



**Kent County Levy Court Business
Meeting Notice and Agenda
555 Bay Road , Dover, DE 19901
Levy Court Chamber - Room 203
Tuesday, July 21, 2026**

7:00 PM, BUSINESS MEETING

Join the Meeting:

The public is welcome to attend in person, via WebEx, or by phone.

To join via WebEx go to:

<https://kentcountyde.webex.com/kentcountyde/j.php?MTID=mb5be1b37cbbf8809edf94daf921c9a4b>

or by phone: 1-408-418-9388; Meeting Access Code: 2342 429 6539; Password: #

Call to Order

Invocation

Pledge of Allegiance

Moment of Silence for our Troops and First Responders

Roll Call and Determination of Quorum

Adoption of Agenda

Public Comments on Agenda Items

- *Note: Public Comments for Public Hearing Item(s) will be during their public hearings.*

Consent Agenda 26-11

- *(Item(s) on the Consent Agenda are considered routine and/or non-controversial and will be acted upon by a single roll call vote of the Levy Court. There will be no separate discussion of this/these item(s) unless a Commissioner so requests, in which event the item(s) shall be removed from the Consent Agenda and considered separately under New Business.)*
 - *Approval of Levy Court Business Meeting Minutes of Tuesday, June 9, 2026 and June 23, 2026*
 - *Paramedic Sign-On Bonus Program (Action item from June 15th Workshop)*

PRESENTATIONS:

1. **Resolution 4169** - Retirement of Michael W. Harrington, Utility Construction Coordinator

2. Employee of the Month for August 2026
3. **Resolution 4170** - Retirement of Rose M. Wurzel, Wills Clerk II - *for the record*
4. **Resolution 4175** - Retirement of Frederick J. Burke, Environmental Program Manager - *for the record*

INTRODUCTIONS

June 2026 New Hires

INTRODUCTIONS - *for the record*

PUBLIC HEARINGS

Mr. Angel

1. **Ordinance LC26-04**, An Ordinance repealing the current Kent County Code, Volume I, Chapter 41, Ethics, Code of, and replacing it with a new Chapter 41, Relating to Ethics, Post-Employment Restrictions and Standards of Conduct and removing Chapter 68, Personnel Policy § 68-7 Vacancies, recruitments and appointments, paragraph H.

Mr. Hall:

1. **Ordinance LC26-06 Data Centers:** An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article V - Permitted Uses, §205-53, Permitted use table and §205-59 Industrial uses and Article VI Conditions of Approval, §205-72 Industrial uses to add Data Center as a permitted use with conditions in the IL (Limited Industrial) and IG (General Industrial) zoning districts, define the use, and establish conditions for the use.

Mr. Hertz:

1. **Ordinance LC26-10**, An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware pursuant to the provisions of Kent County Code, Vol. II, Chapter 205 Zoning, Article III, Section 205-8 and Section 205-9, and Article XXVIII (changes and amendments) effective December 01, 2000, as amended.
(Ref: **Application: CZ-26-02; Taylor, Joseph Lewis IV & Christina L:** Request to amend the Zoning Map from AR(Agricultural Residential) to BN(Neighborhood Business) located outside the Growth Zone Overlay District / MN-00-187.00-01-45.00-000)

Mr. Pepper:

1. **Ordinance LC25-24** amending Chapter 128 (Fees), Article XI (Fees Enumerated), 128-49 (Meeting Room Fee Schedule)

Mr. Scott:

1. **C-26-04 McCoy, Bianca & Tyrel:** Request for Conditional Approval of a Home Occupation (Daycare) located inside the Growth Zone Overlay District / Parcel #SM-00-140.02-01-53.00-000
2. **Resolution 4174**, A Resolution to extend the Kent County Stormwater Maintenance District pursuant to Chapter 52, Title 9 of the Delaware Code and Section 90.4E(10), Chapter 187 of the Kent County Code - Griffith Lake Estates

CLOSE PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

Mr. Angel:

1. *Potential Action Item from Workshop:* Proposed Policy P26-01, County Vehicle GPS and Camera Policy
2. *Potential Action Item from Workshop:* Introduction of Ordinance LC26-12, An Ordinance to amend the current Kent County Code, Volume I, Chapter 68 Personnel Policy, §68-21 Sick Leave *for Public Hearing on Tuesday, August 11, 2026.*

Mrs. Masten:

1. Potential Action Item from Workshop: Recreation Center Chiller Replacement

Mr. Hertz:

Chemical Contract: FY27 Ferric Chloride- Bid Award

OTHER BUSINESS

- Move to go into Executive Session immediately following the Business Meeting or Workshop for preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters pursuant to 29 Del.C. 10004(b)(2), (4), and (9)

INFORMATION ITEMS

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

EXECUTIVE SESSION, if needed

- Immediately following the Business Meeting or Workshop.
Caucus Room
For preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining; pending or potential litigation; and personnel matters
Pursuant to 29 Del.C. 10004(b)(2), (4), & (9)

ADJOURN Business Meeting *and Reconvene Workshop in the Caucus Room if needed*

Posting Info:

Posted: 7/14/26

Revised: *7/16&20/26

Posted by: L. Tanaka

Time: 2:30PM

Take down: Upon Replacement or on 7/22/26

*Amended agenda to add Retirement Resolution 4175, as the retirement date occurs prior to the next scheduled business meeting. On 7/16 moved the second item under Public Hearing, Mr. Hertz, to New Business, Mr. Hertz, where it should be.

