum or lump sum fee. Client understands and agrees that the final billing may be more or less than the estimate. Fees for services will be adjusted if there are changes to the scope or schedule, as defined in the Proposal including supporting drawings, schedules and exhibits. If GMB does not have an established relationship with the Client, a retainer will be requested approximating the value of services for a minimum of sixty (60) days and will be credited to the final invoice. A Schedule of Hourly Rates & Expenses is attached to and incorporated as part of the Proposal. Unless otherwise noted, all proposals are valid for a period of 90 days from the date of the proposal.

INVOICES

Invoices are due upon receipt. If an invoice is outstanding beyond thirty (30) days of the invoice date, interest will be charged at a rate of one percent (1%) per month and GMB reserves the right to stop providing services and to withdraw all permit applications. Further, if GMB has to refer any delinquent billing to an attorney for collection, Client agrees to pay GMB its reasonable attorney's fees and expenses of collection, to include, without limitation, all litigation related expenses and expert witness fees, plus 25%.

EXPENSES

Client agrees to pay GMB for internal expenses in accord with Schedule of Hourly Rates and Expenses charged for those items that are specific to the project, including, but not limited to, subcontracted consultants, permit fees, reproduction expenses, renderings, models, etc. GMB will invoice external expenses at cost plus 10%.

LIABILITY & CLAIMS

Client agrees to limit GMB's liability related to errors and omissions to an amount not to exceed the total fee for the project or GMB's available professional liability insurance coverage for that year, whichever is less. GMB will not be responsible for any liabilities arising from Client's negligent acts or errors, or from any entity whose conduct is not subject to GMB's control. Client acknowledges the inherent risks associated with construction. GMB will provide services with a standard of care exercised by licensed architects and engineers. At least 30 days prior to making any claim against GMB, Client agrees to provide GMB a Certificate of Merit issued by an architect or engineer, licensed by the state in which the project is located, specifically describing

every error or omission which the issuer believes to be a violation of the standard of care. If Client makes a claim or brings legal action against GMB for any services under this Agreement, and fails to prevail, Client agrees to pay all legal and other expenses incurred by GMB in its defense, including, but not limited to, attorney's fees, court costs, expert witness fees, etc.

INSTRUMENTS OF SERVICE

All work products, including those in electronic form, prepared by GMB and GMB's consultants are Instruments of Service for use solely with respect to this project. The Client shall be permitted to authorize Contractor, Subcontractors and material or equipment suppliers to reproduce applicable portions of the Instruments of Service appropriate to and for use in their execution of the work. Any unauthorized use of the Instruments of Service shall be at the Client's sole risk and without liability to GMB and GMB's consultants. No alterations shall be made to the Instruments of Service by the Client and/or any representative of the Client without the written permission of GMB and GMB's consultants. Copies of electronic media, if requested and approved, will be invoiced to the Client and due upon receipt.

APPROVALS

GMB has no control over governments and their agencies in granting approvals. Therefore, GMB cannot guarantee the timeframe for, or the cost of services incidental to, obtaining approvals from governments or governmental agencies. If the type or level of services as originally defined are revised or changed during our assignment, the fee for our services from that point forward will be subject to negotiation.

TERMINATION/SUSPENSION OF WORK

Client or GMB each may terminate the Agreement with fifteen (15) calendar days written notice; Client agrees to pay for all services provided by GMB up to the date of termination. Project delays and suspension of the project for more than 30 days, may result in additional cost to resume work. Client agrees to pay such costs before work resumes if said delays are attributable to the Client.

CONSTRUCTION SAFETY

Client agrees to require general or subcontractor to indemnify, defend and hold GMB harmless against claims arising from unsafe site conditions.

CONSTRUCTION ESTIMATES

GMB has no control over the cost of labor, materials, equipment and services provided by others or over the contractor's methods of determining prices and does not warrant or guarantee construction estimates.

CONSTRUCTION SCHEDULES

GMB has no control over the means, methods and techniques of construction employed by contractors, the timing of government approvals or the delivery of materials and equipment. The Client agrees that any construction schedule prepared by GMB is approximate and will not be the basis for a claim.

HAZARDOUS MATERIALS

Client agrees to defend, indemnify and hold GMB harmless for any and all liabilities, claims, costs and expenses, including, but not limited to, litigation expenses, attorney's fees, and expert witness fees, which relate in any way to the presence of any hazardous or toxic materials on the project.

GOVERNING LAWS; VENUE

The Agreement shall be interpreted in accordance with the laws of the State of Maryland. The venue for any dispute arising out of the Agreement shall be, at the sole discretion of GMB, the Circuit Court for Wicomico County, Maryland or the federal courts within the State of Maryland.



3588 Peachtree Run
Dover, DE 19901
(302) 697-7694
Fax: (302) 697-1328

July 27, 2022

P-2022-131R1

Ms. Morgan Helfrich, AIA
George, Miles, and Buhr
206 West Main Street
Salisbury, MD 21801

REF: Sussex EMS Station Design - Revised

Dear Morgan:

Diamond State Engineering (DSE) is pleased to submit this design proposal for the construction of three (3) EMS Stations in Millsboro, DE, Lincoln, DE, and Milton, DE. We understand that all three stations will be similar in design with one (1) full design and two (2) prototype designs performed. Our proposal includes the following:

DSE Mechanical, Electrical, and Plumbing (MEP) Design Services (Full Design):

- Provide four (4) design submissions at the 30%, 60%, 90%, and 100% level.
- Attend three (3) design review meetings after the 30%, 60%, and 90% submissions.
- Coordinate with serving utilities for water, sewer, electric, and gas service to building.
- Perform MEP design to include:
 - Mechanical
 - Load calculations to determine HVAC load.
 - Outside air calculations to meet code requirements.
 - Equipment selection to meet comfort requirements and code for ventilation. We anticipate the office/bunk areas to be conditioned with split DX equipment and the garage area to have gas heat and ventilation only.
 - Electrical
 - Lighting calculations, layout, and fixture selection for interior and exterior lighting.
 - Receptacle layout and circuiting.
 - Mechanical equipment power and circuiting.
 - Electrical service sizing and layout of incoming service to building from utility pole including coordination of transformer location and pad.
 - Generator and ATS sizing and design for full building generator backup.
 - Fire alarm device layout.
 - Telecom voice/data, card access, and cctv equipment layout on drawings, as directed by owner.
 - Plumbing
 - Sanitary piping design and layout.
 - Domestic piping design and layout.
 - Gas piping design and layout from gas meter on outside of building by utility.
 - Trench drain design and connection to storm drain at building exterior.
 - Hot water heater selection.
 - Condensate drain piping design and layout.

- Provide sealed MEP permit drawings, to include:
 - Demolition drawings.
 - Drawing Notes and Book Specifications.
 - Floor Plans.
 - Detail drawings, sections, and elevations as required.
 - Equipment schedules, single line, control, and flow diagrams as required.

Up to four (4) sets of printed sealed permit drawings are included. Additional printed drawings may be requested, but are exclusive of this proposal. Please refer to the Reimbursable section for drawing pricing.

| | |
|--|-------------|
| DSE MEP Design Services (Full Design): | \$61,800.00 |
|--|-------------|

DSE MEP Design Services (Prototype):

- Attend one (1) design review meeting for prototype changes utilizing permit drawings from the full design as a starting point.
- Perform site specific utility coordination and changes as required for the specific prototype sites.
- Provide sealed MEP permit drawings for the prototype project.

| | |
|---|-------------|
| DSE MEP Design Services (Each Prototype): | \$21,600.00 |
|---|-------------|

DSE Bidding Services (Each Bid):

- Attend a total of one (1) pre bid meeting.
- Answer requests for information (RFI) from bidders on MEP items during the bidding phase, to include issuing sketches or drawing revisions as required to clarify the scope of work for bidders.

| | |
|-----------------------|------------|
| DSE Bidding Services: | \$1,500.00 |
|-----------------------|------------|

DSE Construction Administration (Each Project):

- Respond to RFIs during Construction (limited to 10 hours).
- Review Submittals during Construction (limited to 10 hours).
- Perform one (1) site visit during construction.
- Perform final walkthrough with written punch list.

| | |
|---------------------------------|------------|
| DSE CA Services (Each Project): | \$3,880.00 |
|---------------------------------|------------|

Additional Services:

Engineering work not previously defined in this proposal shall be considered additional services. Prior to proceeding with additional services, written authorization shall be received from George, Miles, and Buhr. The DSE hourly invoice rates for personnel associated with or likely to be associated with additional services are as follows:

| | | |
|-----------------------|-------|--------------|
| Principal | | \$140.00/hr. |
| Engineer | | \$125.00/hr. |
| CADD Drafter | | \$75.00/hr. |
| Office Administration | | \$40.00/hr. |

Reimbursable:

Printed documents shall be reimbursable at the following rates:

| | | |
|--------------------------------|-------|--------------|
| ANSI A (8-1/2"x11", Black Ink) | | \$0.20/sheet |
| ANSI C (18"x24", Black Ink) | | \$2.00/sheet |
| ANSI D (24"x36", Black Ink) | | \$4.00/sheet |
| ANSI E (36"x48", Black Ink) | | \$8.00/sheet |

Clarifications:

- Plumbing design scope stops at 5' outside building except where noted above.
- Life Cycle Cost Analysis comparisons are not included in this proposal.
- Work under this proposal not completed by July 20, 2023 through no fault of DSE shall be considered Additional Services and billed at rates defined above.

| TOTAL FEE MATRIX | |
|--|--------------|
| DSE Design Services (Full Design): | \$61,800.00 |
| DSE Design Services (Prototype 1): | \$21,600.00 |
| DSE Design Services (Prototype 2): | \$21,600.00 |
| DSE Bidding Services (Site 1): | \$1,500.00 |
| DSE Bidding Services (Site 2): | \$1,500.00 |
| DSE Bidding Services (Site 3): | \$1,500.00 |
| DSE Construction Administration Services (Site 1): | \$3,880.00 |
| DSE Construction Administration Services (Site 2): | \$3,880.00 |
| DSE Construction Administration Services (Site 3): | \$3,880.00 |
| DSE Total Fees: | \$121,140.00 |

Thank you for the opportunity to submit this proposal. Please do not hesitate to contact me should you have any questions.

Sincerely,



Clayton M. Carlson, P.E.
Diamond State Engineering

George, Miles, & Buhr

Accepted: _____

Date: _____

ENGINEERING DEPARTMENT

| | |
|---------------------------|----------------|
| ADMINISTRATION | (302) 855-7718 |
| AIRPORT & INDUSTRIAL PARK | (302) 855-7774 |
| ENVIRONMENTAL SERVICES | (302) 855-7730 |
| PUBLIC WORKS | (302) 855-7703 |
| RECORDS MANAGEMENT | (302) 854-5033 |
| UTILITY ENGINEERING | (302) 855-7717 |
| UTILITY PERMITS | (302) 855-7719 |
| UTILITY PLANNING | (302) 855-1299 |
| FAX | (302) 855-7799 |



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

MEMORANDUM

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

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

RE: *Ellendale Water District, Project W20-17*
A. Final Balancing Change Order and Substantial Completion

DATE: September 20, 2022

On February 9, 2021, Council awarded the Greater Ellendale Water District Project, W20-17, to Pact One LLC in the amount of \$4,779,550.00. Construction efforts commenced and substantial progress has been made to date, with all water mains installed and approximately one hundred or +/-50% of possible water connections activated.

The Town of Ellendale recently requested Sussex County consider a limited expansion of the water system improvements, utilizing the Town's American Rescue Plan Act of 2021 (ARPA) funding to install an approximate 2,400 LF Washington Street water main loop. Council approved at their November 16, 2021 meeting, the Ellendale Sewer & Water Operations Agreement which affirmed Ellendale's commitment of their ARPA funding in entirety.

The Engineering Department coordinated with the Engineer of Record for the W20-17 Project, Davis, Bowen & Friedel (DBF), to complete design and permitting documents for the proposed Washington Street water main loop. With the County construction contract open, the additional work can be incorporated using unit pricing as awarded. The Department requested Pact One review the work change directive and submit an estimate to complete the additional work through a change order on the active project.

As requested, Pact One submitted the Proposed Change Order # 1 Estimate with a total value of \$490,430.00. The Department reviewed the estimate along with the proposed total contract value and considered the amounts acceptable against total project financing. On December 14, 2021, County Council approved Change Order # 1 at the estimated amount, to increase the contract total of Project W20-17 to \$5,269,980.00.



The project is now complete and fully operational allowing us to finalize all unit quantities. The adjustments resulted in a small cost overrun of less than 1/10%. In addition, the contractor requested cost escalation recovery limited to materials and fuel only totaling \$71,568.32 as per the attached breakdown.

The Department recommends Council approve balancing Change Order 2, increasing the total contract in aggregate amount of \$77,971.93 for a final value of \$5,347,951.93. The Department further recommends Substantial Completion be granted effective September 20, 2022, with release of retainage authorized in accordance with contract documents.

| | |
|---|------------------------------------|
| Date of Issuance: September 14, 2022 | Effective Date: September 20, 2022 |
| Owner: Sussex County | Owner's Contract No.: W20-17 |
| Contractor: Pact One LLC | Contractor's Project No.: |
| Engineer: Davis, Bowen & Friedel, Inc. | Engineer's Project No.: |
| Project: Greater Ellendale Water District Project | Contract Name: |

The Contract is modified as follows upon execution of this Change Order:
Balancing final quantities and escalations due to the pandemic, transportation and availability issues.

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i> |
|--|--|
| Original Contract Price: \$ 4,779,550.00 | Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ 425 calendar days |
| Increase from previously approved Change Orders No. 1 to No. <u>1</u> : \$ 490,430.00 | Increase from previously approved Change Orders No. to No. ____: Substantial Completion: _____ Ready for Final Payment: _____ 425 calendar days |
| Contract Price prior to this Change Order: \$ 5,269,980.00 | Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ 425 calendar days |
| Increase of this Change Order: \$ 77,971.93 | Increase of this Change Order: 99 days Substantial Completion: _____ Ready for Final Payment: _____ 524 calendar days |
| Contract Price incorporating this Change Order: \$ 5,347,951.93 | Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ 524 calendar days |

| | | |
|--------------------------------------|------------------------------|-----------------------------------|
| RECOMMENDED: | ACCEPTED: | ACCEPTED: |
| By: <u>[Signature]</u> | By: _____ | By: <u>[Signature]</u> |
| Engineer (if required) | Owner (Authorized Signature) | Contractor (Authorized Signature) |
| Title: <u>Sussex County Engineer</u> | Title _____ | Title <u>Manager</u> |
| Date: <u>9/14/2022</u> | Date _____ | Date <u>9/14/22</u> |

Approved by Funding Agency (if applicable)

By: [Signature] Dary Ludge 9/14/22 Date:
Title: Eng IV

PACT ONE LLC

P.O. BOX 74, RINGOES, NJ 08551

PHONE 908-788-1985

FAX 908-788-5780

September 14th, 2022

Mr. Patrick J. Brown, P.E.
Project Engineer III
Sussex County Engineering
2 The Circle, PO Box 589
Georgetown, DE 19947
Phone: (302) 855-7815

via email: patrick.brown@sussexcountyde.gov
carlos@pactconstruction.com
hans.medlarz@sussexcountyde.gov

Reference: Greater Ellendale Water District Project
Sussex County, Delaware
Sussex County Project No. W20-17

Subject: Change Order - Escalation

Dear Patrick,

As we are all aware, the global pandemic as well as the current world political situation have increased prices and reduced the availability of raw material, labor, and transportation to a level never seen in our economy and industry.

PACT has made every attempt to mitigate the impact of the unpredictable supply chain before and after the contract was awarded. Despite our efforts, the continued changes in law have led to record high energy prices which have driven up the cost of construction material and equipment for the above-mentioned project.

Per our meeting on September 12th, 2022, PACT is willing to accept the negotiated sum of \$71,568.32 for the escalation incurred on the project from our key vendors, subcontractors and material suppliers as documented in the following attachments.

Please do not hesitate to contact me if you require any further information or have any questions.

Sincerely,



Duncan Gordon

DG/sd

Enclosure(s)

Reference: Greater Ellendale Water Distirct

Subject: Notice of Escalation

Table: Summary Table

| Description | Amount |
|--------------------|--------------|
| Belair Road Supply | \$ 41,449.46 |
| Core & Main | \$ 9,344.52 |
| Energy Escalation | \$ 11,439.34 |

| | |
|------------------|---------------------|
| Subtotal | \$ 62,233.32 |
| Contractor's Fee | \$ 9,335.00 |
| Total | <u>\$ 71,568.32</u> |

Reference: Greater Ellendale Water Distirct

Subject: Notice of Escalation

Table: Belair Road Supply

| Invoice # | Description | Unit Price | | Delta | QTY | Escalation |
|-----------|--|------------|-------------|-----------|------|-------------|
| | | Bid Time | Invoiced | | | |
| 387137 | 3/4" K Copper 60'coils /FT | \$ 3.39 | \$ 4.75 | \$ 1.36 | 3000 | \$ 4,080.00 |
| 386484 | 12" MJ CAP | \$ 79.00 | \$ 115.36 | \$ 36.36 | 3 | \$ 109.08 |
| 386484 | 6" MJ GATE Valve | \$ 629.00 | \$ 732.11 | \$ 103.11 | 19 | \$ 1,959.09 |
| 400004 | 3/4" CTS Curb Stop | \$ 59.65 | \$ 65.35 | \$ 5.70 | 15 | \$ 85.50 |
| 398087 | 3/4" CTS Curb Stop | \$ 59.65 | \$ 65.35 | \$ 5.70 | 30 | \$ 171.00 |
| 395100 | 3/4" K Copper 60'coils /FT | \$ 3.39 | \$ 4.75 | \$ 1.36 | 1000 | \$ 1,360.00 |
| 394865 | 6" MJ GATE Valve | \$ 629.00 | \$ 732.11 | \$ 103.11 | 5 | \$ 515.55 |
| 395328 | 2" x 3/4" Service Saddle W/SS Straps Romac | \$ 68.95 | \$ 87.64 | \$ 18.69 | 11 | \$ 205.59 |
| 396926 | 12" DI PIPE TJ CL 50, C/L, T/C | \$ 33.28 | \$ 53.12 | \$ 19.84 | 100 | \$ 1,984.00 |
| 396926 | 8" DI PIPE TJ CL 50, C/L, T/C | \$ 20.18 | \$ 33.13 | \$ 12.95 | 380 | \$ 4,921.00 |
| 405323 | 8" MJ MEGALUGS PACK DI | \$ 54.00 | \$ 67.45 | \$ 13.45 | 5 | \$ 67.25 |
| 405323 | 8" MJ GATE Valve | \$ 977.00 | \$ 1,041.07 | \$ 64.07 | 1 | \$ 64.07 |
| 405899 | 6" MJ GATE Valve | \$ 629.00 | \$ 732.11 | \$ 103.11 | 2 | \$ 206.22 |
| 402478 | 12" X 8" MJ TEE DI C 153 AWWA | \$ 361.00 | \$ 594.16 | \$ 233.16 | 2 | \$ 466.32 |
| 402478 | 8" MJ 45 BEND DI CL 350 | \$ 121.00 | \$ 191.79 | \$ 70.79 | 1 | \$ 70.79 |
| 402478 | Valve Box | \$ 115.00 | \$ 172.15 | \$ 57.15 | 12 | \$ 685.80 |
| 402479 | 12" MJ MEGALUGS PACK DI | \$ 93.85 | \$ 134.51 | \$ 40.66 | 4 | \$ 162.64 |
| 402479 | 8" MJ MEGALUGS PACK DI | \$ 54.00 | \$ 67.45 | \$ 13.45 | 4 | \$ 53.80 |
| 404167 | 8" MJ MEGALUGS PACK DI | \$ 54.00 | \$ 67.45 | \$ 13.45 | 12 | \$ 161.40 |
| 403978 | 8" MJ 45 BEND DI CL 350 | \$ 121.00 | \$ 191.71 | \$ 70.71 | 1 | \$ 70.71 |
| 400836 | 2" x 3/4" Service Saddle W/SS Straps Romac | \$ 68.95 | \$ 87.64 | \$ 18.69 | 3 | \$ 56.07 |
| 408690 | 92-D Curb Box B&T | \$ 63.50 | \$ 76.00 | \$ 12.50 | 30 | \$ 375.00 |
| 408690 | 3/4" K Copper 60'coils /FT | \$ 3.39 | \$ 5.25 | \$ 1.86 | 800 | \$ 1,488.00 |
| 410003 | 3/4" K Copper 60'coils /FT | \$ 3.39 | \$ 5.25 | \$ 1.86 | 800 | \$ 1,488.00 |
| 410003 | 92-D Curb Box B&T | \$ 63.50 | \$ 76.00 | \$ 12.50 | 15 | \$ 187.50 |
| 411307 | 3/4" K Copper 60'coils /FT | \$ 3.39 | \$ 5.25 | \$ 1.86 | 900 | \$ 1,674.00 |
| 411918 | 92-D Curb Box B&T | \$ 63.50 | \$ 76.00 | \$ 12.50 | 30 | \$ 375.00 |
| 414671 | 3/4" Female Adapter Brass | \$ 15.95 | \$ 18.00 | \$ 2.05 | 40 | \$ 82.00 |
| 414062 | 3/4" AWWA x CTS Corp Stop | \$ 46.65 | \$ 65.35 | \$ 18.70 | 5 | \$ 93.50 |
| 414062 | 92-D Curb Box B&T | \$ 63.50 | \$ 76.00 | \$ 12.50 | 17 | \$ 212.50 |
| 414062 | 3/4" K Copper 60'coils /FT | \$ 3.39 | \$ 5.25 | \$ 1.86 | 500 | \$ 930.00 |
| 416890 | 3/4" Female Adapter Brass | \$ 15.95 | \$ 18.00 | \$ 2.05 | 50 | \$ 102.50 |
| 438373 | 3/4" AWWA x CTS Corp Stop | \$ 46.65 | \$ 54.60 | \$ 7.95 | 15 | \$ 119.25 |
| 438373 | 3/4" K Copper 60'coils /FT | \$ 3.39 | \$ 6.56 | \$ 3.17 | 500 | \$ 1,585.00 |
| 436784 | 8" DI PIPE TJ CL 50, C/L, T/C | \$ 20.18 | \$ 26.50 | \$ 6.32 | 1420 | \$ 8,974.40 |
| 436784 | 8" X 8" MJ TEE DI C 153 AWWA | \$ 229.85 | \$ 318.76 | \$ 88.91 | 1 | \$ 88.91 |
| 436784 | 8" MJ GATE Valve | \$ 977.00 | \$ 1,230.12 | \$ 253.12 | 8 | \$ 2,024.96 |
| 436784 | 8" MJ 22 1/2 BEND | \$ 119.00 | \$ 169.88 | \$ 50.88 | 2 | \$ 101.76 |
| 436784 | 8" MJ 45 BEND DI CL 350 | \$ 121.00 | \$ 171.19 | \$ 50.19 | 4 | \$ 200.76 |
| 436784 | 8" X 6" MJ X SWIVEL HYD TEE | \$ 219.79 | \$ 289.42 | \$ 69.63 | 5 | \$ 348.15 |
| 436784 | 6" MJ GATE Valve | \$ 629.00 | \$ 812.47 | \$ 183.47 | 5 | \$ 917.35 |
| 436784 | Valve Box | \$ 115.00 | \$ 152.00 | \$ 37.00 | 13 | \$ 481.00 |
| 436784 | 6" DI PIPE TJ CL 50, C/L, T/C | \$ 14.99 | \$ 25.01 | \$ 10.02 | 200 | \$ 2,004.00 |
| 446282 | 8" MJ MEGALUGS PACK DI | \$ 54.00 | \$ 77.34 | \$ 23.34 | 6 | \$ 140.04 |