29 Del.C. §10004(e)(2). The Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the meeting.

**MINUTES OF THE KENT COUNTY LEVY COURT
LEVY COURT BUSINESS MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
TUESDAY, JUNE 9, 2026**

Call to Order - 7:00 p.m. Honorable Joanne Masten

Invocation - Honorable Terry Pepper

Pledge of Allegiance - Honorable Jeffrey Hall

Moment of Silence for our Troops and First Responders - Honorable Jody Sweeney

Roll Call and Determination of Quorum

Honorable Terry L Pepper
Honorable Joanne Masten
Honorable Jeffrey W Hall
Honorable Allan F Angel
Honorable Robert J Scott
Honorable George "Jody" Sweeney
Honorable Paul Hertz

Adoption of Agenda

Motion to approve Adoption of Agenda M-26-071 made by Honorable Robert J Scott; seconded by Honorable Terry L Pepper; carried by vote 7 yeas.

Public Comments on Agenda Items

Dave Voss, 1st Vice President Kent County Volunteer Firefighters Association

Consent Agenda 26-10

Approval of Levy Court Business Meeting Minutes of Tuesday, May 26, 2026

Motion to approve Consent Agenda 26-10 M-26-072 made by Honorable Robert J Scott; seconded by Honorable Terry L Pepper; carried by vote 7 yeas.

PRESENTATION

Presentation from Scouting America (Del-Mar-Va Council) regarding the Akridge Scout Reservation

PUBLIC HEARINGS

Mr. Pepper:

Motion to approve Resolution 4157 M-26-073 made by Honorable Terry L Pepper; seconded by Honorable Paul Hertz; carried by vote 7 yeas.

Motion to approve Resolution 4158 M-26-074 made by Honorable Terry L Pepper; seconded by Honorable Robert J Scott; carried by vote 7 yeas.

Motion to approve Resolution 4159 M-26-075 made by Honorable Terry L Pepper; seconded by Honorable Allan F Angel; carried by vote 7 yeas.

Motion to approve Resolution 4160 M-26-076 made by Honorable Terry L Pepper; seconded by Honorable Allan F Angel; carried by vote 7 yeas.

Motion to approve Resolution 4161 M-26-077 made by Honorable Terry L Pepper; seconded by Honorable Paul Hertz; carried by vote 7 yeas.

Motion to approve Resolution 4162 M-26-078 made by Honorable Terry L Pepper; seconded by Honorable Paul Hertz; carried by vote 7 yeas.

Motion to approve Resolution 4163 M-26-079 made by Honorable Terry L Pepper; seconded by Honorable Paul Hertz; carried by vote 7 yeas.

Motion to approve Resolution 4164 M-26-080 made by Honorable Terry L Pepper; seconded by Honorable Allan F Angel; carried by vote 7 yeas.

Motion to approve Resolution 4165 M-26-081 made by Honorable Terry L Pepper; seconded by Honorable Jeffrey W Hall; carried by vote 7 yeas.

Motion to approve Resolution 4166 M-26-082 made by Honorable Terry L Pepper; seconded by Honorable Allan F Angel; carried by vote 7 yeas.

Motion to approve Resolution 4167 M-26-083 made by Honorable Terry L Pepper; seconded by Honorable Allan F Angel; carried by vote 7 yeas.

Motion to approve Resolution 4168 M-26-084 made by Honorable Terry L Pepper; seconded by Honorable Paul Hertz; carried by vote 7 yeas.

Motion to approve Ordinance LC26-07 M-26-085 made by Honorable Terry L Pepper; seconded by Honorable Allan F Angel; carried by vote 7 yeas.

CLOSE PUBLIC HEARINGS

OLD BUSINESS - None

NEW BUSINESS

Mr. Angel:

- 1.) ReIntroduce Ordinance LC26-04, An Ordinance repealing the current Kent County Code, Volume I, Chapter 41, Ethics, Code of, and replacing it with a new Chapter 41, Relating to Ethics, Post-Employment Restrictions and Standards of Conduct and removing Chapter 68, Personnel Policy § 68-7 Vacancies, recruitments and appointments, paragraph H. for Public Hearing on Tuesday, July 21, 2026 at 7:00 PM
- 2.) Action Item from June 2nd Workshop: Lease Agreement - Delaware State Police Office Space at 911 Public Safety Boulevard

Motion to approve Lease Agreement - Delaware State Police Office Space at 911 Public Safety Boulevard M-26-086 made by Honorable Allan F Angel; seconded by Honorable Jeffrey W Hall; carried by vote 5 yeas.

Mr. Hall

- 1.) Potential Action Items from Workshop:
Resolution 4172 - A Resolution Opposing Senate Bill 23

Motion to approve Resolution 4172 - A Resolution Opposing Senate Bill 23 M-26-087 made by Honorable Jeffrey W Hall; seconded by Honorable Allan F Angel; carried by vote 7 yeas.
- 2.) Introduction of Ordinance LC26-10, An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware pursuant to the provisions of Kent County Code, Vol. II, Chapter 205 Zoning, Article III, Section 205-8 and Section 205-9, and Article XXVIII (changes and amendments) effective December 01, 2000, as amended. ref: CZ-26-02: Taylor Joseph Lewis IV and Christina L. For Public Hearing on Tuesday, July 21, 2026 at 7PM
- 3.) Action item from June 2, 2026 Workshop: Introduction of Ordinance LC26-06 Data Centers, An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article V - Permitted Uses, §205-53, Permitted use table and §205-59 Industrial uses and Article VI Conditions of Approval, §205-72 Industrial uses to add Data Center as a permitted use with conditions in the IL (Limited Industrial) and IG (General Industrial) zoning districts, define the use, and establish conditions for the use. for Public Hearing on Tuesday, July 21, 2026 at 7PM

Mr. Hertz:

- 1.) Potential Action Item from Workshop: FY 2026 Generator Replacements Award

Motion to approve FY 2026 Generator Replacements Award M-26-088 made by Honorable Paul Hertz; seconded by Honorable Robert J Scott; carried by vote 7 yeas.