\$ 41,449.46

Reference: Greater Ellendale Water Distirct

Subject: Notice of Escalation

Table: Core & Main

| Invoice # | Description | Unit Price | | Delta | QTY | Escalation |
|-----------|----------------------------|-------------|-------------|-----------|-----|-------------|
| | | Bid Time | Invoiced | | | |
| O295273 | 12 UFR1400-DA-12U RET DI | \$ 98.90 | \$ 132.56 | \$ 33.66 | 6 | \$ 201.96 |
| O306035 | B44-333-Q-NL 3/4 Ball Curb | \$ 71.58 | \$ 81.88 | \$ 10.30 | 30 | \$ 309.00 |
| P276435 | 8 MJ 90 C153 | \$ 189.57 | \$ 334.43 | \$ 144.86 | 1 | \$ 144.86 |
| P305464 | 8 TJ CL52 DI PIPE | \$ 21.27 | \$ 33.48 | \$ 12.21 | 220 | \$ 2,686.20 |
| P327228 | 6 MJ RW Gate Valve | \$ 699.09 | \$ 809.95 | \$ 110.86 | 1 | \$ 110.86 |
| Q690016 | B44-777NL 2 Ball Curb | \$ 385.22 | \$ 452.20 | \$ 66.98 | 2 | \$ 133.96 |
| Q679570 | 6 MJ RW Gate Valve | \$ 699.09 | \$ 1,050.54 | \$ 351.45 | 1 | \$ 351.45 |
| Q678015 | 8X6 MJ Tee C153 | \$ 234.18 | \$ 307.89 | \$ 73.71 | 1 | \$ 73.71 |
| Q678015 | 6 UFR1400-DA-6I RET DI | \$ 38.05 | \$ 62.70 | \$ 24.65 | 10 | \$ 246.50 |
| Q678015 | 8 UFR1400-DA-8I RET DI | \$ 51.64 | \$ 77.70 | \$ 26.06 | 10 | \$ 260.60 |
| Q673368 | 6 MJ ACNH TEE C153 | \$ 215.87 | \$ 292.35 | \$ 76.48 | 2 | \$ 152.96 |
| Q640375 | 8X6 MJ Tee C153 | \$ 234.18 | \$ 285.90 | \$ 51.72 | 1 | \$ 51.72 |
| Q640375 | 8 UFR1400-DA-8I RET DI | \$ 51.64 | \$ 73.08 | \$ 21.44 | 10 | \$ 214.40 |
| Q245589 | 4-1/2 Ken K81 Hydrant | \$ 2,732.56 | \$ 2,999.00 | \$ 266.44 | 4 | \$ 1,065.76 |
| Q245589 | 6 MJ RW Gate Valve | \$ 699.09 | \$ 860.68 | \$ 161.59 | 4 | \$ 646.36 |
| Q245589 | 8 UFR1400-DA-8U RET DI | \$ 51.64 | \$ 76.30 | \$ 24.66 | 16 | \$ 394.56 |
| Q245589 | 6 UFR1400-DA-6I RET DI | \$ 38.05 | \$ 56.21 | \$ 18.16 | 12 | \$ 217.92 |
| Q245589 | 8 MJ RW Gate Valve | \$ 1,189.00 | \$ 1,370.85 | \$ 181.85 | 2 | \$ 363.70 |
| Q245589 | 8 MJ RW Gate Valve | \$ 1,189.00 | \$ 1,370.85 | \$ 181.85 | 2 | \$ 363.70 |
| Q633227 | 8 UFR1400-DA-8U RET DI | \$ 51.64 | \$ 73.80 | \$ 22.16 | 6 | \$ 132.96 |
| Q937377 | 4-1/2 Ken K81 Hydrant | \$ 2,732.56 | \$ 2,999.00 | \$ 266.44 | 2 | \$ 532.88 |
| Q647937 | 8 MJ 90 C153 | \$ 189.57 | \$ 374.66 | \$ 185.09 | 2 | \$ 370.18 |
| Q647937 | 8 UFR1400-DA-8U RET DI | \$ 51.64 | \$ 131.22 | \$ 79.58 | 4 | \$ 318.32 |

\$ 9,344.52

Reference: Greater Ellendale Water Distirect

Subject: Notice of Escalation

Table: Energy Escalation

| Piece of Equipment | No. of Hours | Fuel Consumption | Cost of Fuel | | | Fuel Escalation |
|--------------------|--------------|------------------|--------------|-----------|-----------|-----------------|
| | | | Bid Time | 6/30/2022 | Delta | Cost |
| | | | \$/Gallon | \$/Gallon | \$/Gallon | \$ |
| | Hrs | Gallons/Hr | | | | |
| CAT Excavator | 180 | 7.25 | \$ 3.61 | \$ 5.75 | \$ 2.14 | \$ 2,792.70 |
| Loader | 180 | 6.5 | \$ 3.61 | \$ 5.75 | \$ 2.14 | \$ 2,503.80 |
| CASE 135 Excavator | 180 | 3.7 | \$ 3.61 | \$ 5.75 | \$ 2.14 | \$ 1,425.24 |
| Broom | 180 | 0.9 | \$ 3.61 | \$ 5.75 | \$ 2.14 | \$ 346.68 |

| Piece of Equipment | No. of Miles | Fuel Consumption | Cost of Fuel | | | Fuel Escalation |
|------------------------|--------------|------------------|--------------|-----------|-----------|-----------------|
| | | | Bid Time | 6/30/2022 | Delta | Cost |
| | | | \$/Gallon | \$/Gallon | \$/Gallon | \$ |
| | Miles | MPG | | | | |
| F-150 - Site Truck | 1200 | 15 | \$ 3.29 | \$ 4.98 | \$ 1.69 | \$ 135.52 |
| F-350 - Superintendent | 1200 | 12 | \$ 3.29 | \$ 4.98 | \$ 1.69 | \$ 169.40 |

| Piece of Equipment | No. of Days | Fuel Consumption | Cost of Fuel | | | Fuel Escalation |
|----------------------------|-------------|------------------|--------------|-----------|-----------|-----------------|
| | | | Bid Time | 6/30/2022 | Delta | Cost |
| | | | \$/Gallon | \$/Gallon | \$/Gallon | \$ |
| | Days | Gallons/Day | | | | |
| Operated Truck (500G/Week) | 19 | 100 | \$ 3.61 | \$ 5.75 | \$ 2.14 | \$ 4,066.00 |

Energy Escalation \$ 11,439.34

ENGINEERING DEPARTMENT

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

RE: ***Delaware Coastal Business Park Improvements, Project A21-11
A. Change Order No. 1***

DATE: September 20, 2022

The Delaware Coastal Business Park Improvements project consists of two separate infrastructure improvement initiatives in the business park: upgrades to a section of Baltimore Avenue in the original section of the Business Park and final build-out (Phase 2) of the new section of Business Park off Park Avenue. Following a public advertisement process, Council authorized award of the Delaware Coastal Business Park Improvements project to A-Del Construction in the amount of \$3,839,433.00. Notice to Proceed for construction was subsequently issued by the Engineering Department on January 25, 2022.

One of our tenants in the Business Park, Great Outdoor Cottages (GOC), is in the process of completing a large warehouse intended to function as a high-end manufacturing facility for their cottage and cabin products. Based on input from GOC, this warehouse is scheduled to go online for production sometime within the next two months. In June of this year, representatives of GOC approached the County about possibly securing additional lease area within the Business Park to support a planned second warehouse as well as a potential administration building to be built farther out in the future. The Engineering Department, Economic Development and our Design Consultant participated in several meetings with GOC and their engineer and construction manager to review potential locations for the proposed second warehouse. It was ultimately determined that the most feasible location to support GOC's proposed plans would necessitate changes to the on-going Business Park Phase 2 construction project.

At this point, A-Del Construction was engaged to provide input on construction feasibility related to the identified site changes, in recognition that substantial construction activity in the identified areas was either underway or already complete. The scope of changes to the site was ultimately agreed to by all parties and the necessary redesign work was completed. The scope

of work includes changes to lease area grading, stormwater management facility, storm drainage, landscaping, and utility connections. The goal throughout by all parties was to minimize the amount of changes needed to site elements already constructed, as well minimize any time delays on the project.

A-Del Construction has submitted a Change Order in the amount of \$128,630.00 to cover the site changes required and agreed upon, and the Engineering Department has reviewed and is in agreement with the Change Order amount. In accordance with past discussions with GOC representatives, the County is in the process of confirming cost sharing by GOC of the additional costs identified by Change Order No. 1. The Engineering Department recommends approval of Change Order No. 1 to A-Del Construction in the amount of \$128,630.00.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Delaware Coastal Business Park Improvements**
2. Sussex County Project No. A21-11
3. Change Order No. 1
4. Date Change Order Initiated - 7/13/18
5. a. Original Contract Sum \$3,839,433.00
b. Net Change by Previous Change Orders \$ 0
c. Contract Sum Prior to Change Order \$3,839,433.00
d. Requested Change \$128,630.00
e. Net Change (No. of days) 36
f. New Contract Amount \$3,968,063.00
6. Contact Person: Mark Parker, P.E.
Telephone No. (302) 855-7382

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:

Changes associated with grading of lease areas and stormwater management facility, storm drain system, and landscaping.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

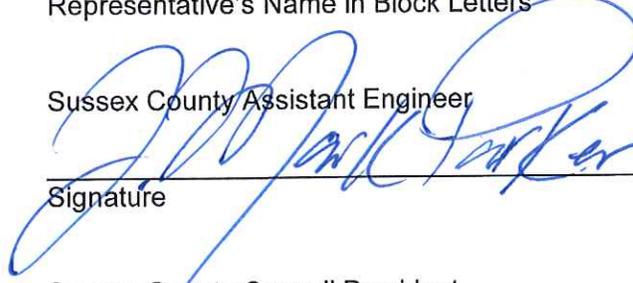
E. APPROVALS

1. A-Del Construction, Contractor


Signature 9/15/2022
Date

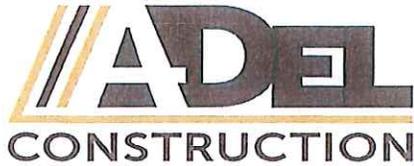
ROBERT C. KEMSKE II V.P. ESTIMATING
Representative's Name in Block Letters

2. Sussex County Assistant Engineer


Signature 15 SEPT. 2022
Date

3. Sussex County Council President

Signature Date



September 15, 2022

J Mark Parker, P.E.
 Assistant County Engineer
 Sussex County Engineering Department
 O 302.855.7382
 C 302.212.6381
mark.parker@sussexcountyde.gov

**RE: DELAWARE COASTAL BUSINESS PARK PHASE 2 – PROPOSED DRAINAGE/GRADING CHANGES
 CHANGE ORDER #1 – revision #3**

Mr. Parker,

A-del Construction is pleased to provide pricing per your request for changes to the project as outlined on provided drawing C701A, by Becker Morgan Group with latest revision June 6, 2022.

| Biditem | Description | Quantity | Units | Unit Price | Bid Total |
|---------|--|------------|-------|------------|----------------------|
| 1 | General, Mobilization, Stakeout | 1.000 | LS | 3000 | 3,000.00 |
| 6 | Grade and Stabilize Lease Areas | 1.000 | LS | 88100 | 88,100.00 |
| 11 | 15" Class III RCP including FES's | 26.000 | LF | 61 | 1,586.00 |
| 12 | 18" Class III RCP including FES's | 309.000 | LF | 67 | 20,703.00 |
| 14 | Riprap Outlet Protection | 13.000 | SY | 85 | 1,105.00 |
| 16 | Storm Drain Manhole with Frame and Cover | 3.000 | EA | 5800 | 17,400.00 |
| 41 | ADD/DELETE WETLANDS AND NATIVE SEEDING MIX | 10,100.000 | SQFT | 0 | 0.00 |
| 42 | REMOVE 2.5 CALP. TREES | -17.000 | EA | 192 | -3,264.00 |
| | Bid Total | | | | \$ 128,630.00 |

In addition to the Fee as stated above, A-del is requesting a 36 calendar day extension to allow for the time needed to manage and complete this work.

Thank you for the opportunity, if you have any questions, please feel free to contact me at swhitt@a-del.com or direct at C: 443-880-3165.

Sincerely,
 A-DEL CONSTRUCTION CO., INC.



C. Scott Whitt
 Estimator/Project Manager, A-Del Construction

Attachments:

- 1) Becker Morgan Group Drawing C-701A & L-001
- 2) How Sweet it is Quotation from Bid day

| CATCH BASIN SCHEDULE | | | | | | |
|----------------------|-----------|------------|----------|----------------|-----------|-------------------------|
| CB NO. | INLET BOX | COVER SLAB | TOP UNIT | FRAME/MATERIAL | GRATE EL. | INV. IN / INV. OUT |
| 28 | 36"x36" | HOHC | TYPE D | TYPE 1 | 42.61 | 42.60 (24) / 42.60 (24) |
| 29 | 36"x36" | HOHC | TYPE D | TYPE 1 | 42.61 | 42.60 (24) / 42.60 (24) |
| 30 | 36"x36" | HOHC | TYPE D | TYPE 1 | 42.61 | 42.60 (24) / 42.60 (24) |
| 31 | 36"x36" | HOHC | TYPE D | TYPE 1 | 42.61 | 42.60 (24) / 42.60 (24) |

| CATCH BASIN SCHEDULE | | | | | | |
|----------------------|-----------|------------|----------|----------------|-----------|-------------------------|
| CB NO. | INLET BOX | COVER SLAB | TOP UNIT | FRAME/MATERIAL | GRATE EL. | INV. IN / INV. OUT |
| 32 | 36"x36" | HOHC | TYPE D | TYPE 1 | 42.61 | 42.60 (24) / 42.60 (24) |
| 33 | 36"x36" | HOHC | TYPE D | TYPE 1 | 42.61 | 42.60 (24) / 42.60 (24) |
| 34 | 36"x36" | HOHC | TYPE D | TYPE 1 | 42.61 | 42.60 (24) / 42.60 (24) |
| 35 | 36"x36" | HOHC | TYPE D | TYPE 1 | 42.61 | 42.60 (24) / 42.60 (24) |

STORM SEWER CONSTRUCTION NOTES

D-1 PROPOSED STORM SEWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION.

D-2 PROPOSED STORM SEWER SHALL BE 30" DIA. HDPE PIPE WITH 12" DIA. MANHOLES.

D-3 PROPOSED STORM SEWER SHALL BE 30" DIA. HDPE PIPE WITH 12" DIA. MANHOLES.

D-4 PROPOSED STORM SEWER SHALL BE 30" DIA. HDPE PIPE WITH 12" DIA. MANHOLES.

GENERAL CONSTRUCTION NOTES

G-1 INSTALL ALL PIPES IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION.

G-2 PROPOSED STORM SEWER SHALL BE 30" DIA. HDPE PIPE WITH 12" DIA. MANHOLES.

G-3 PROPOSED STORM SEWER SHALL BE 30" DIA. HDPE PIPE WITH 12" DIA. MANHOLES.

| STORM DRAIN MANHOLE SCHEDULE | | | | | |
|------------------------------|-----------|------------|----------|----------------|-----------|
| MANHOLE NO. | INLET BOX | COVER SLAB | TOP UNIT | FRAME/MATERIAL | GRATE EL. |
| 19 | 48"x48" | HOHC | TYPE D | TYPE 1 | 42.20 |
| 20 | 48"x48" | HOHC | TYPE D | TYPE 1 | 42.20 |

| STORM DRAIN MANHOLE SCHEDULE | | | | | |
|------------------------------|-----------|------------|----------|----------------|-----------|
| MANHOLE NO. | INLET BOX | COVER SLAB | TOP UNIT | FRAME/MATERIAL | GRATE EL. |
| 21 | 48"x48" | HOHC | TYPE D | TYPE 1 | 42.20 |
| 22 | 48"x48" | HOHC | TYPE D | TYPE 1 | 42.20 |

FIRE SYSTEM CONSTRUCTION NOTES

F-1 PROPOSED FIRE SYSTEM SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION.

F-2 PROPOSED FIRE SYSTEM SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION.

GAS AND CONDUITS CONSTRUCTION NOTES

GAS-1 PROPOSED GAS AND CONDUITS SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION.

GAS-2 PROPOSED GAS AND CONDUITS SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION.

| STORM DRAIN PIPE SCHEDULE | | | | | |
|---------------------------|------|-------------|--------|-------|--------------------|
| PPE NO. | SIZE | PIPE TYPE | LENGTH | SLOPE | INV. IN / INV. OUT |
| 1 | 18" | CLASS B HDP | 47' | 0.84% | 42.39 / 42.39 |
| 2 | 18" | CLASS B HDP | 29' | 0.77% | 42.42 / 42.39 |
| 3 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 4 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 5 | 18" | CLASS B HDP | 47' | 0.84% | 42.39 / 42.39 |
| 6 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 7 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 8 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 9 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 10 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 11 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 12 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 13 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 14 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 15 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 16 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 17 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |
| 18 | 18" | CLASS B HDP | 32' | 0.83% | 42.39 / 42.39 |

| STORM DRAIN PIPE SCHEDULE | | | | | |
|---------------------------|------|-------------|--------|-------|--------------------|
| PPE NO. | SIZE | PIPE TYPE | LENGTH | SLOPE | INV. IN / INV. OUT |
| 19 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 20 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 21 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 22 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 23 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 24 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 25 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 26 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 27 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 28 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 29 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 30 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 31 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 32 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 33 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 34 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 35 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 36 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 37 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 38 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 39 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |
| 40 | 18" | CLASS B HDP | 17' | 1.04% | 42.39 / 42.39 |

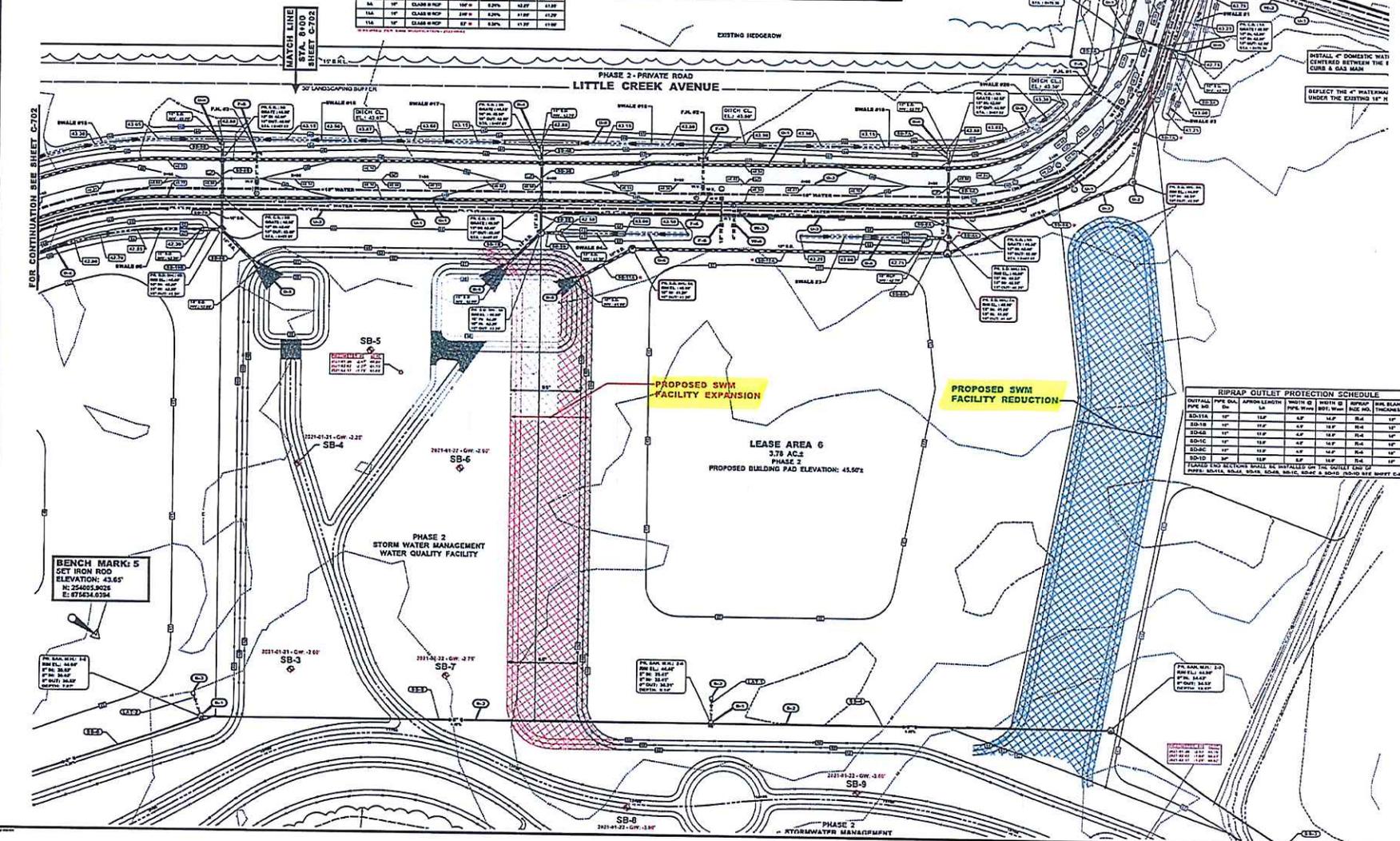
DOMESTIC WATER SYSTEM CONSTRUCTION NOTES

DW-1 PROPOSED DOMESTIC WATER SYSTEM SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION.

DW-2 PROPOSED DOMESTIC WATER SYSTEM SHALL BE IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (DOT) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION.

EXISTING HEDGEROW

EXISTING HEDGEROW



| RIPRAP OUTLET PROTECTION SCHEDULE | | | | | | |
|-----------------------------------|---------|-----------|----------------|-------|-------|------------------|
| OUTLET NO. | PPE NO. | PIPE SIZE | APPROX. LENGTH | WIDTH | DEPTH | INVERT ELEVATION |
| SB-18 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-19 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-20 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-21 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-22 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-23 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-24 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-25 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-26 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-27 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-28 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-29 | 18" | 18" | 10' | 18" | 18" | 42.10 |
| SB-30 | 18" | 18" | 10' | 18" | 18" | 42.10 |

BECKER MORGAN
ARCHITECTURE
ENGINEERING

David P. Becker
Principal
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Tel: 302.734.7663
Fax: 302.734.7663

Calvin J. Morgan
Principal
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Salisbury, MD 21801
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3705 Seaboard Parkway, Suite 211
Wilmington, NC 28403
Tel: 910.341.7508
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www.beckermorgan.com

DELAWARE COASTAL BUSINESS PARK

PHASE TWO
LITTLE CREEK AVE

PARK AVENUE
GEORGETOWN
SUSSEX COUNTY, DE

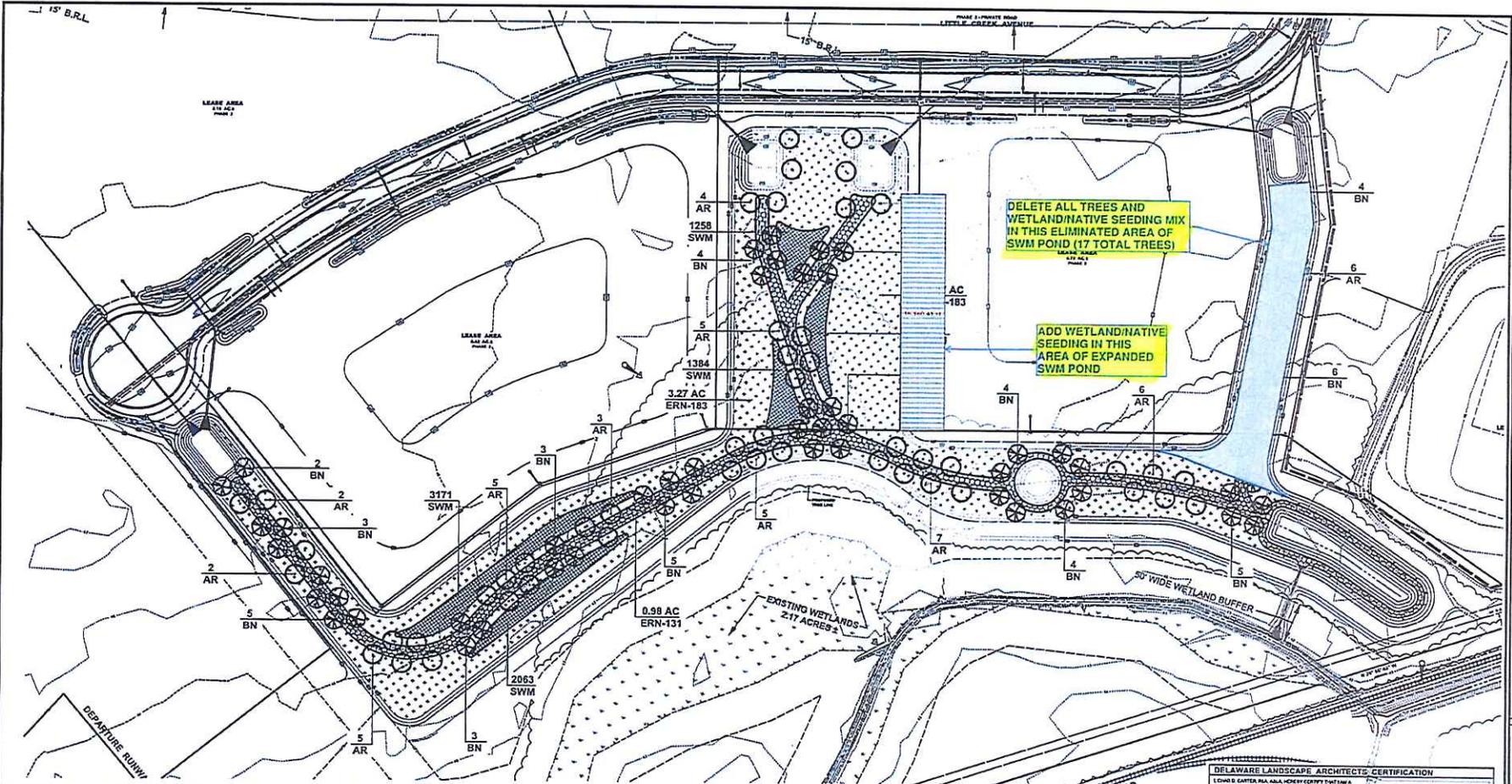
PLAN & PROFILE
STA: 0+00 TO 8+60

SWM MANAGEMENT
FACILITY MODIFICATIONS
FOR REVIEW
NOT FOR CONSTRUCTION

SCALE: 1" = 30'

PROJECT NO.: 2017-018-01
DATE: 2021-10-28
SCALE: AS SHOWN
DRAWN BY: M.A.K. / P.R.M. / M.C.T. / J.M.A.