- 2.) Action item from 6/2/26 Workshop: Twin Maples MHP Septic Elimination Project - Professional Services Contract Approval

Motion to approve Twin Maples MHP Septic Elimination Project - Professional Services Contract Approval M-26-089 made by Honorable Paul Hertz; seconded by Honorable Robert J Scott; carried by vote 7 yeas.

Mr. Pepper:

- 1.) ReIntroduce Ordinance LC25-24 amending Chapter 128 (Fees), Article XI (Fees Enumerated), 128-49 (Meeting Room Fee Schedule) for Public Hearing on Tuesday, July 21, 2026 at 7:00 PM.
- 2.) Commands to the Director of Finance pertaining to the FY2027 Budget Resolutions NOTE: Upon the adoption of the resolutions, commands are issued to the Director of Finance to collect the taxes

INFORMATION ITEMS - None

PUBLIC COMMENTS - None

COMMISSIONERS' COMMENTS - None

ADJOURNED at 8:07 p.m. by President Masten

Brenda A. Wootten, Clerk of the Peace
Certifying Officer [Name, Title]

Brenda A. Wootten
Signature

**MINUTES OF THE KENT COUNTY LEVY COURT
LEVY COURT BUSINESS MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
TUESDAY, JUNE 23, 2026**

Call to Order - 7:00 p.m. by President Masten

Invocation led by Commissioner Pepper.

Pledge of Allegiance led by Commissioner Angel.

Moment of Silence for our Troops and First Responders led by Commissioner Sweeney.

Roll Call and Determination of Quorum

Honorable Terry L Pepper
Honorable Joanne Masten
Honorable Jeffrey W Hall
Honorable Allan F Angel
Honorable Robert J Scott
Honorable George "Jody" Sweeney
Honorable Paul Hertz

Adoption of Agenda

Motion to approve Adoption of Agenda as presented, **M-26-090**. made by Honorable Robert J Scott; seconded by Honorable Terry L Pepper; carried by vote 7 yeas.

Public Comments on Agenda Items - None

PRESENTATIONS:

1.) Declaration of Independence Recitation

Declaration of Independence recited by Tom Welch, Historical Interpreter, Delaware Division of Historical and Cultural Affairs.

2.) Resolution 4250 - Recognizing the 250th Anniversary of the United States of America

Motion to approve Resolution 4250 - Recognizing the 250th Anniversary of the United States of America, **M-26-091**. made by Honorable Terry L Pepper; seconded by Honorable Robert J Scott; carried by vote 7 yeas.

3.) Employee of the Month for July 2026

Employee of the Month for July, Derick Patterson, Department of Administration, Information Technology Office was present for this evening's recognition.

INTRODUCTIONS - None

PUBLIC HEARINGS - None

OLD BUSINESS - None

NEW BUSINESS

Mr. Scott:

- 1.) Introduction of Resolution 4174, A resolution to extend the Kent County Stormwater Maintenance District pursuant to Chapter 52, Title 9 of the Delaware Code and Section 90.4.E(10), Chapter 187 of the Kent County Code - "Griffith Lake Estates Subdivision" for Public Hearing on Tuesday, July 21 at 7PM.

OTHER BUSINESS - None

INFORMATION ITEMS - None

PUBLIC COMMENTS - None

COMMISSIONERS' COMMENTS - None

Adjourned at 7:36 p.m. by President Masten.

Brenda A. Wootten, Clerk of the Peace
Certifying Officer [Name, Title]

Brenda A. Wootten
Signature



DEPARTMENT OF PUBLIC SAFETY

MEMORANDUM

June 16, 2026

To: Levy Court Commissioners

Via: Kevin Sipple, County Administrator

From: Chief John A. Tinger, Director
Department of Public Safety

RE: Paramedic Sign-On Bonus

In July 2025, the Department of Public Safety requested and received approval for an enhanced Paramedic Sign-On Bonus Program as a temporary workforce stabilization strategy to address significant staffing shortages within the Division of Emergency Medical Services. At that time, the Division was experiencing 12 vacant full-time paramedic positions, impacting operational readiness, staffing resiliency, and the Department's ability to meet service demands. The Department also anticipated the opening of two new EMS stations, further increasing staffing demands throughout the system.

Since implementation of the enhanced recruitment incentive, the Division has experienced significant improvement in staffing levels. Through aggressive recruitment efforts, the continued success of our paramedic trainee program, and employee retention initiatives, the staffing crisis that prompted the enhanced incentive program has largely been resolved.

Since Levy Court approved the enhanced program, the Department has increased its authorized staffing complement by six additional paramedic positions while simultaneously reducing vacancies from twelve positions to five. This improvement has allowed the Department to fully staff and place into service both new EMS stations while maintaining systemwide operational readiness.



DEPARTMENT OF PUBLIC SAFETY

Additionally, the Department is currently preparing to enroll the next group of paramedic recruits through the Delaware Technical Community College Paramedic Program, providing a continued pipeline of future employees and further supporting long-term workforce sustainability.

As noted in the original request, the enhanced sign-on bonus structure was intended to be a temporary measure and would be revisited once vacancy levels improved. Given the substantial progress achieved, the Department believes the objectives of the enhanced program have been met and recommends returning to the original Paramedic Sign-On Bonus Program structure effective July 1, 2026.

Returning to the original structure will continue to provide a recruitment incentive for prospective employees while appropriately aligning the program with current workforce conditions and reducing ongoing personnel-related expenditures.

We respectfully request Levy Court's approval to return to the original Paramedic Sign-On Bonus Program structure effective July 1, 2026.

Proposed motion:

I move to approve the return to the original Paramedic Sign-On Bonus Program structure effective July 1, 2026. The enhanced recruitment incentive approved in July 2025 successfully supported workforce stabilization efforts within the Division of EMS, resulting in increased staffing levels and a significant reduction in vacancies. As such, the temporary enhanced incentive is no longer necessary, and the Department is authorized to return to the original sign-on bonus structure.



DEPARTMENT OF PUBLIC SAFETY

Original Incentive

	Paramedic Recruitment <i>New Hire Remuneration Qualification</i>	Upon hire w/NREMT-P & certs*	End of probation months) ⁽⁶⁾	End of year 1 <i>w/eval.</i>	End of year 2 <i>w/eval.</i>	End of year 3 <i>w/eval.</i>	TOTAL
1	Full paramedic trainee* program participant	\$250	\$500	\$750	\$500	\$500	\$2,500
2	*2 Partial paramedic trainee* program participant	\$500	\$500	\$1,000	\$500	\$500	\$3,000
3	< 1 year experience & Fully certified	\$500	\$750	\$1,000	\$750	\$500	\$3,500
4	1-2 years' experience & Fully certified	\$500	\$1,000	\$1,000	\$1,000	\$500	\$4,000
5	3-5+ years' experience & Fully certified	\$500	\$1,000	\$1,000	\$1,500	\$1,000	\$5,000

Current Enhanced Incentive

	Paramedic Recruitment <i>New Hire Remuneration Qualification</i>	Upon hire w/NREMT-P & certs*	End of probation months) ⁽⁶⁾	End of year 1 <i>with eval</i>	End of year 2 <i>with eval</i>	End of year 3 <i>with eval</i>	TOTAL
1	Full paramedic trainee* program participant	\$500	\$1,000	\$1,500	\$1,000	\$1,000	\$5,000
2	*2 Partial paramedic trainee* program participant	\$1,000	\$1,000	\$2,000	\$1,000	\$1,000	\$6,000
3	< 1 year experience & Fully certified	\$1,000	\$1,500	\$2,000	\$1,500	\$1,000	\$7,000
4	1-2 years' experience & Fully certified	\$1,000	\$2,000	\$2,000	\$2,000	\$1,000	\$8,000
5	3-5+ years' experience & Fully certified	\$1,000	\$2,000	\$2,000	\$3,000	\$2,000	\$10,000



OFFICE OF THE COMMISSIONERS

Hon. Joanne Masten, President
Hon. Robert J. Scott, Vice President
Hon. Allan F. Angel
Hon. Jeffrey W. Hall

Hon. Paul Hertz
Hon. Terry L. Pepper
Hon. George "Jody" Sweeney

RESOLUTION 4169

Retirement of "Michael W. Harrington"

WHEREAS, the retirement of **Michael W. Harrington**, an employee of Kent County, State of Delaware, from his duties as a Utility Construction Coordinator in the Department of Public Works – Engineering Division, presents a suitable opportunity for expressing the esteem in which we hold **Michael W. Harrington**, as a good and faithful public servant.

THEREFORE, BE IT RESOLVED that the County of Kent expresses its warmest appreciation and thanks to **Michael W. Harrington** for the able and loyal manner in which he performed his public duties.

BE IT FURTHER RESOLVED that this resolution be his evidence of a right to the pension provided by the Kent County Employees' Retirement Program; and that this Resolution be and hereby is incorporated into the official minutes of the July 21, 2026 meeting of the Kent County Levy Court.

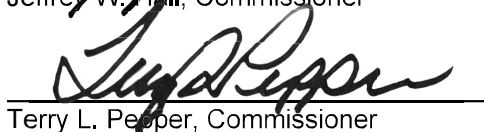

Joanne Masten, President

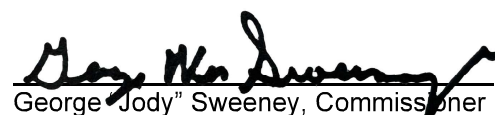

Robert J. Scott, Vice President


Allan F. Angel, Commissioner


Jeffrey W. Hall, Commissioner


Paul Hertz, Commissioner


Terry L. Pepper, Commissioner


George "Jody" Sweeney, Commissioner



DEPARTMENT OF ADMINISTRATION

Division of Human Resources

INTEROFFICE MEMORANDUM

To: Levy Court Commissioners
VIA: Kevin Sipple, County Administrator
FROM: Trudena Horsey, Human Resources Director
SUBJECT: **August 2026** Employee of the Month
DATE: July 16, 2026

Kenneth Kelly



Kent County Department Heads have selected Kenneth Kelly from the Department of Public Safety – Emergency Medical Services Division as the **August 2026** Employee of the Month.

Kenny currently serves as a Paramedic Lieutenant and has been a dedicated member of the Kent County team since August 2013. Throughout his career, he has steadily advanced through the ranks of Paramedic I, II, and III before being promoted to his current position in June 2024. Widely recognized as a leader within the organization, Kenny exemplifies the professionalism, dedication, and commitment to service that all paramedics strive to achieve. He consistently motivates and educates his colleagues while going above and beyond in service to both his team and the community.

As a Paramedic Lieutenant, Kenny responds to emergency calls, provides critical patient care and transportation, serves as a field liaison with emergency response agencies and hospital personnel, and develops and delivers on-duty training for field staff. He also assists in coordinating emergency responses, supervises specialty response teams, and provides recommendations to EMS leadership on operational improvements and field response practices.