C-701A



BECKER MORGAN
GRUBB
 ARCHITECTURE
 ENGINEERING

David D. Beck
 300 S. Washington Ave.
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 Ph: 302.734.1000
 Fax: 302.734.7005

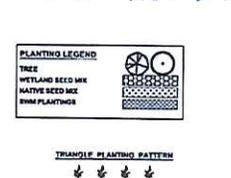
Katharine M. Grubb
 312 West Main St., Suite 300
 Salisbury, MD 21801
 Ph: 410.881.8100
 Fax: 410.881.8101

Wilmington, NC
 3700 Seacrest Parkway, Suite 211
 Wilmington, NC 28403
 Ph: 910.341.2000
 Fax: 910.341.7000
 www.beckermorgan.com



- GENERAL LANDSCAPE NOTES:**
- QUALITY AND SIZE OF PLANTS, SPACES OF ROOTS, AND SIZE OF BOWLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF ARBORICULTURISTS TYPICAL OF THE SPECIES.
 - INDICATED TREE BOWLS ARE ALL WILL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE. ALL BOWLS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE. ALL BOWLS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE. ALL BOWLS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE.
 - PLANT MATERIALS DELIVERED TO THE SITE UNLESS OTHERWISE SPECIFIED SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE. ALL PLANTS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE. ALL PLANTS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE.
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- GROWING SEASON MAINTENANCE**
- FIRST GROWING SEASON**
- UNLESS OTHERWISE SPECIFIED, ALL PLANTS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE. ALL PLANTS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE. ALL PLANTS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE.
- SECOND GROWING SEASON**
- UNLESS OTHERWISE SPECIFIED, ALL PLANTS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE. ALL PLANTS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE. ALL PLANTS SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE SITE.



PLANT LIST

| NO. | SYMBOL | PLANT NAME | COMMON NAME | SIZE | PLANT | REMARKS |
|-----|--------|-------------------|-------------------|---------|-------|---------|
| 1 | AR | ALBANY WAX MYRTLE | ALBANY WAX MYRTLE | 2' PLUG | AR | PLANT |
| 2 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 3 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 4 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 5 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 6 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 7 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 8 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 9 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 10 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 11 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 12 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 13 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 14 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 15 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 16 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 17 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 18 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 19 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 20 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 21 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 22 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 23 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 24 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 25 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 26 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 27 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 28 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |
| 29 | AR | ARIZONA SANDWORT | ARIZONA SANDWORT | 2' PLUG | AR | PLANT |
| 30 | BN | BURNING BUSH | BURNING BUSH | 2' PLUG | BN | PLANT |

DELAWARE LANDSCAPE ARCHITECTS CERTIFICATION

I, DAVID D. BECKER, A.S.A., ARCHITECT, CERTIFY THAT I AM A LICENSED LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE. I HAVE REVIEWED THE LANDSCAPE ARCHITECTURE PLAN FOR PHASE TWO OF THE DELAWARE COASTAL BUSINESS PARK AND I HAVE FOUND IT TO BE IN ACCORDANCE WITH THE DELAWARE LANDSCAPE ARCHITECTS ACT AND THE DELAWARE LANDSCAPE ARCHITECTS BOARD OF PRACTICE.

DAVID D. BECKER, A.S.A. 302-734-1000

DELAWARE COASTAL BUSINESS PARK
 PHASE TWO
 LITTLE CREEK AVE

PARK AVENUE
 GEORGETOWN
 SUSSEX COUNTY, DE

STORMWATER MANAGEMENT FACILITY LANDSCAPE PLAN

SCALE: 1" = 50'

DATE: 2021-10-02
 DRAWN BY: M.A.K. (M.A.K.)
 CHECKED BY: J.M.R. (J.M.R.)

L-001



delaware coaste lbusiness park co#1 -8-29-2022

ITEM 6 BREAKDOWN

BID ITEM

| | | BID PRICE | | |
|-----------|---|------------------|-----------------|------------------|
| 6 | GRADE AND STABILIZE LEASE AREA | \$ 88,065.10 | \$ 88,100.00 | |
| 6000L | CO 1 SWALE REWORK - TSCUT AND RESPREAD | | | |
| | <u>CREW</u> | <u>UNIT RATE</u> | <u>UNITS</u> | <u>PRICE</u> |
| 8DZD5 | Cat D6N/K with GPS | | | |
| 8EXJD330 | DEERE; 330C LC (EX-17) | | | |
| 8RDIRV | Vib. SD100D Roller | | | |
| 8T350D | Cat 350D/E HTruck | | | |
| 8TRHPU | Pick-Up F250 4x4 | | | |
| FOR | Foreman 1.00 | | | |
| OPR | Operator 5.00 | | | |
| CREW RATE | | \$ 14.50 | 1188 | \$17,226.00 |
| 6000M | MASS CUT TO FILL SOUTH DITCH | | | |
| | <u>CREW</u> | <u>UNIT RATE</u> | <u>UNITS</u> | <u>PRICE</u> |
| 8DZD5 | Cat D6N/K with GPS | | | |
| 8EXJD330 | DEERE; 330C LC (EX-17) | | | |
| 8RDIRV | Vib. SD100D Roller | | | |
| 8T350D | Cat 350D/E HTruck | | | |
| 8TRHPU | Pick-Up F250 4x4 | | | |
| FOR | Foreman 1.00 | | | |
| OPR | Operator 5.00 | | | |
| CREW RATE | | \$ 14.50 | 1830 | \$26,535.00 |
| 6000N | FINE GRADE WORK AREA | | | |
| | <u>CREW</u> | <u>UNIT RATE</u> | <u>UNITS</u> | <u>PRICE</u> |
| STSFIN | TS FINE GRADE CREW | | | |
| 8DZD5 | Cat D6N/K with GPS | | | |
| 8LD62G | Deere 624H Loader | | | |
| LABS | Laborer Skilled 1.00 | | | |
| OPR | Operator 2.00 | | | |
| CREW RATE | | \$ 0.04 | 58700 | \$ 2,524.10 |
| 6000P | CURLEX SLOPES | | | |
| | <u>CREW</u> | <u>UNIT RATE</u> | <u>UNITS</u> | <u>PRICE</u> |
| SWHOE | MISS BACK HOE | | | |
| 2CURLEX | CURLEX SEED STAPL@101% 1.00 8,000.00 SQFT | | 2.000 | 16,160 |
| 8BK416 | Cat 420 BH (BH-14/15/2) | | | |
| 8TRHPU | Pick-Up F250 4x4 (PU-A 1.00 | | | |
| FOR | Foreman 1.00 | | | |
| LABS | Laborer Skilled 2.00 | | | |
| CREW RATE | | \$ 2.50 | 8000 | \$20,000.00 |
| 6000Q | HYDROSEED DISTURBED AREA | | | |
| 4HYDRO | HYDROSEED SUB 1.00 | | | |
| CREW RATE | | \$ 2.00 | 2400 | \$ 4,800.00 |
| 6000R | EXPORT EXCESS | Quan: 900.00 CY | Hrs/Shft: 10.00 | Cal 002 WC: NONE |
| | <u>CREW</u> | <u>UNIT RATE</u> | <u>UNITS</u> | <u>PRICE</u> |
| 4COL | Trucking Subcontractor 1.00 | 140.00 HR | 100.000 | 14,000 14,000 |
| CREW RATE | | \$ 15.00 | 1132 | \$16,980.00 |

delaware coaste lbusiness park co#1 REVISION 8-31-2022 WITHOUT ISOLATED AREA
 REVISION 8-31-2022
 CALCS

| PARM# | AREA | TS CUT CY | TS RPLC CY | BANK CUT CY | BANKFILL CY | DISTURBED AREA SQFT | EXPORT |
|------------|-------------|--------------|---------------|----------------|----------------|------------------------|--------|
| | 100 N CUT | 561 | 561 | 2962 | 0 | 30400 | 2962 |
| | 200 SFILL | 400 | 400 | 0 | 1830 | 28300 | -1830 |
| SUB TOTALS | | 961 | 961 | 2962 | 1830 | 58700 | 1132 |
| | 300 ISOLATE | 227 | 227 | | 730 | 12290 | -730 |
| | Total Site | 1188 | 1188 | 2962 | 2560 | 70990 | 402 |

EarthWorks Elements, Site Excavation Report

Date: 08/31/22 Time: 03:10 PM

Job Filename: EWBACKUP
Job Description: Untitled

Scale: 1":30'

Cross-section spacing: 0.50 FT

Soil Expansion: 0%
Soil Compression: 0%
Import Soil Compression: 0%

Cut Area: 33242.3 FT2
Fill Area: 34977.3 FT2
Work Area: 82545.0 FT2

| | |
|-------------------|------------|
| Bank Cut: | 3102.1 YD3 |
| Expanded Cut: | 3102.1 YD3 |
| Bank Fill: | 2674.1 YD3 |
| Topsoil Stripped: | 1228.9 YD3 |
| Topsoil Replaced: | 1228.9 YD3 |
| Export: | 428.0 YD3 |

EarthWorks Elements, Dimensions Report Date: 08/31/22 Time: 03:10 PM
Job Filename: EWBACKUP
Job Description: Untitled

Please note that the following information is based solely on the areas' shape and depth and without regard to Perimeters and Excluded Areas.

| Topsoil Area, Stripped | Area, FT2 | Perimeter, FT | Volume, YD3 |
|------------------------|-----------|---------------|-------------|
| TS CUT SOUTH AREA | 35693.2 | 1090.3 | 661.0 |
| TS CUT NORTH CUT ARE | 35761.0 | 1024.4 | 662.2 |

EarthWorks Elements, Sub-total Report
Job Filename: EWBACKUP
Job Description: Untitled

Date: 08/31/22 Time: 03:10 PM

Perimeter 1: MAIN LOD

Cut Area: 2602.5 FT2
Fill Area: 148.5 FT2
Work Area: 11644.3 FT2

Bank Cut: 73.4 YD3
Expanded Cut: 73.4 YD3
Bank Fill: 3.7 YD3
Topsoil Stripped: 39.9 YD3
Topsoil Replaced: 39.9 YD3

Export: 69.7 YD3

EarthWorks Elements, Sub-total Report
Job Filename: EWBACKUP
Job Description: Untitled

Date: 08/31/22 Time: 03:10 PM

Perimeter 100: NORTH CUT REWORK

Cut Area: 27790.3 FT2
Fill Area: 2247.3 FT2
Work Area: 30341.0 FT2

Bank Cut: 2962.0 YD3
Expanded Cut: 2962.0 YD3
Bank Fill: 109.8 YD3
Topsoil Stripped: 561.7 YD3
Topsoil Replaced: 561.7 YD3

Export: 2852.2 YD3

EarthWorks Elements, Sub-total Report
Job Filename: EWBACKUP
Job Description: Untitled

Date: 08/31/22 Time: 03:10 PM

Perimeter 200: Perimeter #4

Cut Area: 2849.5 FT2
Fill Area: 21452.8 FT2
Work Area: 28269.3 FT2

Bank Cut: 66.7 YD3
Expanded Cut: 66.7 YD3
Bank Fill: 1830.1 YD3
Topsoil Stripped: 400.2 YD3
Topsoil Replaced: 400.2 YD3

Import: 1763.4 YD3

EarthWorks Elements, Sub-total Report
Job Filename: EWBACKUP
Job Description: Untitled

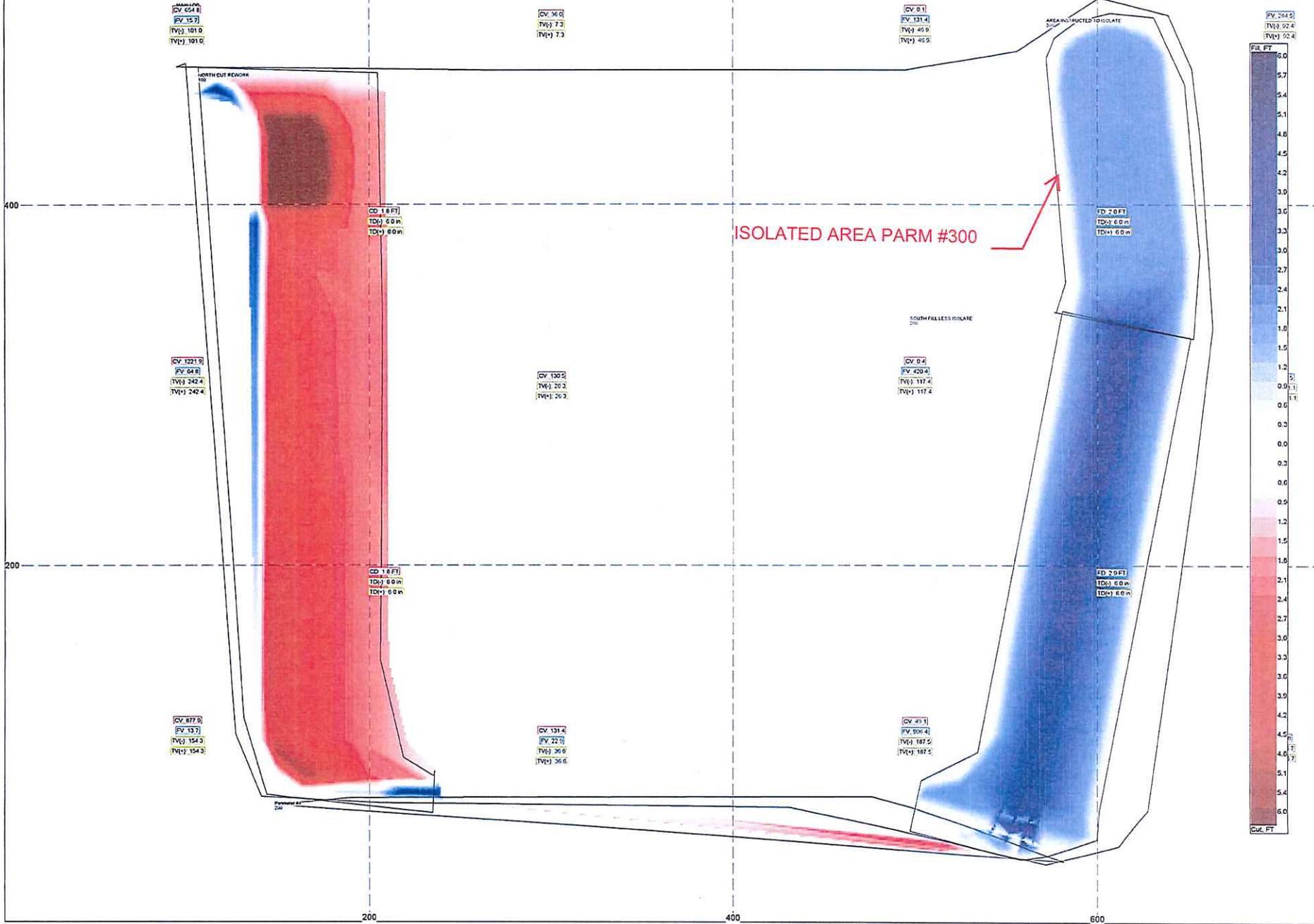
Date: 08/31/22 Time: 03:10 PM

Perimeter 300: AREA INSTRUCTED TO ISOLATE

Cut Area: 0.0 FT2
Fill Area: 11128.8 FT2
Work Area: 12290.5 FT2

Bank Cut: 0.0 YD3
Expanded Cut: 0.0 YD3
Bank Fill: 730.5 YD3
Topsoil Stripped: 227.1 YD3
Topsoil Replaced: 227.1 YD3

Import: 730.5 YD3



ITEM 40-2

HOW SWEET IT IS

MARKET, GARDEN CENTER, & WHOLESALE NURSERY
3601 Stockyard Rd
EDEN, MD 21822

PHONE: 410.742.8600

FAX 410.742.3987

2021

tracihsii@aol.com



A-Del Construction

| Job: | De Coastal Business Park Phase 2 | Date : | 10-Dec-21 | |
|------|----------------------------------|--------|-----------|-------------|
| Qty | ITEM | SIZE | PRICE | TOTAL |
| 55 | Red Sunset Maple | 2.5" | \$165.00 | \$9,075.00 |
| 59 | Heritage Riverbirch | 2.5" | \$135.00 | \$7,965.00 |
| 4578 | Tussock Sedge | plug | \$2.00 | \$9,156.00 |
| 1831 | Virginia Bluebells | plug | \$2.00 | \$3,662.00 |
| 2747 | Cut-leaf Coneflower | plug | \$2.00 | \$5,494.00 |
| | | | | |
| | | | Sub Total | \$35,341.00 |
| | | | Tax | \$2,120.46 |
| | | | Delivery | TBD |
| | | | Total | \$37,461.46 |

swirl cartage

AFTER 30 DAYS PRICES AND AVAILABILITY
SUBJECT TO CHANGE

mule
94/04
25/04

ENGINEERING DEPARTMENT

| | |
|---------------------------|----------------|
| ADMINISTRATION | (302) 855-7718 |
| AIRPORT & INDUSTRIAL PARK | (302) 855-7774 |
| ENVIRONMENTAL SERVICES | (302) 855-7730 |
| PUBLIC WORKS | (302) 855-7703 |
| RECORDS MANAGEMENT | (302) 854-5033 |
| UTILITY ENGINEERING | (302) 855-7717 |
| UTILITY PERMITS | (302) 855-7719 |
| UTILITY PLANNING | (302) 855-1299 |
| FAX | (302) 855-7799 |



Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Terrapin Island Expansion of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area)
- The Engineering Department has received a request from Pennoni on behalf of their client Ribera Development, LLC the owners/developers of a project to be known as Terrapin Island.
- The request includes parcel 243-18.00-31.00.
- The project is proposed at 42 single family homes on 30.08 acres.
- The project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates.
- The Engineering Department would like to request permission to prepare and post notices for a Public Hearing on the annexation of the area.



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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: September 15, 2022

RE: County Council Report for C/U 2300 filed on behalf of MRBP, LLC

The Planning and Zoning Department received an application (C/U 2300 filed on behalf of MRBP, LLC) for a Conditional Use for parcel 533-5.00-38.00 and 41.04 for a borrow pit. The property is lying on the southwest side of McCary Road [S.C.R. 385], approximately 857-ft south of Frankford School Road [S.C.R. 92]). The parcel size is 56.93 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on July 14, 2022. At the meeting of August 11, 2022, the Planning & Zoning Commission recommended approval of the application subject to 8 reasons stated and subject to 20 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application on August 23, 2022. At the conclusion of the hearing, a motion was made and passed to hold the record open for an additional period of seven days for the receipt of additional written comments. The additional comments received are included below.

Below is a link to the County Council meeting minutes for the meeting of August 23, 2022.

[Link to the Minutes of the Sussex County Council Meeting of August 23, 2022](#)

Below are the minutes from the Planning & Zoning Commission meetings of July 14, 2022 and August 11, 2022.

[Minutes of the July 14, 2022 Planning & Zoning Commission Meeting](#)

Ms. Wingate recused herself from the next Application and left Council Chambers.



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

C/U 2300 MRBP, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 56.93 ACRES MORE OR LESS. The property is lying on the southwest side of McCary Road (S.C.R. 385), approximately 857-ft south of Frankford

School Road (S.C.R. 92). 911 Address: N/A. Tax Parcels: 533-5.00-38.00 & 41.04.

Mr. Whitehouse advised the Commission that submitted into the record was the Exhibit Booklet, the Environmental Assessment, the Applicant's proposed Conditions of Approval, the staff analysis, a letter from Sussex County Engineering Department Utility Planning Division, the Technical Advisory Committee (TAC) comments, the DelDOT Service Level Evaluation Response and zero comments.

The Commission found that Mr. Steve Marsh, Engineer with GMB, Inc., spoke on behalf of the Application; that also present were Mr. R. Lawton Myrick, Business and Property Owner of MRBP, LLC., and Mr. Edward Launay, with Environmental Resources, Inc.; that MRBP, LLC, is seeking a Conditional Use for the site, located on McCary Rd., for a borrow pit operation; that the total acreage is 57.03 acres; that the Conditional Use application was submitted on June 28, 2021; that the parcels are located within the AR-1 (Agricultural Residential) Zoning District; that the parcels are located within the Coastal Area; that the immediate area consists primarily of agricultural use and low-density residential; that there are some substantial chicken farm operations in the area; that there is significant development activity plan in the general area, particularly in the Town of Millville, starting as far south as the intersection of Peppers Corner and Powell Farm Rd., at the intersection with Rt. 17; that no public water or sewer services are proposed for the operation; that stormwater management will meet the requirements of the Sussex Conservation District; that the bulk of the operational activity is contained to the interior of the site; that a 100-ft. planted buffer is required and proposed along all road frontage; that a 50-ft. wooded buffer is required for all other adjacent property boundaries; that much of the 50-ft. buffer is already in place; that some planting will be required in areas where the buffer is not located or requires enhancing; that the single access to the site will be a small commercial entrance from McCary Rd.; that Century Engineering, Inc. prepared the entry plan; that DelDOT approved the entrance plan on April 6, 2021; that due to the length of time needed to schedule the public hearing, the DelDOT approval will be required to be renewed; that the owner is anticipating an average of 30 trips per day; that Mr. Edward Launay performed a site investigation in 2021; that Environmental Resources, Inc. has advised GMB that the proposed plan avoids impacts to any potential wetland areas; that a wetland report and plan will be submitted to the U.S. Army Corp of Engineers; that tax ditches run along the western and southern boundary of the site; that no tax ditches are proposed to be disturbed by the project; that the property does contain some man-made channels internal of the site; that impacts to drainage channels at the perimeter of the project have been avoided in order to maintain drainage conditions for adjacent properties; that during the permitting process, a design team will ensure that drainage from adjacent properties is maintained, causing no negative impacts; that the State Historic Preservation Office noted the site's historical and archeological significance and potential is low; that if anything should be encountered of archeological significance, operations would stop and the State Historic Preservation Office would be notified; that the site is located within the Coastal Area; that the Coastal Area is a designated growth area; that the preferred option, following the completion of the borrow pit operations would be to work with Sussex County

Land Trust to explore options of creating a public park; that the project has been through the PLUS process; that the PLUS responses and Environmental Assessment and Public Facility Evaluation Report were included in the project binders.

Mr. Mears questioned if the Applicant would be proffering a condition relating to the property being placed with Sussex Land Trust after the completion of the borrow pit activities.