Kenny plays a vital role as the leader of the EMS SWAT Team, where his guidance and expertise help ensure operational readiness and excellence in high-risk environments. He has further contributed to the advancement of emergency medical services through statewide continuing education presentations and his involvement with initiatives such as the PORT Team. His commitment to public safety extends beyond emergency response through community outreach efforts, including promoting the "Move Over" message to help protect first responders working along roadways.

According to EMS Chief John Tinger, *"As a leader, Kenny sets clear expectations for accountability and efficiency, fostering a culture of responsibility within his platoon. His influence not only drives performance but also strengthens the overall cohesion and professionalism of the team. Lieutenant Kenny Kelly's leadership, dedication, and passion for the profession have made a lasting impact on Kent County EMS, making him highly deserving of recognition as Employee of the Month."*

Congratulations Kenny on a job well done!

Kenny resides in Commissioner's Sweeney's and Pepper's districts.



Kent County Levy Court

August 2026 Employee of the Month

Kenneth Kelly

On this, the 21st day of July 2026,
the Levy Court of
Kent County, State of Delaware, does hereby recognize
Kenneth W. Kelly
Paramedic Lieutenant
Department of Public Safety – Emergency Medical Services Division
for his exceptional initiative, dedication, and conscientiousness in
the delivery of services to the citizenry of the County.

Joanne Masten

Hon. Joanne Masten, President

Robert J. Scott

Hon. Robert J. Scott, Vice-President

Allan F. Angel

Hon. Allan F. Angel, Commissioner

Jeffrey W. Hall

Hon. Jeffrey W. Hall, Commissioner

Paul Hertz

Hon. Paul Hertz, Commissioner

Terry L. Pepper

Hon. Terry L. Pepper, Commissioner

George W. Sweeney

Hon. George W. Sweeney, Commissioner



OFFICE OF THE COMMISSIONERS

Hon. Joanne Masten, President
Hon. Robert J. Scott, Vice President
Hon. Allan F. Angel
Hon. Jeffrey W. Hall

Hon. Paul Hertz
Hon. Terry L. Pepper
Hon. George "Jody" Sweeney

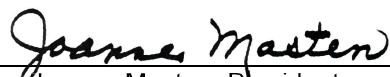
RESOLUTION 4170

Retirement of "Rose M. Wurzel"

WHEREAS, the retirement of **Rose M. Wurzel** an employee of Kent County, State of Delaware, from her duties as a Wills Clerk II in the Register of Wills Office, presents a suitable opportunity for expressing the esteem in which we hold **Rose M. Wurzel**, as a good and faithful public servant.

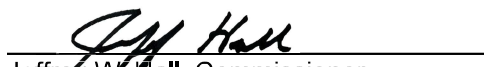
THEREFORE, BE IT RESOLVED that the County of Kent expresses its warmest appreciation and thanks to **Rose M. Wurzel** for the able and loyal manner in which she performed her public duties.

BE IT FURTHER RESOLVED that this resolution be her evidence of a right to the pension provided by the Kent County Employees' Retirement Program; and that this Resolution be and hereby is incorporated into the official minutes of the July 21, 2026 meeting of the Kent County Levy Court.

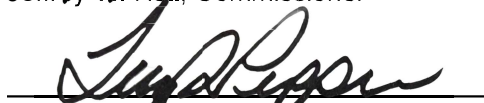

Joanne Masten, President


Robert J. Scott, Vice-President


Allan F. Angel, Commissioner


Jeffrey W. Hall, Commissioner


Paul Hertz, Commissioner


Terry L. Pepper, Commissioner


George "Jody" Sweeney, Commissioner



OFFICE OF THE COMMISSIONERS

Hon. Joanne Masten, President
Hon. Robert J. Scott, Vice President
Hon. Allan F. Angel
Hon. Jeffrey W. Hall

Hon. Paul Hertz
Hon. Terry L. Pepper
Hon. George "Jody" Sweeney

RESOLUTION 4175

Retirement of "Frederick J. Burke"

WHEREAS, the retirement of **Frederick J. Burke**, an employee of Kent County, State of Delaware, from his duties as a Environmental Program Manager in the Department of Public Works – Environmental Program Section, presents a suitable opportunity for expressing the esteem in which we hold **Frederick J. Burke**, as a good and faithful public servant.

THEREFORE, BE IT RESOLVED that the County of Kent expresses its warmest appreciation and thanks to **Frederick J. Burke** for the able and loyal manner in which he performed his public duties.

BE IT FURTHER RESOLVED that this resolution be his evidence of a right to the pension provided by the Kent County Employees' Retirement Program; and that this Resolution be and hereby is incorporated into the official minutes of the July 21, 2026 meeting of the Kent County Levy Court.

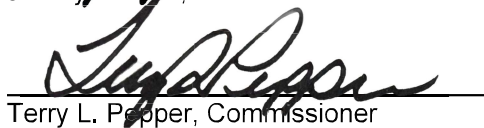

Joanne Masten, President

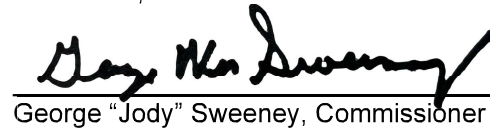

Robert J. Scott, Vice-President


Allan F. Angel, Commissioner


Jeffrey W. Hall, Commissioner


Paul Hertz, Commissioner


Terry L. Pepper, Commissioner


George "Jody" Sweeney, Commissioner

Welcome TO THE COUNTY



Leah Palmer Administration **Human Resources Coordinator**

We are excited to welcome Leah as our new Human Resources Coordinator. Leah joined Kent County on 6/01/2026. She brings valuable experience from her previous role as a Payroll Coordinator with Amick Farms, LLC. Prior to that, she worked for the same company as a Yield Coordinator.

Leah resides in Commissioners Scott and Pepper's district.



Brian Johnson Public Works **Engineering Technician I**

We are excited to welcome Brian as our new Engineering Technician I. Brian joined Kent County on 6/01/2026. He brings valuable experience from his previous role where he retired as an EPS Tech V with the State of Delaware.

Brian resides in Commissioners Masten and Pepper's district.

Welcome TO THE COUNTY



Riley Pritchett
Seasonal Parks Worker

Community Services

We are excited to welcome Riley as our new Seasonal Parks Worker. Riley joined Kent County on 6/08/2026. He brings valuable experience from his previous role as a Greenhouse Attendant with 302 Aquaponics. He is currently enrolled at the University of Delaware, majoring in Environmental Science.

Riley resides in Commissioners Hall and Pepper's district.



Ryan Buchwald
Seasonal Parks Worker

Community Services

We are excited to welcome Ryan as our new Seasonal Parks Worker. Ryan joined Kent County on 6/15/2026. He brings valuable experience from his previous role as a Kennel Technician with First State Animal Center and SPCA. Ryan is also attending Delaware Technical Community College majoring in Business Administration.

Ryan resides in Commissioners Sweeney and Pepper's district.

INTRODUCED BY: Allan F. Angel
DATE INTRODUCED: June 9, 2026
PUBLIC HEARING DATE: July 21, 2026
PUBLIC HEARING TIME: 7:00 p.m.
ADOPTION DATE:
EFFECTIVE DATE: Upon Adoption

Ordinance LC26-04
Ethics

An Ordinance to

(1) Replace Kent County Code, Vol. II, CHAPTER 41 ETHICS, CODE OF WITH KENT COUNTY CODE RELATING TO ETHICS, POST-EMPLOYMENT RESTRICTIONS, AND STANDARDS OF CONDUCT by repealing and replacing the current language in its entirety and

(2) Delete Kent County Code, Vol. II, CHAPTER 68 PERSONNEL POLICY § 68-7 Vacancies, recruitments and appointments, Section H in its entirety.

WHEREAS

The Levy Court finds that public confidence in County government requires clear, enforceable ethical standards; and

The State of Delaware has established ethics requirements under Title 29, Chapter 58; and

Kent County desires to adopt those standards and supplement them with additional local safeguards;

THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. That the existing Kent County Code, Vol. II, Chapter 41 ETHICS, CODE OF be replaced with Kent County Code, Vol. II, CHAPTER 41 OF THE KENT COUNTY CODE RELATING TO ETHICS, POST-EMPLOYMENT RESTRICTIONS, AND STANDARDS OF CONDUCT by deleting the current language in its entirety and replacing it with the following underlined language:

Chapter 41 — Ethics and Standards of Conduct

§ 41-1. Adoption of State Ethics Law.

A. Incorporation by Reference

Kent County adopts and incorporates by reference Title 29, Chapter 58 of the Delaware Code, as amended, as the governing ethics standards for County officers, employees, and appointed officials.

B. Applicability

All County elected officials, appointed officials, employees, and members of boards, commissions, and committees are subject to the code of conduct, conflict-of-interest, financial disclosure, gift, post-employment, advisory opinion, and complaint requirements and procedures set forth in Title 29, Chapter 58.

C. Enforcement

Enforcement authority remains with the Delaware Public Integrity Commission in accordance with the procedures outlined in Title 29, Chapter 58.

§ 41-2. Supplemental Local Standards.

The following provisions supplement and do not replace State law.

A. General Ethical Conduct

Officials and employees shall conduct themselves so as to maintain public confidence and avoid both actual impropriety and the appearance of impropriety.

B. Prohibition on Nepotism

1. No official or employee shall participate in or influence any decision relating to the hiring, evaluation, promotion, discipline, assignment, or compensation of a relative.
2. A relative shall be defined in accordance with §5806A. of Title 29 as amended to include:
 - a. A person's spouse or domestic partner
 - b. A person's parent, stepparent, child, or stepchild
 - c. The parent, stepparent, child, or stepchild of a person's spouse or domestic partner
 - d. A person's grandparent or grandchild
 - e. A person's sibling
 - f. The spouse of a person's child
 - g. A minor child for whom the person has assumed and carried out parental responsibilities
3. No employee shall be placed in a position of direct supervision over a relative.
4. Relatives must be disclosed to Human Resources within thirty (30) days of hire or occurrence.
5. If a supervisory conflict question arises, Human Resources, in consultation with the County Administrator, applicable department heads, and the County Attorney's office (as

necessary) shall determine appropriate reassignment or structural safeguards consistent with operational needs.

C. Procurement Conflict Certification

Individuals participating in bid or proposal evaluations above thresholds set by County policy must execute a written conflict-of-interest certification before participation. All conflicts of interest with relatives (as defined herein) shall be disclosed. For projects requiring sealed bids, a relative having an interest in the entity bidding shall not preclude the bidder from receiving the awarded conflict provided that all conflicts of interest are disclosed. For non-competitive bidding, such as professional services, all conflicts of interest must be disclosed and no relative shall participate in the selection process.

§ 41-3. County-Specific Post-Employment Restrictions.

In addition to State post-employment restrictions:

A. Two-Year Representation Restriction

No former County employee shall, within two (2) years after separation, represent or assist a private entity before Kent County in connection with any matter in which the employee participated personally and substantially during County service.