Mr. R. Lawton Myrick stated he wanted to suggest the property be placed with Sussex Land Trust after the completion of the operations; that he does not request it be made a Condition of Approval; that he has not yet spoken to Sussex Land Trust and it is currently an option he is considering.

Mr. Robertson stated borrow pits are regulated significantly by provisions of the Zoning Code, which references Conditional Uses for borrow pit use; that there are conditions required by the Code; that the Commission and County Council, historically, impose a standard set of conditions on borrow pits and he suspected the Application would be deferred to allow for review of the required and proposed conditions.

The Commission found that Mr. Tyler White spoke in opposition to the Application; that his primary residence is in Wilmington, Delaware; that he is part owner of the farm located adjacent to the property; that he owns more property directly across the street from the property; that he, as well as the other owners of the farm, oppose the project; that he feels, as an invested land owner, the area property values will be reduced; that he questioned who would want to live next to a hole in the ground; that he has not heard how many years the project is proposed to be digging; that he questioned if the digging will be based on the number of projects awarded; that he did have concerns regarding the notification process; that he questioned if the buffer would be installed before the digging process would begin; that there are multiple soccer fields located on the adjacent property; that kids will be having competitions, camps, and training next to the borrow pit; that he feels this should raise some safety concerns; that even with a provided buffer, the buffer is only foliage, not being a solid fence; that he is concerned to the unknown impact of the project to underground water sources; that he is concerned about the unknown length of time the project may operate; that if the borrow pit is based on the number of industrial projects rewarded, the operations could go on to an undetermined amount of time; that he questioned if the State or County require an escrow account stating who is responsible to maintain the property should the owner be unable to; that there was a home located on the property, which had burned down; that he questioned if there would be any historic relevance to the home; that there is no residential use currently on the property and he and his partners oppose the project.

Chairman Wheatley questioned the estimated time of operations; that he questioned if there was information regarding the impact on nearby wetland areas and neighboring wells, the sequencing of construction and operations of the borrow pit and if any safety measures are being proposed for the project.

Mr. R. Lawton Myrick stated they are proposing in the Conditions of Approval that a permit be granted, permitting operations for 30 years; that they anticipate the operation of the borrow pit to be 10 years or less; that certain portions of the property have existing hedgerows and forested areas which will serve the purpose of a buffer from construction; that where the buffer is insufficient, they are proposing to plant fast-growing seedlings; that they may place the seedlings on top of a berm made from the existing topsoil; that they will attempt to speed up the process where possible; that they propose small trees initially; that there is an existing tax ditch along the perimeter boundary of the site;

that parts of the perimeter are wooded; that safety would be a case of trespassing laws; that he does not anticipate children coming onto the property and he feels the proximity of the soccer fields would be a benefit in the long term.

Chairman Wheatley stated the Code places requirements concerning landscape buffers; that if the project should be approved, the landscape buffer will need to comply with the Code requirements; that he does not want the pit to be an attractive nuisance and he stated the Commission has the authority to place conditions on Conditional Use applications.

Mr. Steven Marsh stated he does not anticipate any negative impact on the water quality to the wells in the area; that the project is a hydraulic dredging operation; that the operations are well regulated; that the concern from a pollutant aspect would be sediment getting out into the ditches; that there are many regulations to prevent that from happening; that the children from River Soccer Club would be required to cross the existing tax ditch to access the property; that the borrow pit will be constructed under the same requirements as a stormwater management pond; that the side slopes are 4:1, with a 10-ft safety bench; that a safety bench is a flat area, being 10-ft. wide, located under the water level; that if someone were to approach the water, there would be no drop off immediately to below water surface; that a person would have to fall in the water, then walk 10-ft. out into the water before going off the edge of the bench; that the depth becomes 3:1 after the edge of the bench; that those meet the guidelines within the DNREC requirements for stormwater management ponds and they intend to meet all of the DNREC safety guidelines.

The Commission found that Mr. Chris White spoke in opposition to the Application; that he is a part owner of the adjacent farm; that the farm has been in his family for over 100 years; that it was mentioned a renewal is required for the entrance to the project; that he would like to have concrete answers as to the location of the entrance; that if the project is proposed for 30 years, he does not believe the road will withstand the traffic; that he is concerned about property values dropping; that he is concerned about security; that the project may propose parking at the site and possible drug activity; that dumping is a big issue in the area; that safety is a concern; that recently, someone drowned at the Sand Town Dump in Kent County; that the drowning occurred even with the placement of fence; that he questioned the times of operations; that he questioned if there would be set guidelines to when the diesel trucks could run; that he assumed there would be a diesel truck on site to help convert the water from one side to the other; that he has environmental concerns; that the requirement of other agency approvals is an issue; that it is difficult to reach State agencies when there are issues; that often there is no remedy to raised issues; that he has concerns to how the project would affect their property values in the future; that he had concerns regarding bugs and mosquitos, being the borrow pit is an open body of water, and he stated a man is welcome to do what he needs to do for his family as long as what he is proposing does not hurt others.

The Commission found that Mr. Art Ford, II spoke in opposition to the Application; that he lives adjacent to the property; that the McCary Rd. has many trees; that near his home, there are no trees; that the Applicant is not proposing to place any trees nearest to his home; that there will be no buffer between the project and his back yard; that he requested to submit a photograph taken from his backyard to the proposed site of the borrow pit; that he has a clear view to where the operations are proposed; that any existing trees on the property have fallen into the tax ditch or onto his property, where he was required to cut the trees down; that it was proposed the operations would provide 30 loads a day; that a dump truck is equal to 16 yards of dirt; that he averaged the total to equal 13.5 years of digging operations; that McCary Rd. is a 45-MPH road; that he questioned the safety of the dump

trucks pulling out of the small entrance way while being surrounded by trees; that the soccer fields have hundreds of children playing on site every weekend; that he felt the project has not been well thought out; that he requested the Commission give great consideration to what the project will affect; that he and his wife have experience in real estate; that he knows the project will affect adjacent property values; that he requested, if the project is approved, there be limitations placed on the project and he is entitled to peaceful, quiet enjoyment of his property, within the limits of the law.

The Commission found that Mr. Nicholas Harrington spoke in opposition to the Application; that he has had previous conversations with the Applicant about some of his concerns; that he is not in complete opposition to the borrow pit use; that he is opposed to the potential use of a park after the borrow pit operations are completed; that DNREC is understaffed; that this will cause a park to not be monitored; that without monitoring there will be drug activity within the proposed park; that he would like to know the hours of operations proposed for the project; that McCary Rd. is barely a two-lane road; that drivers speed frequently on the road; that if trucks leaving the property only exit to the left, they will avoid 90% of McCary Rd., as the majority of the homes are located to the right and regardless of the way the trucks exit, there is no easy access to main roads.

Mr. Mears questioned if the watering equipment, moving water from one pit to another, operating 24/7 will be part of the proposed operation activities and if a diesel motor will be associated with the dredging.

Mr. Myrick stated they have suggested the hours of operations be 8:00 am until 6:00 pm, Monday through Friday and 8:00 am until 2:00 pm on Saturdays; that there would be no hours of operations on Sundays; that there would be a gate on-site; that the dredge may operate 24/7; that the dredge does not cause any noise and he was unsure if a diesel motor would be required to operate the dredge.

Mr. Robertson stated previously, that the dredging issues have been based on the location of the borrow pit; that previously trucking has been limited, but the dredge was able to operate up to 12 to 18 hours a day and the condition primarily depended on the surrounding properties.

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

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

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

In relation to Application C/U 2300 MRBP, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 3-0.

Draft Minutes of the August 11, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since July 14, 2022.

Ms. Wingate had abstained from this Application's original public hearing on July 14, 2022.

Mr. Mears moved that the Commission recommend approval of C/U 2300 MRBP for a borrow pit based on the record made during the public hearing and for the following reasons:

1. This application is for a borrow pit on 56.93 acres. The total excavated area of the pit itself will not exceed 40 acres.
2. A need exists in the area for dirt, sand, and gravel. The material removed from this site will be used throughout the County for a variety of residential and commercial uses and road construction.
3. The site is generally surrounded by poultry farms and farmland as well as a few residential properties. It is also adjacent to the open areas of an outdoor soccer field.
4. The site is in the “Coastal Area” according to the Sussex County Comprehensive Plan. A borrow pit is an appropriate use in this Area according to the Plan.
5. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on traffic or the neighboring properties or community.
6. As a source of fill dirt available to the entire County, the project is essential and desirable for the general convenience, safety, and welfare of the current and future residents of the County.
7. The vegetated buffers will be maintained or established along the boundaries of this land and lands of other ownership.
8. The use is subject to approvals from State Agencies including DelDOT and DNREC.
9. This recommendation for approval is subject to the following conditions and stipulations:
 - A. No materials shall be brought from off the site for processing, mixing or similar purposes.
 - B. The excavated borrow pit area shall not exceed 40 acres.
 - C. Water or a water truck shall be available to control dust from road traffic when conditions require.
 - D. The only entrance to the pit shall be a paved road from McCary Road. The entrance shall be fenced or gated to prevent access at unauthorized times.
 - E. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant. All entrances shall be secured when the borrow pit is not in operation.
 - F. The project shall meet or exceed stormwater management system regulations set forth by the Sussex Conservation District and DNREC through a combination of Best Management Practices and Best Available Technologies. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - G. The hours of trucking and equipment operations shall be between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. until 2:00 p.m. on Saturdays. No Sunday trucking operations shall be permitted.
 - H. Although the dredge may operate at any time, the dredge and pumps shall be powered by electric motors. No diesel or gasoline engines shall be utilized for dredging or pumping operations. All pumping operations shall be silent only.
 - I. No materials shall be stored on any access roads or within any buffer area.

- J. No stumps, branches, debris, or similar items shall be buried or placed in the site of the borrow pit.
- K. The proposed pit will have a 4:1 side slope down to a 10-foot level bench that will be approximately near or 1 foot below the static water surface. Below the water level, the borrow pit shall have 3:1 slopes. The depth of the proposed borrow pit will not exceed 40 feet.
- L. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding, and planting schedules designed to create a pleasing appearance.
- M. The Applicant shall comply with all State and County erosion and sediment control regulations.
- N. Permanent concrete markers and signs shall be placed at appropriate locations to designate the boundaries of the subject property and pit areas. The boundary markers shall be clearly visible to anyone nearing the site.
- O. The Applicant shall comply with all of the requirements set forth in Section 115-172B of the Sussex County Zoning Ordinance.
- P. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling or other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer using existing vegetation or native species vegetation. The location and vegetation within this buffer area shall be shown on the Final Site Plan.
- Q. The 57.03-acre parcel shall be divided into three (3) phases of 19 acres each. Phase two will not be started until 75% of Phase one is completed. Phase three shall not be started until 75% of Phase two is completed. The total excavated area shall not exceed 40 acres. These phases shall be shown on the Final Site Plan.
- R. Five (5) years after the start of digging, the Planning and Zoning Department shall perform an inspection of the site and shall request written comments from all appropriate State agencies so that the Planning and Zoning Commission can review the comments to verify compliance with all then-existing regulations.
- S. Equipment within the borrow pit area shall be equipped with bbs-tek white sound alarms or a similar system that adjusts to the ambient noise that provides a warning of imminent danger.
- T. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Hopkins and carried unanimously to recommend approval of C/U 2300 MRBP, LLC for the reasons and conditions stated in the motion. Motion carried 4-0. Ms. Wingate abstained.

The vote by roll call: Ms. Stevenson – yea, Mr. Hopkins – yea, Mr. Mears – 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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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: July 14th, 2022

Application: C/U 2300 MRBP, LLC

Applicant: MRBP, LLC
5973 Smithy’s Lane
Salisbury, MD 21801

Owner: MRBP, LLC
5973 Smithy’s Lane
Salisbury, MD 21801

Site Location: Lying on the southwest side of McCary Road (S.C.R. 385), approximately 857 feet south of Frankford School Road (S.C.R. 92).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Borrow Pit

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Department

Sewer: Sussex County

Water: Artesian

Site Area: 56.93 acres +/- (per County’s online map)
56.71 acres +/- (as indicated on Application)

Tax Map IDs.: 533-5.00-38.00 & 41.04



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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: June 13, 2022
RE: Staff Analysis for C/U 2300 MRBP, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2300 MRBP, LLC to be reviewed during the July 14, 2022, 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 Parcels 533-5.00-38.00 and 41.04 to allow for a borrow pit operation and other ancillary related uses. The property is lying on the southwest side of McCary Road (S.C.R. 385), approximately 857 feet south of Frankford School Road (S.C.R. 92). The property consists of 56.93 acres +/-.

Further Site Considerations

County records indicate that there is a Tax Ditch located on the property (specifically on parcel 38.00) which spans the entire perimeter of this parcel known as the Bear Hole Tax Ditch. There is a related Tax Ditch right-of-way on the property as well which runs along the western, southern and eastern side of the property. The Tax Ditch ROW is measured 80-ft from the Top of Bank (TOB) of the tax ditch.

The property is not located within any established Transportation Improvement District (TID).

The property is located within Flood Zone "X" – Areas determined to be outside of the 100-year Floodplain.

Agency Comments Received

In accordance with §115-172(D) of the Sussex County Code, the project plans were sent to the Sussex County Technical Advisory Committee (TAC) for purposes of agency review and receipt of agency review comments. All comments received have been collated and included in the Commission's packet this evening.

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 subject property has land use designation



of Coastal Area.” All surrounding properties to the north, south, east and west of the subject site contain the Future Land Use Map designation of “Coastal Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

Zoning Information

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 (AR-1) District is listed as an Applicable Zoning District within the “Coastal Area.” (Sussex County Comprehensive Plan, 4-25).

The property (to include both Tax Parcels) is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, west and east of subject property are zoned Agricultural Residential (AR-1) District. The properties to the north on the opposite side of McCary Road (S.C.R. 385) are also zoned Agricultural Residential (AR-1) District.

It should be noted that there is a single parcel to the southeast that is zoned General Commercial (C-1).

Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been three (3) Conditional Use applications within a 0.25-mile radius of the application site. The first application is for C/U 1468 Lane M. Brown to allow for a playing area for paintball games within an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of Thursday, November 14, 2002. The Sussex County Council approved the use at their meeting of Tuesday, December 10, 2002 and the change was adopted through Ordinance No. 1575. The second application is for C/U 2256 Jerry Meiklejohn, LLC to allow for hardscaping, outdoor living construction and commercial business within an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of August 12, 2021. The Sussex County Council approved the use at their meeting of Tuesday, August 31, 2021 and the change was adopted through Ordinance No. 2796. The third application is for C/U 2288 Broom Solar Partners to allow for a solar farm to be located within an Agricultural Residential (AR-1) District. The Planning and Zoning Commission recommended approval for the use at their meeting of Thursday, March 10, 2022. The Sussex County Council approved the use at their meeting of Tuesday, March 22, 2022 and the change was adopted through Ordinance No. 2841.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a borrow pit in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

| Conditional Use Applications (w/in a 0.25 mile radius of the subject site)* | | | | | | | | |
|--|-------------------------|-----------------------|--|-------------------------|------------------------------|--------------------|-------------------------|-------------------------|
| Application Number | Application Name | Current Zoning | Proposed Use | P&Z Decision | P&Z Decision Date | CC Decision | CC Decision Date | Ordinance Number |
| C/U 1468 | Lane M. Brown | AR-1 | Playing Area for Paintball Games | Recommended Approval | 11/14/2002 | Approved | 12/10/2002 | 1575 |
| C/U 2256 | Jerry Micklejohn, LLC | AR-1 | Hardscaping, outdoor living construction & commercial business | Recommended Approval | 11/12/2021 | Approved | 8/31/2021 | 2796 |
| C/U 2288 | Broom Solar Partners | AR-1 | Solar Farm | Recommended Approval | 3/10/2022 | Approved | 3/22/2022 | 2841 |



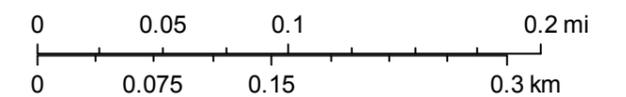
Sussex County



| | |
|------------------------|-----------------|
| PIN: | 533-5.00-38.00 |
| Owner Name | MRBP LLC |
| Book | 5447 |
| Mailing Address | 5973 SMITHYS LN |
| City | SALISBURY |
| State | MD |
| Description | SW/RT 385 |
| Description 2 | |
| Description 3 | |
| Land Code | |

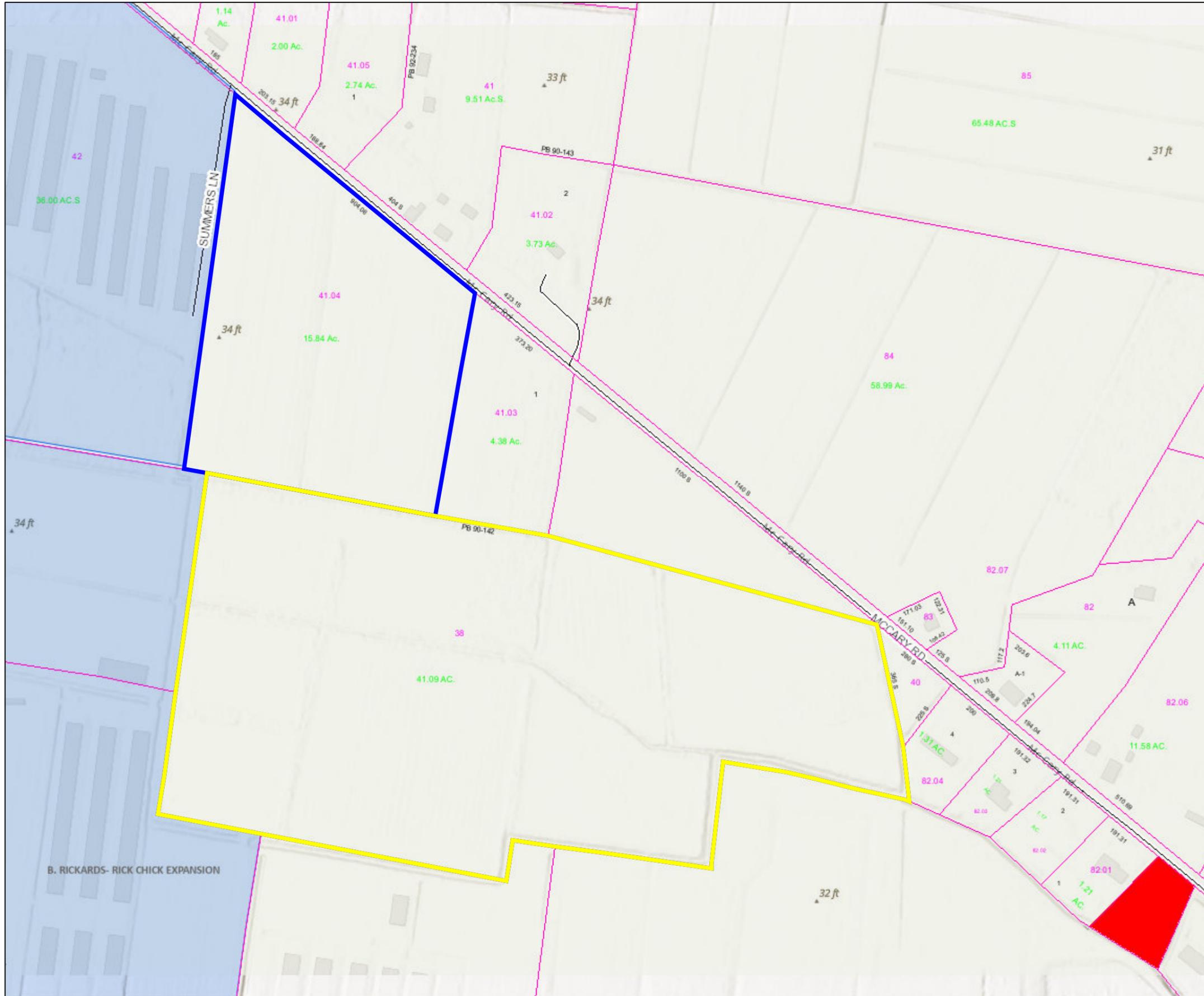
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Override 1
- polygonLayer**
Override 1
- Tax Parcels
- Streets
- County Boundaries

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Sussex County



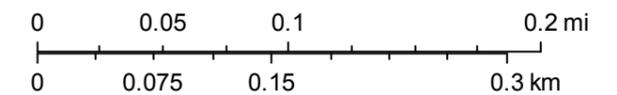
| | |
|------------------------|-----------------|
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| City | SALISBURY |
| State | MD |
| Description | SW/RT 385 |
| Description 2 | |
| Description 3 | |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



■ ■ ■ ■

ARCHITECTS
ENGINEERS

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BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

September 6, 2022

Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

Attn: Ms. Lauren DeVore
Planner III

RE: McCary Road Borrow Pit
C/U 2300
Response to Written Public Comments
GMB # 210109

Dear Lauren:

Please find below our responses to the comments received by the public in reference to the above referenced project.

ENVIRONMENTAL

WATER

The proposed borrow pit will be in essence a 'bowl' shaped depressed area. The permanent pool elevation varies roughly between 2.5 to 5 feet below existing grade. The pit will be expanded and enlarged over time from the initial point of construction. The site is not to be dewatered - there will be no pumping of water to and from different areas of excavation as stated in the public hearing by some of the comments received. Excavation occurs mechanically to remove "wet" material, which is then stockpiled to dry on land. As such, there is no impact to the local groundwater table. During excavation, sediment can get suspended in the water column, but settles out back into the borrow pit area. There is no sediment leaving the site as there will be no surface water or man-made connections to the drainage ditches that surround the site nor to the Bear Hole Tax Ditch system.

There should be no concern about existing nearby well contamination as the only chemical stored on site is diesel fuel in a 500-gallon skid tank with secondary containment per DNREC regulations. In addition, there is a clay layer 30-35' deep that serves to confine the aquifer used for drinking water below. Household wells for potable water are excavated to depths below the surface groundwater table and deeper than this clay layer. As an added safeguard, Zoning Condition 24 calls for monitoring wells, with annual results filed with Sussex County and DNREC.

Offsite drainage will remain uninterrupted. Existing drainage channels are in place on the perimeter of the site which move water into the Bear Hole Tax Ditch network. There is less risk of any flooding with the borrow pit in place than with the current agricultural use as there is a significant volume increase to temporarily store rainfall, and any runoff occurring on the site. The tax ditches around the property remain in place so that drainage continues to function uninterrupted. Again, it should be noted that there will be no dewatering for borrow pit operations and there will be no discharge of water leaving the site under normal circumstances and operating conditions.

RECEIVED

SEP 06 2022

SUSSEX COUNTY
PLANNING & ZONING

WILDLIFE CONSIDERATIONS

The existing site is primarily composed of actively tilled agricultural lands. There are wooded hedgerows and ditches on the perimeter and on internal parts of the site which define these field areas. The perimeter hedgerow that exists on the site will be retained. Actively tilled land has relatively low wildlife value. Farmers often take measures to minimize adverse wildlife impacts on their crops and there are no large continuous forest areas providing superior habitat on this site.

In the long-term circumstance of borrow pit operations and subsequent restoration as a lake, aquatic habitat will be created in lieu of terrestrial habitat. A future lake area and inactive parts of the pit will support fish and amphibian populations that do not presently exist.

As one can witness when visiting existing and restored borrow pits, there are several species of birds which forage at these locations including the Great Blue herons and common egrets. A number of small terrestrial animals forage along banks at the water's edge as well.

The impact of a borrow pit on this site will have no significant impact on the wildlife populations. In the long term, the site will shift from a terrestrial land area to aquatic habitat. The net effect of that will be an increase in habitat diversity and change the kinds of flora that currently occupies the site. In the end, the proposed borrow pit project will ultimately preserve the site as a future wildlife habitat and open space.

NUISANCE INSECTS & ANIMALS

Mosquitos that breed and occupy inland areas generally do so in small, isolated pools of stagnant water. Breeding often occurs in the urbanized setting of a homeowner yard where pools of standing water occur on items stored outdoors. Mosquito breeding does not occur in larger and deeper bodies of water. Organic material needed to support mosquito larvae does not occur. As can be seen at a variety of borrow pit locations, fish and amphibian populations will rapidly colonize these areas and these species effectively control the larvae of mosquitos and other breeding insects.