B. One-Year Cooling-Off for Senior Personnel

For one (1) year after separation, no former Department Head, Division Director, Procurement Officer, or employee with final decision-making authority shall accept employment with or compensation from a private entity if:

1. The entity had a contract, regulatory approval, development application, or procurement pending before the employee during their final year of service; and
2. The employee exercised discretionary authority affecting that entity.

C. Confidential Information

Officials and employees shall not use or disclose confidential information (e.g. site acquisition, collective bargaining, litigation, or personnel matters) acquired during County service for personal benefit or for the benefit of any private party.

D. Contracting Prohibition

No former employee may assist a private party in securing a County contract where the employee was directly involved in drafting specifications, evaluating proposals, negotiating terms, or approving the contract.

E. Waiver Authority

The County Attorney may issue written advisory guidance regarding the applicability of this section; however, enforcement authority remains with the Public Integrity Commission.

§ 41-4. Ethics Training.

All officials and employees shall certify completion of ethics training as approved by the County Administrator every two years and upon swearing-in, appointment, or hiring.

§ 41-5. Consequences.

A confirmed violation of Title 29 or this Chapter shall constitute grounds for discipline under County personnel policy, up to and including reprimand or censure, termination, removal from boards, or other penalties or remedies as sanctioned in Title 29 Chapter 58.

§ 41-6. Review.

This chapter of the Kent County Code shall be reviewed by the Levy Court each 5 years and changes or updates shall be made in accordance with standing procedures for the adoption of County Code.

§ 41-7. Severability.

If any provision is invalid, the remainder shall remain in effect.

Section 2. Severability.

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 3. Effective Date.

This Ordinance shall be effective upon the date of adoption.

ADOPTED BY THE LEVY COURT OF KENT COUNTY, DELAWARE

President, Kent County Levy Court

This _____ day of _____, 20__

ATTEST: _____
Clerk of the Peace

Synopsis: This ordinance repeals and reenacts Chapter 41, Ethics, Code of to explicitly incorporate Title 29, Chapter 58 of the Delaware Code, as amended, as the governing ethics standards for County officers, employees, and appointed officials and includes specific ethics standards for Kent County elected officials and employees. This ordinance also deletes Chapter 68, Personnel Policy § 68-7 H. with incorporation of that policy in Chapter 41.

INTRODUCED BY: Jeffrey Hall
DATE INTRODUCED: June 9, 2026
PUBLIC HEARING DATE: July 21, 2026
PUBLIC HEARING TIME: 7:00 p.m.
ADOPTION DATE: _____
EFFECTIVE DATE: Upon Adoption

Ordinance LC26-06
Data Centers

An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article V – Permitted Uses, §205-53, Permitted use table and §205-59 Industrial uses and Article VI Conditions of Approval, §205-72 Industrial uses to add Data Center as a permitted use with conditions in the IL (Limited Industrial) and IG (General Industrial) zoning districts, define the use, and establish conditions for the use.

THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. That the Kent County Code, Vol. II, Chapter 205, Zoning, Article V – Permitted Uses, §205-53, Permitted use table is hereby amended by adding the following underlined language in alphabetical order:

§ 205-53. Permitted use table.

B. Permitted use table.

Uses	AC	AR	RS1	RS5	RM	RMH	BN	BG	OC	IL	IG
Industrial Uses											
<u>Data Center</u>										<u>PC</u>	<u>PC</u>

Section 2. That the Kent County Code, Vol. II, Chapter 205, Zoning, Article V – Permitted Uses, §205-59, Industrial Uses is hereby amended by adding the following underlined language in alphabetical order:

Data Center

A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise

permitted use on the property, such as servers associated with an office building. A data center may include data center accessory uses (NAICS 518210)

DATA CENTER ACCESSORY USE

Ancillary uses or structures secondary and incidental to a data center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations used to distribute or transform electricity; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a data center. With the exception of solar installations, energy generation systems intended to supply power to the data center during normal operations shall not be considered an accessory use and shall require separate conditional use approval under the applicable provisions of this Chapter.

Section 3.

That the Kent County Code, Vol. II, Chapter 205, Zoning, Article VI Conditions of Approval, §205-72 Industrial uses is hereby amended by adding the following underlined language in alphabetical order:

H. Data Center

1. Setbacks. The setbacks for the zoning district shall apply except:
 - a. All buildings shall be located a minimum of 300 feet from a residential zoning district.
 - b. All accessory equipment, including but not limited to generators, chillers, cooling towers, HVAC, and switchgear, shall be located a minimum of 400 feet from a residential zoning district and located behind the principal structure and fully screened. The setback may be reduced to 300 feet if the accessory equipment is located within a building which includes sound attenuation designed to reduce noise emissions to comply with Item 3 below.
2. Landscape Buffer
 - a. Along public roads and residential zoning districts, the site shall be planted to achieve a minimum six-foot-high four-season visual barrier in accordance with the following guidelines:

- i. Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.
- ii. A minimum of two rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.
- iii. Include ground cover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.
- iv. The buffer shall be maintained to prevent disease from spreading and any trees that do not survive shall be replaced.
- v. A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.
- vi. The required buffer may be counted toward planting requirements included in Chapter 187, Subdivision and Land Development.

3. Noise Allowances

- a. The site shall be designed to minimize noise impact on neighboring residential properties and shall not exceed 55 dB(A) at the property line of the data center site.
- b. A noise study shall be completed by a licensed Delaware Professional Engineer documenting existing conditions at the time of plan application and a post construction study demonstrating compliance shall be provided to the Planning Department within 60 days after issuance of the Certificate of Occupancy.
- c. Generator testing may be conducted only between 10:00 a.m. until 4:00 p.m. Monday through Friday unless testing at a time outside of this range is required by the Department of Natural Resources and Environmental Control.
- d. Compliance shall be based on the cumulative sound level of all equipment operating simultaneously.
- e. For Data Centers on property adjacent to property with existing residential development or a zoning district permitting residential uses, mechanical equipment, whether on a roof top, on the ground level, or elsewhere on the exterior of the property, must be screened on all four sides by an acoustical barrier. For purposes of this section, acoustical barrier is defined as an exterior solid or louvered wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution.