Comments also voiced a concern that the borrow pit would serve to expand populations of spotted lanternflies (*Lycomma delicata*). The spotted lanternfly is a plant hopper which causes damage to ornamental trees, orchard areas and wooded habitats. The spotted lanternfly is an invasive species native to China, India, and Vietnam. It was identified in New Castle, Delaware in 2017. Limited populations do occur in Sussex County. It uses wooded areas for breeding and habitat, and it is not an insect associated with aquatic habitats. The proposed project site does not contain habitat conducive to the species and implementation of a borrow pit or future pond will not provide any. This concern has no basis.

Other comments provided stated that a borrow pit operation would somehow increase or result in populations of feral cats, ground hogs, or mice. To the contrary, implementation of a borrow pit will transform the site from terrestrial to aquatic habitat and as such, these claims are without merit.

NOISE

We acknowledge that there will be truck traffic associated with the borrow pit operations. We anticipate 30 loads per day on average over an 8 to 10-hour work day. Some days may have more loads, but over the course of a calendar year, there will be some days with little to no traffic due to weather or demand for fill material. We also note that structural fill is required for nearby development projects and this demand is expected to continue. Placing the borrow pit closer to the areas of proposed growth yields significantly fewer vehicle miles traveled overall and greatly reduces overall environmental and roadway impacts.

The proposed hours of operation are Monday through Friday, 7:00 a.m. until 6:00 p.m., with no heavy equipment operating after 5:30 p.m. each day.

Assuming the trucks and equipment work from 7:30 a.m. until 5:30 p.m. (10 hours), the busiest days would average 5 trucks per hour.

There will be no dewatering, therefore no pumps running constantly overnight or for any length of time. Long stick track mounted excavators will remove material. As such, there is no anticipated need for pumps to be operating on the property.

HEALTH AND SAFETY

Diesel fumes and smell will be mitigated by the distance from existing neighbors. By code, we are required to keep the extents of the pit at least 200' from the neighboring residences of other ownership. We are also required to provide a 50' vegetated buffer around the perimeter and a 100' vegetated buffer along the McCary Road frontage. A water truck will be provided to control dust from truck traffic as needed.

The heavy equipment runs on diesel fuel and this equipment 'beeps' when in reverse as part of required safety measures to prevent on site accidents.

Again, the distance from existing homes will reduce the impact of 'banging' of the loading equipment. Banging associated with dump trucks is when they are unloading material and the swing gate bangs. These trucks will be getting loaded on site vs unloading. A normal loading process will not include a bang of any sort.

MISCELLANEOUS

Homeowner Rights - We agree that homeowners are entitled to enjoy the quiet enjoyment of their property. Therefore, we propose limited hours of daily operation for a finite amount of time versus unlimited 24 hours of operation without limits on the duration of the permit. Significant buffers from active borrow pit operations are being provided. These buffers meet or exceed existing standards. Existing vegetation within the buffer area will be maintained. The required buffer areas that are currently without vegetation will be augmented by planting seedlings of native species. In various locations a raised perimeter berm will be provided.

Devaluation of Property Values - We do not agree or accept that the project will reduce neighboring property values. In fact, we suggest that the final product will yield a scenic lake that many people would enjoy having within the neighborhood of surrounding properties versus expanded residential density or other uses which might otherwise

occur. We strongly believe that a scenic lake is a better neighbor than a large poultry operation, which would be allowed by right in the AR-1 district.

Traffic – DeIDOT approved an entrance design based on the proposed use. By Law, we are held to DeIDOT’s expertise and requirements.

Security – We state in our Zoning Conditions that the entrance to the site will be gated. Between the hours of 6:00 p.m. and 7:00 a.m. the following day, the gate will be locked and posted with “No Trespassing” signs.

Safety – The site is bounded by large deeply dug tax ditches and hedgerows that serve as an impediment to trespassing. The ditches often have flowing water and ditch bottoms are soft and muddy. We are happy to add “No Trespassing” signs along the perimeter, but a fence is unwarranted.

We are required to provide a 10’ safety bench at the one-foot (1’) depth. If anyone were to trespass onto the site and slip into the ponded borrow pit or future lake, they would land on this 10’ wide level area.

CONCLUSION

Zoning Change – We disagree that a zoning change is relevant or required.

Per Sussex County code **Article IV AR-1 and AR-2 Agricultural Residential Districts** Section 115-22 Conditional Uses states, “The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article XXIV of this chapter:”

Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision or planned residential development. (See Sec. 115-172B)

Section 115-172B – Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations, provided that:

- 1) No material be brought from off the site for processing, mixing or similar purposes.
- 2) The excavating, extraction or filling operation shall be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly in regard to odors, dust, air or water pollution and uses of roads or streets providing access to the site.
- 3) The location of the excavation, extraction or filling with respect to property lines, the depth of the excavation or filling and relation to the water table or flood criteria and the slope of the sides of the excavation shall be controlled to prevent a continuing unsightly, hazardous or wasteful condition of the land.
- 4) The borrow pit shall be surrounded by a landscaped unexcavated buffer strip of open space a minimum distance of 100 feet from any street lines and a minimum distance of 50 feet from all other property lines. The buffer strip shall remain free of any buildings or streets.

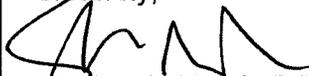
- 5) The borrow pit shall be at least 200 feet from any dwelling on property of other ownership.
- 6) Prior to issuance of a notice to proceed with development of the borrow pit, a site plan shall be submitted to the Commission for review. The site plan shall be prepared in compliance with this subsection, Article XXVII of this chapter and the following:
 - a. Site plans shall designate existing site conditions, proposed excavation area and proposed reclamation plans.
 - b. Approvals shall be required to be submitted from the appropriate governmental agency for ingress/egress and erosion/sediment control.
 - c. The Commission may request that the site be fenced or screened and may establish greater setbacks due to individual site-related conditions.
 - d. The Commission may request that the site plan be reviewed by the Technical Advisory Committee.
 - e. In order to assure completion of the approved reclamation, the Commission may recommend to the County Council that performance guaranties be required.

We note that several signees of the document live along Gum Road. We propose that semi-tractor trailer traffic serving existing poultry operations are larger than the dump trucks necessary for a borrow pit operation. We also note that the borrow pit would be in operation for 15 years or less, but poultry operations can continue operation in perpetuity.

We note that we have provided a Conditional Use request that meets the requirements of the Sussex County Zoning Code. During the process, we have also worked with the closest neighbor to accommodate most of their concerns. We ask that you consider our request based on how well we meet the intent of the code.

Thank you for your time and consideration.

Sincerely,



Stephen L. Marsh, P.E.
Sr. Vice President
East Region Director of Operations

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AUG 31 2022

SUSSEX COUNTY
PLANNING & ZONING

TO: **Sussex County Council, DE**

August 23, 2022

We, the undersigned (a.k.a., Citizens of Frankford DE. Would ask the Sussex County Council, to Reject Approving the Borrow "Pit", application on Mccary rd. Frankford DE). We adamantly **OPPOSE** the Council approving the *Borrow Pit* application. *

The **OPPOSITION** stems from a variety of Delaware Citizens' concerns to include:

Environmental

Water – Project could result in flooding of adjacent Homes, Farmland, contamination of existing wells serving both Residents, Poultry houses and Farmland. In addition, it could affect the water table resulting in droughts, etc. some Neighbors wells are only 60ft deep.

Wild Life - It is unpredictable what repercussions may result from such a large pond. Unwanted wild life to include:

- Animals, posing traffic accident concerns (deer), etc.
- Insects – creating an enormous breeding ground for **Mosquitos** as the Application does not address any mitigation actions.
- **Lantern Fly's** creating irreversible, massive Agricultural damage.
- The breeding of Frog's, Mosquitos, ferial cats, ground hogs, Mice, and other unwanted animals.

Noise – The Project calls for 30 – 50 dump-trucks coming and going down 19ft road that's 60 to 100 trucks driving down Mccary rd. every day,

5 days a week. 60 trips a day 300, trucks per week **That's 1 truck every 8 minutes** so

300 trucks per week is 1,200 truck a month at 30 loads a day.

50 loads per day, would be 2,000 trucks a month and 24,000 loads per year. **That's 1 truck every 4.8 minutes.**

360,000 loads over the life of this 15-year permit.

Deisel water pump running 24hrs a day which is a major safety concern how's going to monitor them, and other heavy equipment.

Health and safety

Health and safety of the people living in and an around this borrow pit and the welfare of people visiting the soccer field. Breathing diesel fumes, the Deisel smell, dust, noise.

The excavation equipment digging and loading the dirt. The 24-hour, 7 day a week polluting diesel generator running the many transfer water pumps within the site, etc. Trucks backing up the beeping coming from the trucks. The banging of the equipment loading the dirt.

Miscellaneous

A home owner is intitled to quit enjoyment of their property; this would not be that.

Devaluation of Property Values – This proposed 15-year Project would reduce the Value (\$\$\$) of all properties within the vicinity.

Traffic – The existing road is NOT designed for this volume of traffic coming and going current speed limit is 45mph. The constant coming and going of 20-ton dump trucks and other heavy equipment on a narrow 19 ft wide road with no shoulder presents an enormous potential for traffic accidents.

Security – The current Application does not offer any security provisions to halt drug trafficking, illegal dumping, vandalism, or safety etc.

Safety – During the last Planning and Zoning meeting the Board raised the issue of requiring a fence around the property. The current application does NOT include any such offer. The adjacent Soccer Field and the associated children will be more than tempted to visit the big hole in the ground resulting in injury or death, **God forbid!**

Other –

Conclusion

We **OPPOSE** the Council approving this application.

It takes farmland and makes it a commercial business and thereby they should **PETITION** for a zoning change to Commercial versus remaining Agricultural. They are NOT growing a thing!

Why Should the elected Council Members choose to support an out-of-state commercial enterprise over the wishes of the Delaware Citizens.

Moran - Morales
(Last name) -- print clearly --

Rubicela :
McCarly Road
(First name)

Rubicela Moran Morales
(signature)

Morales
(Last name) -- print clearly --

Roman :
McCarly Road
32570 McCarly Rd.
(First name)

Roman Morales
(signature)

McCarly
(Last name) -- print clearly --

Norma :
(First name)

Norma McCarly
(signature)

McCarly
(Last name) -- print clearly --

Hunter :
32570 McCarly Rd
(First name)

Hunter B. McCarly
(signature)

McCarly
(Last name) -- print clearly --

Mack :
32538 McCarly Rd
(First name)

Mal McCarly
(signature)

Ganter
(Last name) -- print clearly --

Kenneth :
32538 McCarly Rd
(First name)

Kenneth
(signature)

Friolet
(Last name) -- print clearly --

Terence :
(First name)

Terence Friolet
(signature)

White
(Last name) -- print clearly --
302-382-0141

landowner McCarly Rd.
Chris :
(First name)

Chris White
(signature)

White
(Last name) -- print clearly --
302-420-9950

handowner McCarly Road
Tyler :
(First name)

Tyler White
(signature)

White
(Last name) -- print clearly --
302-438-1911

landowner McCarly Road
Bennett :
(First name)

Bennett White
(signature)

32491 McCary Road
DORSS, Karl: [Signature]
(Last name) - print clearly - (First name) (signature)

McCary Road
CARLINS, Billie: Billie Carlins
(Last name) - print clearly - (First name) (signature)

McCary Road
Carlins, Leo: Leo Carlins
(Last name) - print clearly - (First name) (signature)

32248 Gum Rd
MORRIS, JANE: Jane M. Morris
(Last name) - print clearly - (First name) (signature)

32086 Gum Rd
MEARS, Steve: Steve M. Mears
(Last name) - print clearly - (First name) (signature)

32171 Gum Rd
STEVENS Jeffrey, _____: [Signature]
(Last name) - print clearly - (First name) (signature)

32472 McCary RD
NITZ Abigail, Frankford DE: [Signature]
(Last name) - print clearly - (First name) (signature)

32472 McCary RD
Nitz Paul, Frankford DE: [Signature]
(Last name) - print clearly - (First name) (signature)

32472 McCary Rd
Willey Andrew, Frankford, DE: [Signature]
(Last name) - print clearly - (First name) (signature)

_____, _____: _____
(Last name) - print clearly - (First name) (signature)

McCary Road

FORD #
32408 MCCARY
(Last name) - print clearly -

ART
(First name)

ART
(signature)

WEBER
32407 MCCARY RD
(Last name) - print clearly -

Richard
(First name)

Richard
(signature)

SOWINSKI
32406 MCCARY RD
(Last name) - print clearly -

JOSEPH
(First name)

Joseph
(signature)

SOWINSKI
32406 MCCARY RD
(Last name) - print clearly -

CARMEN
(First name)

Carmen Sowinski
(signature)

Morgan
32408 MCCARY
(Last name) - print clearly -

Barbara
(First name)

Barbara Morgan
(signature)

Marino
32408 MCCARY
(Last name) - print clearly -

Mary
(First name)

Mary R. Marino
(signature)

Harcu
31271 FRANKFORD SCHOOL RD
(Last name) - print clearly -

Michael
(First name)

Michael Harcu
(signature)

Lambros
31008 FRANK FORD SCHOOL RD
(Last name) - print clearly -

Nick
(First name)

Nick Lambros
(signature)

Redden
31251 FRANK SCHOOL RD
(Last name) - print clearly -

Phyllis
(First name)

Phyllis Redden
(signature)

Landowner McCary Road
Short, Eileen: E Short
(Last name) – print clearly – (First name) (signature)

Wade, Kimberly: [Signature]
(Last name) – print clearly – (First name) (signature)

Wheatley, Shorlenn: S. Wheatley
(Last name) – print clearly – (First name) (signature)

WELLS, DAVID: David D. Wells
(Last name) – print clearly – (First name) (signature)

Wheatley, AMBER: Amber Wheatley
(Last name) – print clearly – (First name) (signature)

Wells, Shirley: Shirley Q. Wells
(Last name) – print clearly – (First name) (signature)

Tritapoe, Margaret: [Signature]
(Last name) – print clearly – (First name) (signature)

Tritapoe, BRIND: [Signature]
(Last name) – print clearly – (First name) (signature)

JORSS, Pamela: [Signature]
(Last name) – print clearly – (First name) (signature)

(Last name) – print clearly –
Drummond

(First name) Christine :

(signature) Christine Drummond

(Last name) – print clearly –

(First name)

RT 17 - m. Gony (signature)

Aaron

Samantha

Samantha Aaron

(Last name) – print clearly –

(First name)

RT 12 - Gum Road (signature)

Morris

Evelyn :

Evelyn Morris

(Last name) – print clearly –

(First name)

Gum Road Behind Pit (signature)

Morris

Bradford :

Bradford Morris

(Last name) – print clearly –

(First name)

Gum Road Behind Pit (signature)

WATTS

JAMES :

James

(Last name) – print clearly –

(First name)

RT 17 - Gum Road (signature)

Hudson

Albert :

Albert Hudson

(Last name) – print clearly –

(First name)

RT 17 m. Gony (signature)

Hudson

Sharon :

Sharon Hudson

(Last name) – print clearly –

(First name)

RT 12 - m. Gony (signature)

Brosnahan

Megan :

Megan

(Last name) – print clearly –

(First name)

RT-17 m. Gony (signature)

Gray
(Last name) – print clearly –

Barbara: Barbara Gray
(First name) ^{RIT - Melissa} (signature)

GRAY
(Last name) – print clearly –

Glenn: Glenn M. Gray
(First name) ^{RIT - Melissa} (signature)

GRIFFITHS
(Last name) – print clearly –

Sherrrie: Sherrrie Griffiths
(First name) ^{Grum + 17} (signature)

Lynch JR
(Last name) – print clearly –

Jeffrey: Jeffrey C Lynch Jr
(First name) ^{Missy + 17} (signature)

Kansak Jr
(Last name) – print clearly –

Joseph: [Signature]
(First name) ^{Grum + 17} (signature)

Kansak
(Last name) – print clearly –

Melissa: Melissa Kansak
(First name) ^{Grum + 17} (signature)

STEFFENS
(Last name) – print clearly –

Robert: Robert W Steffens
(First name) ^{Grum + 17} (signature)

Lynch
(Last name) – print clearly –

Cheryl: Cheryl A Lynch
(First name) ^{Missy + 17} (signature)

Mois
(Last name) – print clearly –

Rebecca: Rebecca Mois
(First name) ^{land owner} / (signature) ^{River Soccer}

Timmons
(Last name) – print clearly –

Tom: [Signature]
Complex Manager
River Soccer

32111 McCary Rd

Evans

(Last name) -- print clearly --

Anthony

(First name)

[Signature]

(signature)

32111 McCary Rd.

Bryant

(Last name) -- print clearly --

Lisa

(First name)

[Signature]

(signature)

(Last name) -- print clearly --

(First name)

(signature)

(Last name) -- print clearly --

(First name)

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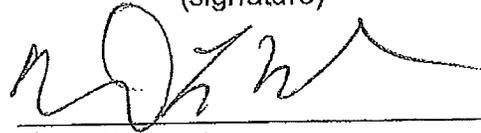
(Last name) – print clearly –

Mais

(First name)

Richard

(signature)



(Last name) – print clearly –

J Lynch

(Last name) – print clearly –

(First name)

Jeffrey

(First name)

(signature)

River School



(Last name) – print clearly –

(First name)

(signature)

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(First name)

(signature)

TO: **Sussex County Council, DE**

August 23, 2022

We, the undersigned (a.k.a., Citizens of Frankford DE. Would ask the Sussex County Council, to Reject Approving the Borrow "Pit", application on Mccary rd. Frankford DE). We adamantly **OPPOSE** the Council approving the *Borrow Pit* application. *

The **OPPOSITION** stems from a variety of Delaware Citizens' concerns to include:

Environmental

Water – Project could result in flooding of adjacent Homes, Farmland, contamination of existing wells serving both Residents, Poultry houses and Farmland. In addition, it could affect the water table resulting in droughts, etc. some Neighbors wells are only 60ft deep.

Wild Life - It is unpredictable what repercussions may result from such a large pond. Unwanted wild life to include:

- Animals, posing traffic accident concerns (deer), etc.
- Insects – creating an enormous breeding ground for **Mosquitos** as the Application does not address any mitigation actions.
- **Lantern Fly's** creating irreversible, massive Agricultural damage.
- The breeding of Frog's, Mosquitos, ferial cats, ground hogs, Mice, and other unwanted animals.

Noise – The Project calls for 30 – 50 dump-trucks coming and going down 19ft road that's 60 to 100 trucks driving down Mccary rd. every day,

5 days a week. 60 trips a day 300, trucks per week **That's 1 truck every 8 minutes** so

300 trucks per week is 1,200 truck a month at 30 loads a day.

50 loads per day, would be 2,000 trucks a month and 24,000 loads per year. **That's 1 truck every 4.8 minutes.**

360,000 loads over the life of this 15-year permit.

Deisel water pump running 24hrs a day which is a major safety concern how's going to monitor them, and other heavy equipment.

Health and safety

Health and safety of the people living in and an around this borrow pit and the welfare of people visiting the soccer field. Breathing diesel fumes, the Deisel smell, dust, noise.

The excavation equipment digging and loading the dirt. The 24-hour, 7 day a week polluting diesel generator running the many transfer water pumps within the site, etc. Trucks backing up the beeping coming from the trucks. The banging of the equipment loading the dirt.

RECEIVED

AUG 30 2022

SUSSEX COUNTY
PLANNING & ZONING

Miscellaneous

A home owner is intitled to quit enjoyment of their property; this would not be that.

Devaluation of Property Values – This proposed 15-year Project would reduce the Value (\$\$\$) of all properties within the vicinity.

Traffic – The existing road is NOT designed for this volume of traffic coming and going current speed limit is 45mph. The constant coming and going of 20-ton dump trucks and other heavy equipment on a narrow 19 ft wide road with no shoulder presents an enormous potential for traffic accidents.

Security – The current Application does not offer any security provisions to halt drug trafficking, illegal dumping, vandalism, or safety etc.

Safety – During the last Planning and Zoning meeting the Board raised the issue of requiring a fence around the property. The current application does NOT include any such offer. The adjacent Soccer Field and the associated children will be more than tempted to visit the big hole in the ground resulting in injury or death, **God forbid!**

Other –

Conclusion

We **OPPOSE** the Council approving this application.

It takes farmland and makes it a commercial business and thereby they should **PETITION** for a zoning change to Commercial versus remaining Agricultural. They are NOT growing a thing!

Why Should the elected Council Members choose to support an out-of-state commercial enterprise over the wishes of the Delaware Citizens.

Moran-Morales

(Last name) -- print clearly --

McCarly Road
Rubieela :

(First name)

Rubieela Moran Morales

(signature)

Morales

(Last name) -- print clearly --

McCarly Road
Roman :

(First name)

Roman Morales

(signature)

McCarly

(Last name) -- print clearly --

32570 McCarly Rd.
Norma :

(First name)

Norma McCarly

(signature)

McCarly

(Last name) -- print clearly --

32570 McCarly Rd.
Hunter :

(First name)

Hunter B. McCarly

(signature)

McCarly

(Last name) -- print clearly --

32570 McCarly Rd.
Mack :

(First name)

Mack McCarly

(signature)

Ganted

(Last name) -- print clearly --

Kenneth :

(First name)

Kenneth Ganted

(signature)

Friolet

(Last name) -- print clearly --

Terence :

(First name)

Terence Friolet

(signature)

White

(Last name) -- print clearly --

302-382-0141

landowner McCarly Rd.

Chris :

(First name)

Chris White, NM

(signature)

White

(Last name) -- print clearly --

302-430-9950

handowner McCarly Road

Tyler :

(First name)

Tyler White, NM

(signature)

White

(Last name) -- print clearly --

302-438-1911

handowner McCarly Road

Bennett :

(First name)

Bennett White, NM

(signature)

3244 McCary Road
JORSS, Kari: 
(Last name) - print clearly - (First name) (signature)

McCary Road
CARLINS, Billie: Belle Carlins
(Last name) - print clearly - (First name) (signature)

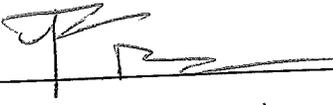
McCary Road
Carlins, Leo: Leo Carlins
(Last name) - print clearly - (First name) (signature)

32248 Gum Rd
MORRIS, JANE: Jane M. Morris
(Last name) - print clearly - (First name) (signature)

32026 Gum Rd
MEARS, Steve: Steve M. Mears
(Last name) - print clearly - (First name) (signature)

32171 Gum Rd
STEVENS Jeffrey, _____: 
(Last name) - print clearly - (First name) (signature)

32472 McCary RD Frankford DE
Nitz Abigail, _____: 
(Last name) - print clearly - (First name) (signature)

32472 McCary RD Frankford DE
Nitz Paul, _____: 
(Last name) - print clearly - (First name) (signature)

McCary Rd Frankford, DE
Willey Andrew, _____: 
(Last name) - print clearly - (First name) (signature)

_____, _____: _____
(Last name) - print clearly - (First name) (signature)

McCary Road

Ford # ART
^{32408 McCary}
(Last name) - print clearly - (First name)

ART
(signature)

WEBER Richard
^{32407 McCary Rd}
(Last name) - print clearly - (First name)

Richard Weber
(signature)

Sowinski JOSEPH
^{32466 McCary Rd}
(Last name) - print clearly - (First name)

Joseph R Sowinski
(signature)

Sowinski CARMEN
^{32466 McCary Rd}
(Last name) - print clearly - (First name)

Carmen Sowinski
(signature)

Morgan Barbara
^{32908 McCary}
(Last name) - print clearly - (First name)

Barbara Morgan
(signature)

Marino Mary
^{32408 McCary}
(Last name) - print clearly - (First name)

Mary R. Marino
(signature)

Harvey Michael
^{31271 Frankford School Rd}
(Last name) - print clearly - (First name)

Michael Harvey
(signature)

Lambros Nick
^{31008 Frankford School Rd}
(Last name) - print clearly - (First name)

Nick Lambros
(signature)

Redden Phyllis
^{31251 Frankford School Rd}
(Last name) - print clearly - (First name)

Phyllis Redden
(signature)

Short Landowner McCary Road, Eileen: Eileen Short
(Last name) – print clearly – (First name) (signature)

Wade, Kimberly: Kimberly Wade
(Last name) – print clearly – (First name) (signature)

Wheatley, Shorlenn: S. Wheatley
(Last name) – print clearly – (First name) (signature)

WELLS, DAVID: David Wells
(Last name) – print clearly – (First name) (signature)

Wheatley, AMBER: Amber Wheatley
(Last name) – print clearly – (First name) (signature)

Wells, Shirley: Shirley Q. Wells
(Last name) – print clearly – (First name) (signature)

Tritapoe, Margaret: Margaret Tritapoe
(Last name) – print clearly – (First name) (signature)

Tritapoe, BRINA: Brina Tritapoe
(Last name) – print clearly – (First name) (signature)

JORSS, Pamela: Pamela Jorss
(Last name) – print clearly – (First name) (signature)

(Last name) – print clearly –
Drummond

(First name)
Christine

(signature)
Christine Drummond

(Last name) – print clearly –

(First name)

RT 17 - McCony (signature)

Aaron

Samantha

Samantha Aaron

(Last name) – print clearly –

(First name)

RT 12 - Gum Roll (signature)

Morris

Evelyn

Evelyn Morris

(Last name) – print clearly –

(First name)

Gun Road Behind Pit (signature)

Moms

Bradford

Bradford Morris

(Last name) – print clearly –

(First name)

Gum Roll Behind Pit (signature)

WATTS

JAMES

James

(Last name) – print clearly –

(First name)

RT 17 - Gum Roll (signature)

Hudson

Albert

Albert Hudson

(Last name) – print clearly –

(First name)

RT 17 mclary (signature)

Hudson

Sharon

Sharon Hudson

(Last name) – print clearly –

(First name)

RT 12 - McCony (signature)

Brosnahan

Megan

Megan

(Last name) – print clearly –

(First name)

RT-17 mclary (signature)

Gray
(Last name) – print clearly –

Barbara: Barbara Gray
(First name) ^{R17-Melissa} (signature)

GRAY
(Last name) – print clearly –

Glenn: Glenn M. Gray
(First name) ^{R17-Melissa} (signature)

GRIFFITHS
(Last name) – print clearly –

Sherrie: Sherrie Griffiths
(First name) ^{Gun+17} (signature)

Lynch JR
(Last name) – print clearly –

Jeffrey: Jeffrey C Lynch Jr
(First name) ^{Melissa+17} (signature)

Kansak Jr
(Last name) – print clearly –

Joseph: Joseph
(First name) ^{Gun+17} (signature)

Kansak
(Last name) – print clearly –

Melissa: Melissa Kansak
(First name) ^{Gun+17} (signature)

STEFFENS
(Last name) – print clearly –

Robert: Robert W Steffens
(First name) ^{Gun+17} (signature)

Lynch
(Last name) – print clearly –

Cheryl: Cheryl A Lynch
(First name) ^{Melissa+17} (signature)

Mais
(Last name) – print clearly –

Rebecca: Rebecca Mais
(First name) ^{land owner} / (signature) ^{River Soccer Club}

Timmons

Tom: Tom
Complex Manager
River Soccer

32111 Melany Rd

Evans

(Last name) -- print clearly --

Anthony

(First name)

[Signature]

(signature)

32111 Melany Rd.

Bryant

(Last name) -- print clearly --

Lisa

(First name)

[Signature]

(signature)

(Last name) -- print clearly --

(First name)

(signature)

(Last name) -- print clearly --

(First name)

(signature)

(Last name) -- print clearly --

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(First name)

(signature)

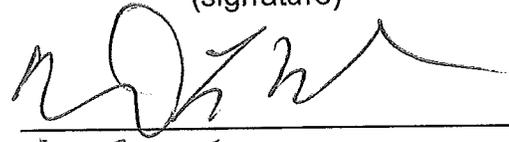
(Last name) – print clearly –

Mais

(First name)

Richard

(signature)



(Last name) – print clearly –

(First name)

River Secker (signature)

J Lynch

(Last name) – print clearly –

Jeffrey

(First name)

Jeffrey Lynch (signature)

(Last name) – print clearly –

(First name)

(signature)

(Last name) – print clearly –

(First name)

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(First name)

(signature)

(Last name) – print clearly –

(First name)

(signature)

Introduced 08/24/21

**Council District 5 - Rieley
Tax I.D. Nos. 533-5.00-38.00 & 41.04
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 56.93 ACRES, MORE OR LESS

WHEREAS, on the 16th day of July 2021, a conditional use application, denominated Conditional Use No. 2300 was filed on behalf of MRBP, LLC; and

WHEREAS, on the ____ day of _____ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2300 be _____; and

WHEREAS, on the ____ day of _____ 2021, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the Findings of Facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2300 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 southwest side of McCary Road (S.C.R. 385), approximately 857 feet south of Frankford School Road (S.C.R. 92) and being more particularly described in the attached legal descriptions prepared by Scott and Shuman, P.A., said parcels containing 56.93 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.

Schaeffer
yes. 8.31

Council Grant Form

Legal Name of Agency/Organization ✓ United Way of Delaware ^{Inc.} ~~or~~ Sussex County Health Coalition

Project Name Delaware Goes Purple

Federal Tax ID 51-0073399 ✓

Non-Profit Yes

Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) No

Organization's Mission The Sussex County Health Coalition exists to engage the entire community in collaborative family-focused effort to improve the health of children, youth and families in Sussex County, Delaware.

Address 33920 N Heron Drive

Address 2

City LEWES

State DE

Zip Code 19958

Contact Person Kathryn Burritt

Contact Title Project Director

Contact Phone Number 8138380606

Contact Email Address Kburritt@pmgconsulting.net

Total Funding Request 5,000.00

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

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

Are you seeking other sources of funding other than Sussex County Council? Yes

If YES, approximately what percentage of the project's funding does the Council grant represent? 16

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

Program Category Other

Primary Beneficiary Category Youth

Beneficiary Category Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 100000

Scope

Delaware Goes Purple is a month-long program to bring awareness to substance abuse to engage our community and youth to stand up against substance abuse. Nearly every day, someone in Delaware loses their battle with heroin, prescription painkillers, or other addictive drugs. Drug-Involved Overdose Deaths In the U.S., there were 67,367 drug overdose deaths reported in 2018, The age-adjusted rate declined by 4.6% to 20.7 per 100,000 standard population.¹ The decline follows an increasing trend in the rate from 6.1 in 1999 to 21.7 in 2017.

♣ Opioids were involved in 46,802 (a rate of 14.6) overdose deaths in 2018—nearly 70% of all overdose deaths.

♣ Deaths involving synthetic opioids other than methadone (including fentanyl and fentanyl analogs) continued to rise with more than 28,400 (a rate of 9.9) overdose deaths in 2018.

♣ The number of deaths involving prescription opioids declined to 14,975 (a rate of 4.6) in 2018 and those involving heroin dropped to 14,996 (a rate of 4.7).²

In Delaware, 88% of the 401 reported drug overdose deaths involved opioids in 2018—a total of 355 fatalities (and a rate of 39.3) (Figure 1).

In 2018, Delaware providers wrote 60.6 opioid prescriptions for every 100 persons compared to the greatest challenges for people seeking help from addiction is the stigma

surrounding their addiction.

Youth drug abuse is a high-profile public health concern, with at least 1-in-8 teenagers abusing an illicit substance in the last year.

- Drug use among 8th graders increased 61% between 2016 and 2020.
- By 12th grade, 62% of teenagers have abused alcohol.
- 50% of teenagers have misused a drug at least once.
- 43% of college students use illicit drugs.
- 86% of teenagers know someone who smokes, drinks, or uses drugs during the school day.

Teenagers in Delaware are 20.71% more likely to have used drugs in the last month than the average American teen.

- 7,000 or 10.06% of 12- to 17-year-olds report using drugs in the last month.
- Among them, 85.71% report using marijuana in the last month.
- 14.36% of all 12- to 17-year-olds report using marijuana in the last year.
- Up to 0.72% report using cocaine in the last year (data is limited).
- Up to 0.72% report using methamphetamines.
- Up to 0.72% used heroin.
- 2.87% report misusing pain relievers.
- 10.06% of all 12- to 17-year-olds used alcohol in the last month.
- They're 9.89% more likely to use alcohol than the average American in their age group.
- 38,000 18- to 25-year-olds used drugs in the last month.
- 18- to 25-year-olds in Delaware are 5.88% more likely to use drugs than the average American in the same age group.
- 6.22% 12- to 17-year-olds met the criteria for IDUD in the last year.
- 3.11% 12- to 17-year-olds met the criteria for AUD in the last year.

Those struggling should know that their disease is not one that they should be ashamed of or keep hidden. Delaware Goes Purple empowers the community to stand up to erase

the stigma and to support youth and families who need it the most.

**Religious
Components**

**Please enter the
current support your
organization receives
for this project (not
entire organization
revenue if not
applicable to request)** 60,000.00

Description PERSONNEL

Amount 25,000.00

Description Marketing/Medi/Awareness & Prevention Campaign

Amount 30,000.00

Description Prevention & Education Materials & Trainings

Amount 5,000.00

Description Community Intervention strategies support

Amount 14,500.00

Description Youth Mini Grants

Amount 5,000.00

Description Supplies

Amount 3,500.00

Description

Amount

Description

Amount

TOTAL EXPENDITURES 83,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -23,000.00

Name of Organization United Way of Delaware C/O Sussex County Health
Coalition

**Applicant/Authorized
Official** Kathryn Burritt

Date 08/30/2022

Affidavit Yes

Acknowledgement

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Vincent.
Yes. 8.31

Council Grant Form

Legal Name of Agency/Organization

Western Sussex Chamber of Commerce Inc. ✓

Project Name

Broad Creek Bike and Brew

Federal Tax ID

51-0109649 ✓

Non-Profit

Yes

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

No

Organization's Mission

The mission of the Western Sussex Chamber of Commerce is to promote sound business growth while serving as the primary information source for business, community, interested individuals and civic organizations. We provide a network, support and leadership for the current member businesses while attracting new business and members.

Address

PO Box 26

Address 2

City

Seaford

State

DE

Zip Code

19973

Contact Person

Suzanne Barger

| | |
|---|--|
| Contact Title | Administrative Assistant |
| Contact Phone Number | 704-792-5702 |
| Contact Email Address | admin@westernsussexcoc.com |
| Total Funding Request | 1000.00 |
| Has your organization received other grant funds from Sussex County Government in the last year? | Yes |
| If YES, how much was received in the last 12 months? | 1000 |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 5 |
| Program Category (choose all that apply) | Health and Human Services, Other |
| Program Category Other | Fitness, Tourism |

Primary Beneficiary Category Other

Beneficiary Category Other Local Non-Profit groups

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 500

Scope This is the 10th annual Broad Creek Bike and Brew. This event is used to draw attention to Western Sussex County businesses, tourism and the beautiful things to visit in our area while raising funds for local non-profits. In 2021, we were able to donate almost \$9,000 back into the community non-profit groups. This is the Chambers largest fund raising event of the year, helping us to fulfill our mission of promoting local business and the leaders of those businesses as well as promoting the area as a nature tourism destination

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 25,000.00

Description Advertising, printing and promotions

Amount 7,805.00

Description event food, entertainment, rentals

Amount 5,450.00

Description Misc supplies, license ect.

Amount 695.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 13,950.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** 11,050.00

Name of Organization Western Sussex Chamber of Commerce

**Applicant/Authorized
Official** SUZANNE BARGER

Date 08/25/2022

Affidavit Yes

Acknowledgement

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Hudson
Dec. 9.13.

Council Grant Form

| | |
|---|--|
| Legal Name of Agency/Organization | Delaware Botanic Gardens , Inc. ✓ |
| Project Name | 2022 Annual Fundraising Dinner at Delaware Botanic Gardens—sponsorship |
| Federal Tax ID | 32-0371538 ✓ |
| Non-Profit | Yes |
| Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) | No |
| Organization's Mission | Delaware Botanic Gardens (DBG) mission is to create a world class, inspirational, educational and sustainable public garden in southern Delaware for the benefit and enjoyment of all. |
| Address | 30220 Piney Neck Road. (Physical address) |
| Address 2 | P. O. Box 1390 |
| City | Ocean View |
| State | Delaware |
| Zip Code | 19970 |
| Contact Person | Sheryl Swed |

| | |
|---|--|
| Contact Title | Executive Director |
| Contact Phone Number | 202-262-9856 |
| Contact Email Address | sherylswed@delawaregardens.org |
| Total Funding Request | \$5000 |
| Has your organization received other grant funds from Sussex County Government in the last year? | Yes |
| If YES, how much was received in the last 12 months? | 3500 |
| Are you seeking other sources of funding other than Sussex County Council? | Yes |
| If YES, approximately what percentage of the project's funding does the Council grant represent? | 3 |
| Program Category (choose all that apply) | Cultural, Educational, Other |

Program Category Conservation/Recreation
Other

Primary Beneficiary Category Other

Beneficiary Category All Sussex County residents
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 10000

Scope

The Board of the Delaware Botanic Gardens respectfully requests the Councils' sponsorship of its annual fundraising event. The benefit is being held on September 29, 2022 in partnership with SoDel Concepts. This year's event will be held at the Garden under a sail cloth tent for 300 guests. All revenues raised will go to meet the salary expenses of our five employees.

DBG has transformed a soybean field and a deer ravaged woodlands into one of the United States' newest public garden and Delmarva's first public garden. Our over 600 paid members and 10,000 visitors (so far) and our surrounding community of businesses and residents have benefited from the Gardens. Since completing our award-winning restrooms, we will be able to welcome school outings and bus tours to the Garden.

Religious Components

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

0.00

Description Personnel Director of Horticulture; Director of Grounds and Facilities and Horticultural staff

Amount 5,000.00

Description

Amount

TOTAL EXPENDITURES 5,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -5,000.00

Name of Organization Delaware Botanic Gardens

**Applicant/Authorized
Official** Sheryl Swed, Executive Director

Date 09/03/2022

Affidavit Yes

Acknowledgement

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

To Be Introduced: 9/20/22

Council District 3: Mr. Schaeffer
Tax I.D. No.: 334-12.00-23.00
911 Address: 20036 John J. Williams Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ESTHETICIAN BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRE, MORE OR LESS

WHEREAS, on the 8th day of June 2022, a conditional use application, denominated Conditional Use No. 2374 was filed on behalf of Jose Netto and Karyne DeSilva; 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. 2374 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. 2374 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the west side of John J. Williams Highway (Rt. 24) approximately 0.38 mile southwest of Mulberry Knoll Road (S.C.R. 284) and being more particularly described in the attached legal description prepared by Hudson Jones Jaywork & Fisher, said parcel containing 0.28 acre, more or less.

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

To Be Introduced: 09/20/22

Council District 2: Mrs. Green

Tax I.D. No.: 530-9.00-57.03

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRE, MORE OR LESS

WHEREAS, on the 23rd day of May 2022, a zoning application, denominated Change of Zone No. 1988 was filed on behalf of Jeffrey & Linda Babinski; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1988 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying on the west side of Delaware Drive (S.C.R. 16C), approximately 566 feet south of Hickman Road (Rt. 16), and being more particularly described in the attached deed prepared by Haller and Hudson., said parcel containing 0.75 acre, more or less.

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

To Be Reintroduced: 09/20/22

Council District 4: Mr. Hudson
Tax I.D. No. 134-17.07-173.02
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (3 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.4 ACRES, MORE OR LESS

WHEREAS, on the 28th day of December 2021, a conditional use application, denominated Conditional Use No. 2333 was filed on behalf of Kent Walston, 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. 2333 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 V, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2333 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 Kent Avenue (S.C.R. 361), approximately 350 feet north of Jefferson Bridge Road (S.C.R. 361A), and being more particularly described in the attached deed prepared Sergovic, Carmean, Weidman, McCartney & Owens, P.A., said parcel containing 1.4 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: 9/20/22

Council District 5: Mr. Rieley
Tax I.D. No. 135-15.00-98.00 & 98.01

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 135-15.00-98.00 & 98.01.

WHEREAS, on April 28, 2022, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of a portion of Sussex County Parcel Nos. 135-15.00-98.00 & 98.01 from the Commercial Area to the Developing Area; and

WHEREAS, the Parcel approximating 50.797 acres of land, lying and being within Georgetown Hundred, and located on the south side of Lewes Georgetown Highway (Route 1), approximately 0.4-miles east of the intersection of Sand Hill Road (S.C.R. 319) and Lewes Georgetown Highway.

WHEREAS, The Property is designated as being within the Commercial Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County.

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel Nos. 135-15.00-98.00 & 98.01 from the Commercial Area to the Developing Area. The entirety of Sussex County Parcel Nos. 135-15.00-98.00 & 98.01 so changed is identified in Exhibit A, attached hereto, and incorporated herein.

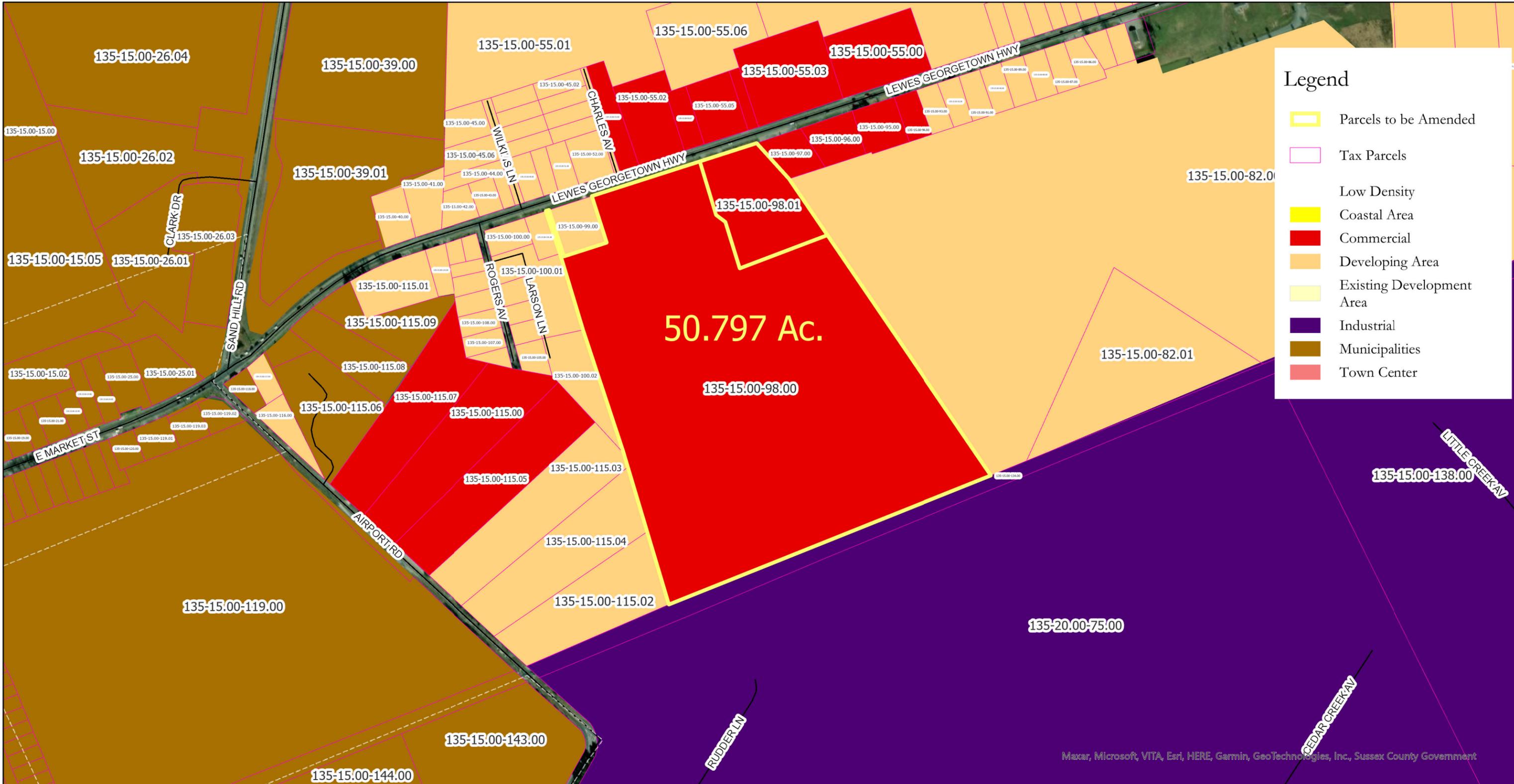
Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

EXHIBIT A:

Potential Comprehensive Plan
Amendment Parcels



Sussex County



Legend

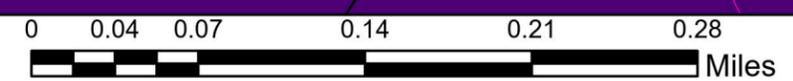
- Parcels to be Amended
- Tax Parcels
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

50.797 Ac.

135-15.00-98.00

135-20.00-75.00

Maxar, Microsoft, VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., Sussex County Government



To Be Introduced: 9/20/22

Council District 5: Mr. Rieley
Tax I.D. No. 135-11.00-65.00

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 135-11.00-65.00.

WHEREAS, on September 13th, 2022, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of a portion of Sussex County Parcel No. 135-11.00-65.00 from the Low Density Area to the Existing Development Area; and

WHEREAS, the Parcel approximating 9.63 acres of land, lying and being within Georgetown Hundred, and located on the north side of Lewes Georgetown Highway (Route 1), approximately 600 feet northeast of the intersection of Gravel Hill Road (Route 30) and Lewes Georgetown Highway.

WHEREAS, The Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County.

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel No. 135-11.00-65.00 from the Low Density Area to the Existing Development Area. The entirety of Sussex County Parcel No. 135-11.00-65.00 so changed is identified in Exhibit A, attached hereto, and incorporated herein.

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

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Hans Medlarz, P.E., County Engineer
Gina A. Jennings, MPA, MBA, Finance Director

DATE: September 20, 2022

RE: *Herring Creek Area of the Unified Sanitary Sewer District,
Approval of Supplemental USDA Loan Resolution &
Associated Debt Ordinance*

On July 9, 2016, eligible voters within the proposed Herring Creek Sewer Area approved the sewer district expansion and on August 2, 2016, County Council officially created said expansion. On November 1, 2016, County Council approved WRA Associates, Inc.'s professional services Amendment No. 8 for Aerial Mapping & Environmental Assessment. That day County Council further directed the County Engineer to procure rights-of-way and prepare plans and specifications. Since then, the Engineering Department identified easement acquisitions, approached owners, ordered appraisals and secured many key easements, but not all.

On March 20, 2017, the Finance Department filed an overall funding application for approximately \$20,500,000 with USDA/Rural Development, Rural Utility Service. Due to the size of the project USDA approached the County with a phasing plan. Phase 1 encompasses the pump stations and pressure mains in conjunction with the necessary the right-of-way acquisitions. Phase 2 provides the sewer collection system for all subdivisions off Sloan Road while Phase 3 provides the collection system for all minor and major subdivisions off Banks Road.

On June 21, 2017, the County accepted the letter of conditions and the obligating document associated with the Phase 1 in the amount of \$4,287,000 of loan and \$990,000 of grant funding. On January 30, 2018, Council approved the USDA Loan Resolution for Phase 1 and introduced the associated ordinance which was heard and approved by Council on March 13, 2018.



On June 8, 2018, the County accepted the letter of conditions and the obligating document associated with the Phase 2 in the amount of \$5,600,000 of loan and \$1,899,000 of grant funding. On June 19, 2018, Council approved the USDA Loan Resolution for Phase 2 and introduced the associated ordinance which was heard and approved by Council on July 17, 2018.

On August 2, 2018, the County accepted the letter of conditions and the obligating document associated with the Phase 3 in the amount of \$5,601,000 of loan and \$1,900,000 of grant funding.

On September 18, 2018, Council approved the USDA Loan Resolution for Phase 3 and introduction of the associated ordinance authorizing the issuance of up to \$5,601,000 of general obligation bonds of Sussex County in connection with the construction and equipping of Phase 3 of the Herring Creek Area Expansion of the Unified Sanitary Sewer District. The associated ordinance was heard and approved by Council on October 9, 2018.

After the bid and award of the last construction contract, the Finance and Engineering updated all costs and subsequently requested \$1,900,000 or 9.27% in supplemental funding. USDA issued and the County concurred to the Letter of Conditions and on June 30, 2022. County Council introduced the associated ordinance authorizing the issuance of up to \$1,900,000 of general obligation bonds on August 9, 2022.

The Finance and Engineering Departments now recommend Council's approval of the supplemental USDA Loan Resolution and passing of the associated ordinance authorizing the issuance of up to \$1,900,000 of general obligation bonds of Sussex County at a rate of 1.5% in connection with the construction and equipping of the Herring Creek Area Expansion of the Unified Sanitary Sewer District.

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE _____

OF THE _____
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS_____
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the _____

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

pursuant to the provisions of _____; and**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture,
(herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921
et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event
that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the _____
hereby certify that the _____ of such Association is composed of
_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and
held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting
by the vote shown above, I further certify that as of _____ ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
rescinded or amended in any way.

Dated, this _____ day of _____

Title _____

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,900,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

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

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of an extension of sanitary sewer services to Herring Creek (the "Project");

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

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

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

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$1,900,000 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

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

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the

County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Herring Creek extension.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding 40 years from the date of issue of the Bonds, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the United States of America, Rural Utilities Service (or any successor agency).

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

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

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

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

SYNOPSIS: This Ordinance provides for the issuance of up to \$1,900,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of an extension of sanitary sewer services to Herring Creek (the "Project").

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE _____ DAY OF _____, 2022.

Tracy Torbert
Clerk of the Sussex County Council

(Herring Creek Ordinance)

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

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

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

CC: Everett Moore, County Attorney

Date: September 15, 2022

RE: County Council Report for C/U 2311 filed on behalf of Phillip Jackson

The Planning and Zoning Department received an application (C/U 2311 filed on behalf of Phillip Jackson) for a Conditional Use for parcel 334-11.00-6.00 for a tree service business. The property is located at 18968 Robinsonville Road, Lewes. The parcel size is 3.83 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on August 11, 2022. At the meeting of August 25, 2022, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to 9 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of August 11, 2022 and August 25, 2022.

Minutes of the August 11, 2022 Planning & Zoning Commission Meeting

C/U 2311 Phillip Jackson

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.83 ACRES, MORE OR LESS. The property is lying on the northwest side of Robinsonville Road (S.C.R. 277), approximately 960 feet south of Cedar Grove Road (S.C.R. 283). 911 Address: 18968 Robinsonville Road, Lewes. Tax Parcel: 334-11.00-6.00.



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

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

The Commission found that Mr. Phillip Jackson spoke on behalf of his Application; that he is the Applicant and the owner of the property; that he owned his property for 38 years; that he is not located 30-ft. to 50-ft from the road; that his property is located along Robinsonville Rd.; that when he first moved to the property, there were eight farmhouses located along Robinsonville Rd.; that within his 38 years at his location, he had never known anyone to have a complaint; that he had moved to the property before purchasing it; that at that time Mr. Joseph Conaway was the Sussex County Administrator; that he had spoken with Mr. Conaway at that time; that Mr. Conaway had questioned if he was still performing tree services (cutting down trees); that Mr. Conaway had questioned him on how large he intended his operation to become; that he replied, his intention was to keep his tree service business to only his son and himself; that after this discussion, Mr. Conaway told him to “Go Ahead”; that from that date in 1984, up until 2021, he never heard anything from Sussex County or his neighbors; that it was a shock to him to hear there was a complaint filed; that his neighbor located on the left, has lived on their property before he moved to his; that the neighbor located to the right is his son; that both of his neighbors to the right and left of him, have property that run approximately ¼ mile; that across the street is The Retreat development; that The Retreat was constructed after he had already moved onto his property; that The Retreat has been in existence for 15 to 20 years; that his current business is to provide tree removal services; that this process does create wood chips from the machine; that he does bring the wood chips back to the site; that at times he gives the wood chips away to people; that majority of the time, the wood chips eventually become top soil; that if large pieces of wood are required to be brought back, he had a contract with a local roll-off trailer; that a roll-off trailer is left at his site, where he places the large pieces of wood; that he only has two trucks, being a tow truck and a bucket truck; that hours of operation are usually 9:00 am until 3:00 pm, weather permitting; that he began tree removal services at the age of 15 years old; that he removed Elm trees that used to be located within the Georgetown Circle and in front of Georgetown Highschool; that there are two other businesses located on his road; that one business is a nice size landscaping business and the other is an arbor care; that the arbor care has about seven to eight vehicles on site and there is also a mechanic located to the left of his property.

Ms. Stevenson questioned if there is any maintenance to the trucks onsite, if there is any storing of chemicals onsite and she questioned how often someone picks up the roll-off trailer storing the larger tree debris.

Mr. Jackson stated his business is strictly tree removal; that there are no chemicals stored onsite; that his trucks are not very old; that currently, they are under warranty; that there is no maintenance to the trucks onsite as they receive maintenance at a shop; that once the roll-off container is dropped off, they have two weeks to fill or they are charged extra; that due to this, it is not often they have the roll-off container dropped off; that the roll-off container is something they just recently began utilizing and he is a local who was born and raised in the area.

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

Ms. Stevenson questioned if the Application use could be considered a home occupation.

Mr. Robertson stated he had looked into a permitted use as a home occupation; that previously the Commission has always treated tree removal services, not as a home occupation; that the presence of employees typically removes the ability for home occupation; that supplies and debris being stored onsite also is not permitted under home occupation and if the Conditional Use is approved the Applicant will no longer have to worry about complaints being filed.

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

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

In relation to Application C/U 2311 Phillip Jackson. Motion by Ms. Stevenson to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 5-0.

Draft Minutes of the August 25, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since August 11, 2022.

Ms. Stevenson moved that the Commission recommend approval of C/U 2311 Phillip Jackson, for a tree service based on the record made during the public hearing and for the following reasons:

1. The property is a 3.83-acre parcel located on Robinsonville Road. The Applicant testified that the use has been occurring on the property for decades without issue. The Applicant testified that his neighbors on either side of the property have no objection to the ongoing use as a tree service. The approval of this Conditional Use will confirm the legality of the existence of the Applicant's tree service.
2. There are other small businesses out in this area including a mechanic and landscaping company. This small business will continue to be consistent with those other uses.
3. The Applicant has stated that his business is mostly conducted offsite. This is primarily a location for keeping the applicant's equipment when it is not being used offsite and for storing logs and wood chips until they can be hauled away.
4. There will be no retail sales from the property, and the proposed use is limited. With the conditions imposed by the County, the use will not adversely affect neighboring properties, roadways, or traffic.
5. This is an agricultural-type use, and it is consistent with the underlying AR-1 zoning of the property.
6. The business provides a service to a wide variety of Sussex County residents, farmers, and businesses. It has a public or semi-public character that will benefit the residents, farmers, and businesses of Sussex County.
7. No parties appeared in opposition to this Application.
8. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a tree service business. No other business shall be conducted from the site, and no vehicles associated with any other business shall be parked on the site.
 - B. No retail sales shall be conducted from the site.
 - C. No dyeing of mulch or other materials shall occur on the site.
 - D. A small, lighted sign shall be permitted. It shall not exceed 8 square feet per side.

- E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
- F. The applicant shall comply with any DelDOT requirements, including any entrance or roadway improvements.
- G. The Final site plan shall clearly show all areas set aside for the temporary storage of logs, timber, or woodchips.
- H. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2311 Phillip Jackson for the reasons and conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Mr. Mears – yea, Ms. Wingate – 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



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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 11th, 2022

Application: CU 2311 Phillip Jackson

Applicant: Phillip Jackson
18968 Robinsonville Road
Lewes, DE 19958

Owner: Phillip Jackson
18968 Robinsonville Road
Lewes, DE 19958

Site Location: Lying on the northwest side of Robinsonville Road (S.C.R. 277), approximately 1,015-feet southwest of the intersection of Cedar Grove Road (S.C.R. 283) and Robinsonville Road.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Tree Service Business

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Co.

Sewer: On-site Septic

Water: On-site Well

Site Area: 3.83 Ac. +/-

Tax Map IDs.: 334-11.00-6.00



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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mr. Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 25th, 2022
RE: Staff Analysis for CU 2311 Phillip Jackson

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2311 Phillip Jackson to be reviewed during the August 11th, 2022, Planning and 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 Conditional Use for Tax Parcel: 334-11.00-6.00 to allow for a tree service business, to be located at 18968 Robinsonville Road, Lewes, Delaware. The property is lying on the northwest side of Robinsonville Road (S.C.R. 277), approximately 960-feet south of the intersection of Cedar Grove Road (S.C.R. 283) and Robinsonville Road. The parcel consists of 3.83 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Coastal Area." The adjoining parcels to the north, west, and east also have a Future Land Use Map designation of "Coastal Area." The parcels to the south, across Robinsonville Road (S.C.R. 277) also have a Future Land Use Map designation of "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

Zoning Information

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



The parcels to the south of the subject property, on the opposite side of Robinsonville Road (S.C.R. 277), are also zoned Agricultural Residential (AR-1) District as well as Medium Residential (MR).

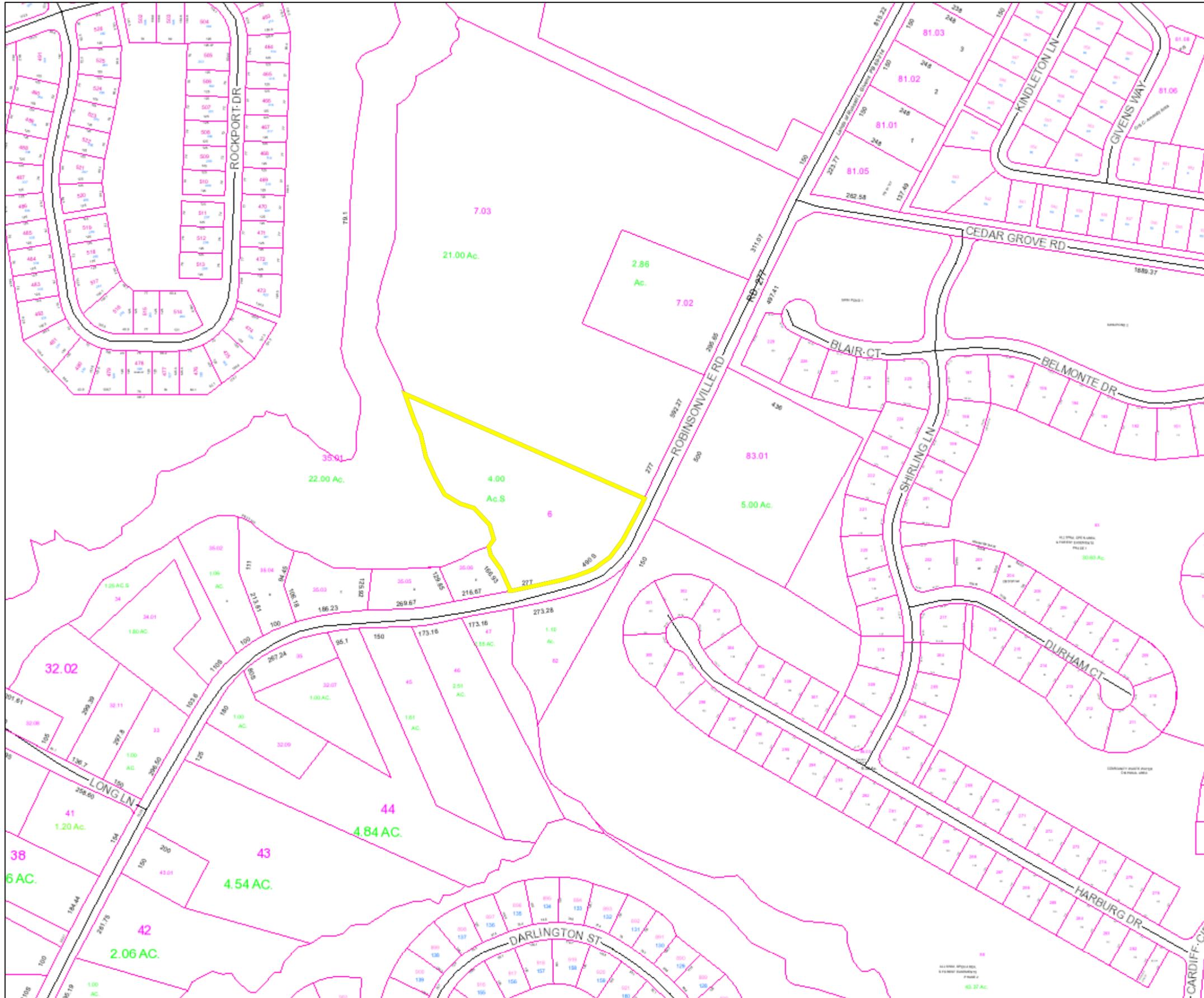
Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there has been four (4) Conditional Use application within a one (1) mile radius of the application site. This first application was Conditional Use No. 2122 for Richard Thurman Jr. to allow for a tree and lawn care diagnostic center to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, April 17th, 2018, and this change was adopted through Ordinance No. 2573. The second application was Conditional Use No. 2138 for Walker Construction, Inc. to allow for a site contracting business with storage, repair, and maintenance to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, August 21st, 2018, and this change was adopted through Ordinance No. 2596. The third application was Conditional Use No. 2179 for Joseph and Patricia Prettyman to allow for a multi-family structure, lawn mower repair business, and public stables with riding lessons to be permitted within an Agricultural Residential (AR-1) General Commercial (C-1) Zoning Districts. This application was approved by the Sussex County Council on Tuesday, August 13th, 2019, and this change was adopted through Ordinance No. 2674. The fourth and last application was Conditional Use No. 2184 for Linda Ann Yupco-Connors to allow for an office with equipment storage to be permitted within an Agricultural Residential (AR-1) Zoning District. This application was denied by the Sussex County Council on Tuesday November 12th, 2019.

Based on the analysis provided, the Conditional use to allow for a tree service business in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.



Sussex County



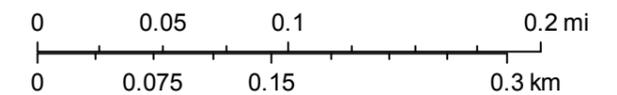
| | |
|------------------------|-----------------------------------|
| PIN: | 334-11.00-6.00 |
| Owner Name | JACKSON PHILLIP A III TTEE REV TR |
| Book | 5382 |
| Mailing Address | 18968 ROBINSONVILLE RD |
| City | LEWES |
| State | DE |
| Description | RD BURTONS MILL PD |
| Description 2 | TO LEWES |
| Description 3 | W/IMP |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

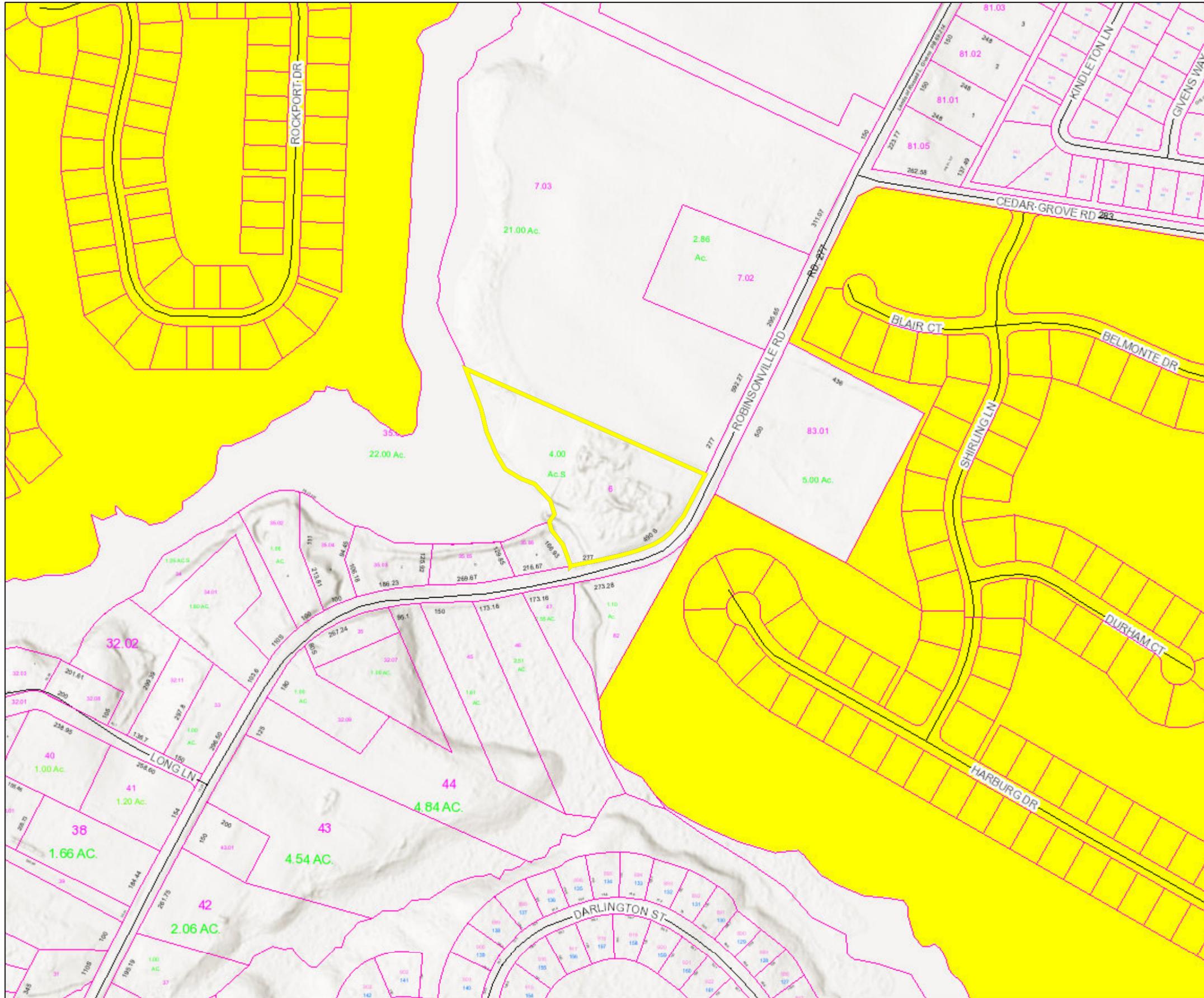
 - Override 1
- Tax Parcels
- Streets
- County Boundaries

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Sussex County



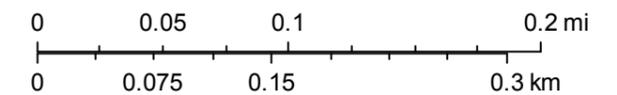
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|------------------------|-----------------------------------|
| PIN: | 334-11.00-6.00 |
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| Description | RD BURTONS MILL PD |
| Description 2 | TO LEWES |
| Description 3 | W/IMP |
| Land Code | |

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



To Be Introduced: 07/26/22

Council District 3: Mr. Schaeffer
Tax I.D. No. 334-11.00-6.00
911 Address 18968 Robinsonville Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.83 ACRES, MORE OR LESS

WHEREAS, on the 26th day of August 2021, a conditional use application, denominated Conditional Use No. 2311 was filed on behalf of Phillip Jackson; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2311 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2311 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the northwest side of Robinsonville Road (S.C.R. 277) approximately 960 feet south of Cedar Grove Road (S.C.R. 283) and being more particularly described in the attached survey prepared by Vernon Walch, P.L.S., said parcel containing 3.83 acres, more or less.

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

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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: September 15, 2022

RE: County Council Report for C/U 2312 filed on behalf of G. Fedale

The Planning and Zoning Department received an application (C/U 2312 filed on behalf of G. Fedale) for a Conditional Use for parcel 133-2.00-38.00 for an office and showroom. The property is located at 24207 & 24217 DuPont Boulevard, Georgetown. The parcel size is 0.65 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on August 11, 2022. At the meeting of August 25, 2022, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to 8 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of August 11, 2022 and August 25, 2022.

Minutes of the August 11, 2022 Planning & Zoning Commission Meeting

C/U 2312 G. Fedale

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.65 ACRES, MORE OR LESS. The property is lying on the north side of DuPont Blvd. (Rt. 113), approximately 730 feet northwest of Speedway Road (S.C.R. 325). 911 Address: 24207 & 24217 DuPont Boulevard, Georgetown. Tax Parcel: 133-2.00-38.00.



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Mr. Whitehouse advised the Commission that submitted into the record were the Staff Analysis, Conceptual Site Plan, a letter from Sussex County Engineering Department Utility Planning Division and an email from the Applicant providing additional responses and no comments.

The Commission found that Mr. Matthew Wiley spoke on behalf of the Application C/U 2312 G. Fedale; that he is the General Manager at G. Fedale in Sussex County; that he obtained the building in 2021; that the building was already an existing commercial building; that the building had existed for 15 years; that prior to that it was used for a flower gift shop; that the previous uses had operated in violation to the Code without a Conditional Use; that they have spent over \$400,000 in improvements to the building, as well as the dwelling on the property and they have improved the septic system, siding, and interior renovations.

Mr. Hopkins questioned the number of employees, the number of parking spaces, and if a sign is desired.

Mr. Robertson questioned what the surrounding area was like, if there were any other nearby businesses and if there was any outside storage of materials.

Mr. Wiley stated there were seven employees; that not all seven employees are on the property at the same time; that the employees arrive in and out; that there are about two to three employees present on a regular basis; that there will be approximately 10 parking spaces; that this will allow parking spaces for employees, as well as customers; that there is a sign already existing on the property; that a permit was obtained for the sign; that there is a residential farmhouse located adjacent to the site; that there are no other residential homes or businesses located in the area, all the way down to the speedway; that near the speedway there is another residential dwelling, and no other dwellings or businesses from there; that located across the street are agricultural fields currently owned by Kruger's; that Kruger's Trailers are located across the street; that all storage is kept within the two-car garage and there is no storage outside.

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

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

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

In relation to Application C/U 2312 G. Fedale. Motion by Mr. Hopkins to defer action for further consideration, seconded by Ms. Stevenson and carried unanimously. Motion carried 5-0.

Draft Minutes of the August 25, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since August 11, 2022.

Mr. Robertson stated he would read Mr. Mears' motion into the record.

Mr. Mears moved that the Commission recommend approval of C/U 2312 G. Fedale, for an Office and Showroom based upon the record made during the public hearing and for the following reasons:

1. This site has a history of small business uses. It was previously occupied by Shore Electric for the past 15 years, and a flower and gift shop prior to that. This use will be consistent with the prior usage of this property.
2. The property is located along Route 113, which is one of the main highways in Sussex County. This location is appropriate for this business use.
3. The applicant has stated that this site will only be for office and showroom purposes. Although the applicant owns and operates a roofing company, all of the construction work will occur off-site.
4. The proposed use will not generate a significant amount of traffic, and it will not have any adverse effect on area roadways.
5. The proposed use is very limited in nature, and it will not have any adverse impact on neighboring properties or the community.
6. No parties appeared in opposition to the application.
7. This recommendation is subject to the following conditions:
 - A. The use shall be limited to use as an office and showroom.
 - B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - C. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
 - D. Parking areas for all vehicles and equipment shall be shown on the Final Site plan and clearly marked on the site itself.
 - E. All dumpsters shall be screened from view of neighboring properties and roadways.
 - F. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
 - G. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2312 G. Fedale for the reasons and conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Mr. Mears – yea, Ms. Wingate – 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



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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 11th, 2022

Application: CU 2312 G. Fedale

Applicant: G. Fedale
101 South Mary Street
Wilmington, DE 19804

Owner: Georgetown Holdings, LLC
100 Artisan Drive
Smyrna, DE 19977

Site Location: 24207 & 24217 DuPont Boulevard, Georgetown.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Office and Showroom

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: Mr. Rieley

School District: Indian River School District

Fire District: Georgetown Fire Co.

Sewer: On-site Septic

Water: On-site Well

Site Area: 0.65 Ac. +/-

Tax Map ID.: 133-2.00-38.00



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 4, 2022
RE: Staff Analysis for C/U 2312 G. Fedale

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2312 G. Fedale be reviewed during the August 11, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 133-2.00-38.00 to allow for an office and showroom on an Agricultural Residential (AR-1) zoned parcel of land. The property is located at 24207 and 24217 DuPont Boulevard (Rt. 113) in Georgetown. The property is lying on the northeast side of DuPont Boulevard (Rt. 113), approximately 730 feet northwest of Speedway Road (S.C.R. 325).

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 subject property has land use designation of "Developing Area." The properties to the north, east, west, and south also contain the Future land use designation of "Developing Area." Properties further to the south and west contain the Future land use designation of "Low Density Area"

As outlined in the 2018 Sussex County Comprehensive Plan, the primary uses envisioned in the Developing Areas are a range of housing types, 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 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 (AR-1) District is listed as an Applicable Zoning District within the "Developing Area." (Sussex County Comprehensive Plan, 4-25).



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

Existing Conditional Uses within the Vicinity of the Subject Site

Since 2011, there have been five (5) Conditional Use applications within a 1.0-mile radius of the Application site.

| Case No. | Tax Id No. | Proposed Use | CC Date | CC Decision | Ordinance No. |
|----------|-----------------|--|------------|-------------|---------------|
| 1901 | 133-2.00-21.00 | Auto repair | 9/13/2011 | Approved | 2216 |
| 2039 | 133-6.00-110.00 | Manufacturing & installing auto parts/accessories | 4/12/2016 | Approved | 2441 |
| 2097 | 133-2.00-21.00 | Extension of CU 1901 | 10/24/2017 | Approved | 2527 |
| 2114 | 133-6.00-123.00 | Solar field | 2/20/2018 | Approved | 2549 |
| 2113 | 133-6.00-123.00 | Electrical generation and nutrient recovery facility | 7/13/2018 | Approved | 2589 |

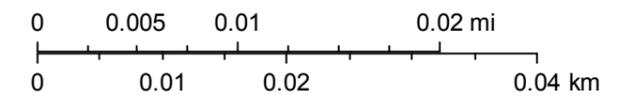
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for an office and showroom in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

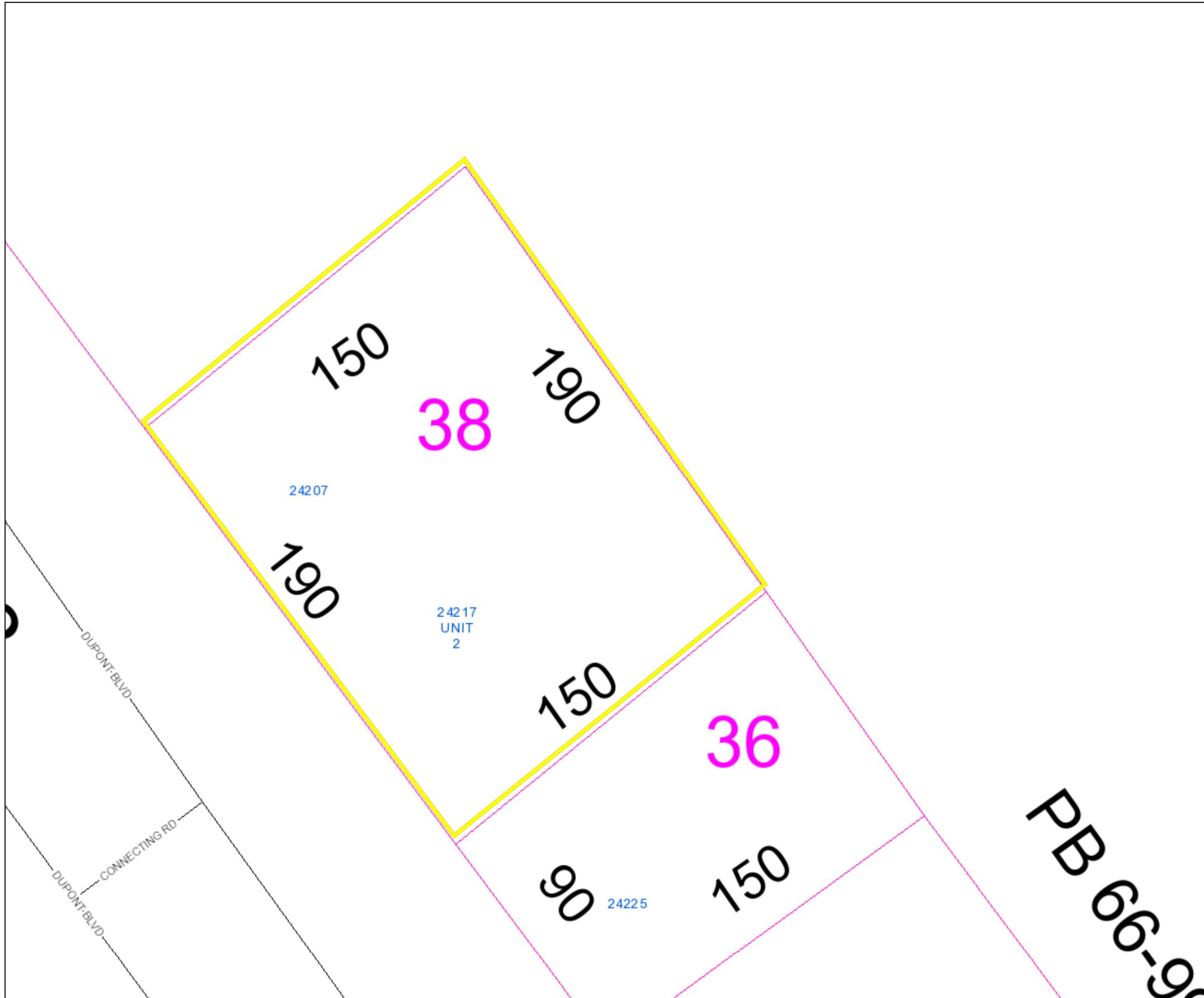


| | |
|------------------------|--------------------------------------|
| PIN: | 133-2.00-38.00 |
| Owner Name | FEDALE GEORGETOWN HOLDINGS LLC |
| Book | 5550 |
| Mailing Address | 101 S MARY ST |
| City | WILMINGTON |
| State | DE |
| Description | E/RT 113 |
| Description 2 | 980' N OF SPEEDWAY |
| Description 3 | RD |
| Land Code | |

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

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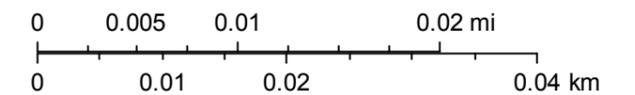
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|------------------------|--------------------------------------|
| PIN: | 133-2.00-38.00 |
| Owner Name | FEDALE GEORGETOWN HOLDINGS LLC |
| Book | 5550 |
| Mailing Address | 101 S MARY ST |
| City | WILMINGTON |
| State | DE |
| Description | E/RT 113 |
| Description 2 | 980' N OF SPEEDWAY |
| Description 3 | RD |
| Land Code | |

- polygonLayer**

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 - Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets

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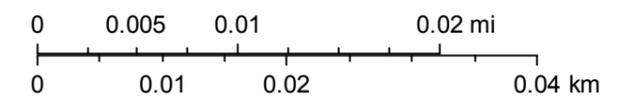




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|------------------------|--------------------------------------|
| PIN: | 133-2.00-38.00 |
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| Mailing Address | 101 S MARY ST |
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| Description 3 | RD |
| Land Code | |

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

1:564



Introduced 11/09/21

Council District 2 – Green

Tax I.D. No. 133-2.00-38.00

911 Addresses: 24207 and 24217 DuPont Blvd., Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.65 ACRES, MORE OR LESS

WHEREAS, on the 26th day of August 2021, a conditional use application, denominated Conditional Use No. 2312 was filed on behalf of G. Fedale; and

WHEREAS, on the ____ day of _____ 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2312 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2312 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the north side of DuPont Blvd. (Route 113) approximately 730 feet northwest of Speedway Road (S.C.R. 325) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 0.65 acres, more or less.

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

JAMIE WHITEHOUSE, AICP
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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: September 15, 2022

RE: County Council Report for C/U 2313 filed on behalf of John Ford

The Planning and Zoning Department received an application (C/U 2313 filed on behalf of John Ford) for a Conditional Use for parcel 335-12.06-49.00 for a realty office. The property is located at 1528 Savannah Road, Lewes. The parcel size is 0.57 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on August 11, 2022. At the meeting of August 25, 2022, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to 8 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of August 11, 2022 and August 25, 2022.

Minutes of the August 11, 2022 Planning & Zoning Commission Meeting

C/U 2313 John Ford

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REALTY OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.57 ACRES, MORE OR LESS. The property is lying on the southeast side of Savannah Road (Rt. 9) approximately 0.16 mile northeast of Wescoats Road (Rt. 12). 911 Address: 1528 Savannah Road, Lewes. Tax Parcel: 335-12.06-49.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Conceptual Site



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GEORGETOWN, DELAWARE

Plan, the Applicant's exhibits and photographs, the Staff Analysis, a letter from Sussex County Engineering Department Utility Planning Division, the DelDOT Service Level Evaluation Response, and zero comments.

The Commission found that Ms. Mackenzie Peet, Esq., with Baird Mandalas Brockstedt Federico & Cardea, spoke on behalf of the Application C/U 2313 John Ford; that also present was the Applicant, Mr. John Ford; that Mr. Ford is a real estate broker with Remax Associates Delaware; that the Applicant submitted the Conditional Use application on September 8, 2021, to pursue a Conditional Use of land located within the AR-1 (Agricultural Residential) Zoning District to allow for a realty office to be located on the property; that the property is .57 acres; that the property is located on Savannah Rd. in Lewes, near the intersection of Savannah Rd. and Old Orchard Rd., also known as Five Points; that the property is the former location of the Henlopen Grange No. 20; that Henlopen Grange No. 20 is one of America's oldest farm family fraternal services organizations; that Mr. Ford purchased the property on June 11, 2021, as evidenced in Deed included within Exhibit A; that the site has an existing building and adequate parking area located at the front of the property; that properties located adjacent to the site are located within the B-1 (Neighborhood Business) and AR-1 (Agricultural Residential) Zoning Districts; that other parcels within the vicinity of the site being within the B-1 (Neighborhood Business) and AR-1 (Agricultural Residential) and MR (Medium-Density Residential) Zoning Districts; that within the memorandum prepared by the staff, there have been eight Conditional Uses approved, within a .25 mile radius of the site, since 2011; that the requested Conditional Uses were for professional offices, hair studios, medical offices and multi-family use; that her firm is located down the street from the site; that the Applicant submitted a supplemental packet on August 1, 2022; that Exhibit A includes the Conditional Use application and DelDOT's Service Level Evaluation Response; that DelDOT's response stated in part that they anticipated fewer than 50 trips to the site daily; that the proposed development's traffic impact is considered diminutive; that preliminary discussions with DelDOT resulted in the anticipation that the existing entrance, off Savannah Rd., will remain the same; that should the Conditional Use be approved, the Applicant will coordinate with all DelDOT requirements; that Sussex County's Engineering Utility Planning & Review Department confirms that the property is to be served by Sussex County sewer; that Exhibit B contains the property sheet and deed information, which confirms that Mr. Ford is the current owner of the property; that Exhibit C includes a survey of the property, which was prepared by Karins & Associates; that the survey shows an existing building, existing entrance off Savannah Rd., existing stairway leading into main entrance of the existing building and the large paved area at the front of the property, which will provide parking for staff and clients; that Exhibit D is a copy of relevant sections of the Zoning Code; that Exhibit E includes the aerials maps showing the existing conditions, surrounding uses, the AR-1 Zoning District overlay and Future Land Use overlay, which confirm the property to be designated a commercial area; that Exhibit F includes an image of the frontage of the property, as well as an image of the adjacent property to the east of the site; that this adjacent property is the location of the Beebe Medical offices and the chiropractic office located across the street; that Exhibit G details the proposed Conditions of Approval; that the Future Land Use Map indicates that the property is located within a commercial area; that the Commercial Area is a designated growth area; that commercial areas included concentrations of retail and services uses, located along arterial roads and highways; that the property is located within Investment Level 1 within the State Strategies for State Policies and Spending Map; that within Investment Level I areas, State investments and policies should support and encourage a wide range of uses and densities which promote a variety of transportation options, foster efficient use of existing public and private investments; that commercial areas should enhanced community identity and integrity; that the proposed business is consistent with other uses within the Commercial Area designation, very specifically in the proposed area along

Savannah Rd.; that the proposed use is a commercial use, which is permitted as a Conditional Use, when the proposes of the Zoning Chapter are more fully met by the issuance of a Conditional Use permit; that Section 115-171 details the purposes of a Conditional Use, with the purpose to provide certain uses, which cannot be well adjusted to their environment and particular locations, with full protection offered to surrounding properties by rigid application of the district regulations; that these uses are generally of public or semi-public character, being essential and desirable to the general convenience and welfare; that due to the nature of the use, the importance of the relationship to the Comprehensive Plan and the possibly impact to neighboring properties and a large section of the County, require the exercise and planning judgement of location and site plan; that the use is of a public character, providing needed realty services to present and future residents in Sussex County; that the use is consistent with surrounding uses located on Savannah Rd.; that other surrounding uses seem to be more consistent with a B-1 Zone, rather than an AR-1 Zone; that the use is consistent with the Future Land Use Designation of a commercial area; that the use will work entirely out of the existing structure; that sufficient parking will be provided onsite, within the existing paved area; that the use is not anticipated to adversely affect neighboring properties, which offer similar office-type uses; that the property to the east is the location of the Beebe Medical Offices; that Beebe's office building entrance faces away from the subject site's entrance; that the back site of the Beebe's medical office fronts the property; that there is also a fence placed between the properties; that Mr. Ford owns the adjacent property on the other side; that Mr. Ford was granted a Conditional Use previously for the adjacent property, however, the Conditional Use expired; that Mr. Ford purchased the subject property, which is more convenient for the proposed use; that within Exhibit G are the proposed Conditions of Approval proffered by the Applicant; that the conditions provide that the property should be used for realty use; that the use will occur within the existing structure which is to be renovated by the Applicant; that the hours of operation shall be between the hours of 9:00 am and 5:00 pm, Monday through Friday for realty staff; that the hours of operation shall be Monday through Sunday for all real estate agents; that the Applicant intends to place a sign in compliance with the Code requirements; that the Final Site Plan shall designate all parking areas associated with the use and the Final Site Plan shall be subject to the review and approval of the Commission.

Ms. Stevenson stated the grange sign was difficult to see around and she requested the new sign not be placed in that same location.

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

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

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

In relation to Application C/U 2313 John Ford. Motion by Ms. Stevenson to defer action for further consideration, seconded by Mr. Hopkins and carried unanimously. Motion carried 5-0.

Draft Minutes of the August 25, 2022 Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since August 11, 2022.

Ms. Stevenson moved that the Commission recommend approval of C/U 2313 John Ford, for a real estate office based upon the record made during the public hearing and for the following reasons:

1. This site is along Savannah Road where a variety of conditional uses have been approved. It is close to Westcoats Corner, where several commercially zoned properties are located. It is within a section of Savannah Road where other professional and medical offices and other small businesses exist. Most of these are located within a structure that has existed for years, or they have a residential appearance. This use will be consistent with the way that this area of Savannah Road has developed.
2. The applicant intends to use the former Grange Building for a real estate office.
3. This site will only be for sales and office uses and a majority of the real estate work will occur off-site.
4. This small business use within the existing structure will not generate a significant amount of traffic or adversely affect area roadways, neighboring properties, or the community.
6. No parties appeared in opposition to the application.
7. This recommendation is subject to the following conditions:
 - A. The use shall be limited to use as a real estate office within the existing structure. Any modifications to the floorplan of the existing structure shall be shown on the Final Site Plan
 - B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - C. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
 - D. Any security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.
 - E. Any dumpsters shall be located at the rear of the property and screened from view by neighboring properties and roadways.
 - F. The Final Site Plan shall designate all parking areas, and these shall be clearly marked on the site itself.
 - G. The failure to comply with these conditions may result in the revocation of this Conditional Use approval.
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2313 John Ford for the reasons and conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Mr. Mears – yea, Ms. Wingate – 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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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 11th, 2022

Application: C/U 2313 John Ford

Applicant: John Ford
18 Brinton Way
Elkton, MD 21921

Owner: John Ford
18 Brinton Way
Elkton, MD 21921

Site Location: **1528 Savannah Road, Lewes**. The property is lying on the east side of Savannah Road (Route 9B) approximately 0.25 mile northeast of the intersection of Savannah Road (Route 9B) and Old Orchard Road (S.C.R. 269A).

Zoning: AR-1 (Agricultural Residential District)

Current Use: Residential

Proposed Use: Real Estate Office

Comprehensive Land Use Plan Reference: Commercial Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Public

Water: Private Well

Site Area: 0.57 ac. +/-

Tax Map IDs.: 335-12.06-49.00



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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: July 13, 2022
RE: Staff Analysis for C/U 2313 John Ford

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2313 John Ford to be reviewed during the August 11th, 2022, 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: 335-12.06-49.00 to allow for a realty office use. The property is located on the south east side of Savannah Road (Route 9B) approximately 0.25 mile northeast of the intersection of Savannah Road (Route 9B) and Old Orchard Road (S.C.R. 269A). The parcel is 0.57 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the subject parcel has a designation of "Commercial Area", with the parcels adjacent on the south east side of Savannah Road (Route 9B) having Future Land Use Map designations of both "Commercial Area" and "Coastal Area". The parcels immediately west on the opposite side of Savannah Road (Route 9B) have a Future Land Use Map designation of "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Commercial Areas "include concentrations of retail and service uses that are mainly located along arterials and highways." The Plan also notes that Commercial Areas "include commercial corridors" which are "geared towards vehicular traffic" and that "mixed-use buildings may also be appropriate." (Sussex County Comprehensive Plan, 4-17)

Zoning Information

The subject property is zoned Agricultural Residential (AR-1). The property adjacent to the northeast on the east side of Savannah Road (Route 9B) is zoned Neighborhood Business (B-1) and the parcel immediately southwest on the on the east side of Savannah Road (Route 9B) is zoned Agricultural Residential (AR-1). The parcel immediately across Savannah Road (Route 9B) is zoned Agricultural Residential (AR-1) with the additional parcels adjacent on the west side of Savannah Road (Route 9B) variously zoned Medium-Density Residential (MR), Agricultural Residential (AR-1), and Neighborhood Business (B-1).



Existing Conditional Uses within the Vicinity of the Subject Site

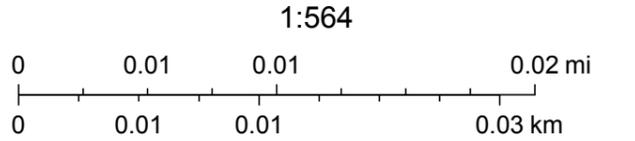
Since 2011, there have been eight (8) Conditional Use applications within a 0.25-mile radius of the application site. The first application was Conditional Use No. 2137 to permit professional offices within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on July 31st, 2018, and this was adopted through Ordinance No. 2592. The second application was Conditional Use No. 2132 to permit a hair studio use within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on July 31, 2018, and this was adopted through Ordinance No. 2590. The third application was Conditional Use No. 2064 to permit medical offices use within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on County Council on March 7, 2017, and this was adopted through Ordinance No. 2484. The fourth application was Conditional Use No. 2160 to permit a professional office use within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on County Council on March 19, 2019, and this was adopted through Ordinance No. 2638. The fifth application was Conditional Use No. 2169 to permit a multifamily use within a Medium-Density Residential (MR) Zoning District. This application was approved by the Sussex County Council on June 18, 2019, and this was adopted through Ordinance No. 2663. The sixth application was Conditional Use No. 1974 to permit a hair salon within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on January 14, 2014, and this was adopted through Ordinance No. 2334. The seventh application was Conditional Use No. 2116 to permit professional offices within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on March 20, 2018, and this was adopted through Ordinance No. 2569. The eighth application was Conditional Use No. 2159 to permit a professional office within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on January 15, 2019, and this was adopted through Ordinance No. 2628.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow to allow for a real estate office use within an Agricultural Residential (AR-1) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.

Sussex County

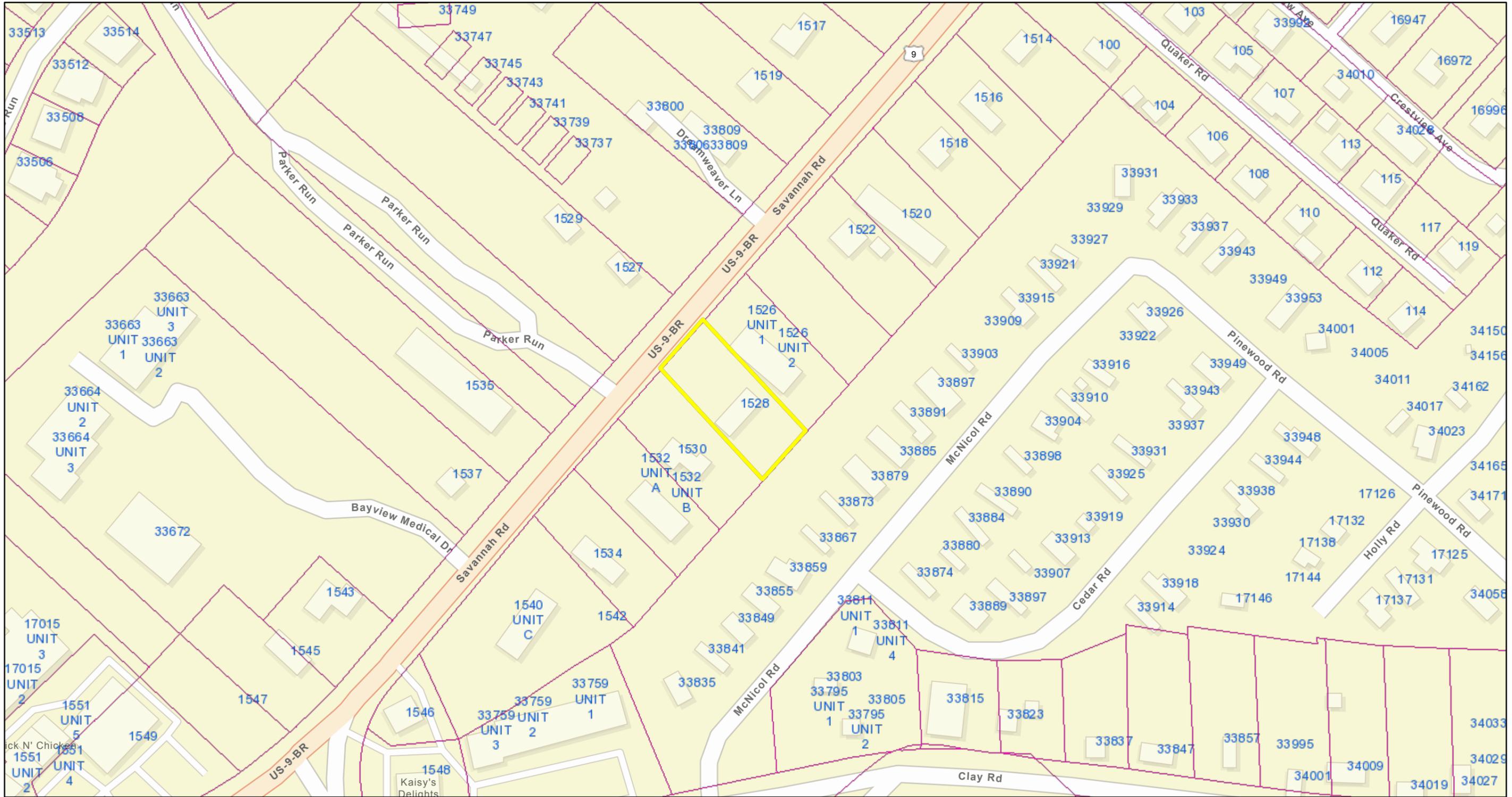


July 11, 2022
Override 1
Override 1
Tax Parcels
911 Address



State of Delaware, Maxar, Microsoft, Sussex County Government, Sussex County Mapping and Addressing

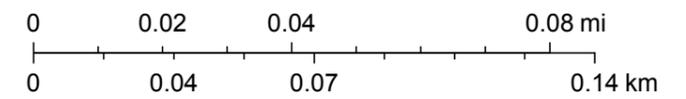
Sussex County



July 11, 2022

-  Override 1
-  Override 1
-  Tax Parcels
-  911 Address

1:2,257



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

Introduced 11/30/21

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

ORDINANCE NO. ____

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

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

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

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