- f. All generators shall comply with applicable federal and state air quality requirements and obtain all permits required by DNREC.
- 4. Lighting. All site lighting shall be downward directed and fully shielded such that no lumens cross property lines.
- 5. Utilities
As part of the preliminary plan application, the owner or operator shall provide:
 - a. Written confirmation from the applicable electric utility that:
 - i. Service is available with existing infrastructure or contingent upon upgrades
 - ii. Whether upgrades are on-site only, off-site, utility-owned or customer-owned.
 - b. Written confirmation from the applicable water utility that:
 - i. Adequate capacity exists to serve the use
 - ii. Any constraints, conditions, or required improvements
 - iii. Whether the cooling method assumptions align with available supply.
 - c. Applicants shall identify the proposed cooling method as part of the preliminary plan submission. Open-loop or once-through cooling systems shall be prohibited unless reclaimed water is utilized or unless specifically approved as part of the conditional use based on demonstrated minimal impact.
- 6. Abandonment, Decommissioning, and Financial Assurance
 - a. Abandonment
A data center that ceases operations for a continuous period of one (1) year or more shall be presumed to have been abandoned. For purposes of this section, cessation of operation may include, but is not limited to, discontinuation of data processing activities, disconnection from utility electric service or fiber service, or failure to maintain required permits or approvals.

The owner or operator may request a good-cause exemption from a finding of abandonment. Such exemption shall not be unreasonably withheld, provided that all real estate taxes associated with the property are current and in good standing.

Any data center determined to have been abandoned without obtaining a good-cause exemption shall be decommissioned and removed within one hundred eighty (180) days of such determination.

b. Decommissioning

Decommissioning shall consist of the following:

- i. Physical removal of all data center buildings and structures that cannot be safely and feasibly reused, equipment, including but not limited to, servers, mechanical and electrical equipment, generators, substations, fuel storage systems, cooling systems, security barriers, and associated utility connections.
- ii. Recycling, reuse, or disposal of all solid and hazardous waste in accordance with applicable local, state, and federal regulations.
- iii. Stabilization or revegetation of the site as necessary to minimize erosion and ensure site safety. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place where such action minimizes erosion, avoids unnecessary disturbance, and does not pose a safety or environmental hazard.

c. Decommissioning Plan

- i. A decommissioning plan outlining the anticipated means and costs of removing the facility shall be submitted with the application for approval.
- ii. The decommissioning plan shall ensure that the owner or operator properly removes all buildings, equipment, and infrastructure upon the end of the facility's operational life or upon abandonment. The plan shall include provisions for the removal of all structures and foundations, removal of electrical and utility components, and restoration or stabilization of soil and vegetation.
- iii. The owner or operator shall provide a present-day decommissioning cost estimate and identify parties responsible for decommissioning. The County shall engage a qualified third party to review and confirm the cost estimate, and the expense of such review shall be paid by the owner or operator.

d. Financial Assurance

- i. The owner or operator shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred percent (100%) of the anticipated cost of decommissioning and site restoration.
- ii. The financial assurance shall remain in full force and effect for as long as the data center facility remains in place. The amount of the financial assurance shall be reviewed and, if necessary, updated every five (5) years to ensure it reflects current market conditions and decommissioning costs.

7. Letters of No Objection

Prior to final plan approval the following letters of no objection shall be provided to the Department:

- a. Kent County Department of Public Works
- b. Delaware Department of Transportation
- c. Delaware Department of Natural Resources and Environmental Control
- d. Delaware State Fire Marshal's Office
- e. Kent Conservation District
- f. Applicable Electrical Utility
- g. Applicable Water Utility
- h. Any other agency having jurisdiction.

Section 4. Severability.

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 5. Effective Date.

This Ordinance shall be effective upon the date of adoption.

ADOPTED BY THE LEVY COURT OF KENT COUNTY,
DELAWARE

President, Kent County Levy Court

This _____ day of _____, 20__

ATTEST: _____
Clerk of the Peace

Synopsis: This ordinance adds Data Center as a permitted use with conditions in the IL (Limited Industrial) and IG (General Industrial) zoning districts, establishes definitions for data center and its accessory uses, and establishes conditions for the use.

Fw: TECHNICAL REVIEW: Acoustic Vulnerabilities in Proposed Data Center Legislation

From Jason Berry <jason.berry@kentcountyde.gov>

Date Mon 6/22/2026 12:34 PM

To Kathleen Andrews <Kathleen.Andrews@kentcountyde.gov>

For ordinance LC26-06...

From: Lauren H <lhub01@gmail.com>

Sent: Saturday, June 20, 2026 1:06 PM

To: Jody Sweeney <jody.sweeney@kentcountyde.gov>

Cc: Terry L. Pepper <terry.pepper@kentcountyde.gov>; Joanne Masten <joanne.masten@kentcountyde.gov>; Jeffrey Hall <Jeffrey.Hall@kentcountyde.gov>; Allan F. Angel <allan.angel@kentcountyde.gov>; Robert Scott <Robert.Scott@kentcountyde.gov>; Paul Hertz <Paul.Hertz@kentcountyde.gov>; Admin <Admin@KentCountyDE.gov>; Planning <Planning@KentCountyDE.Gov>

Subject: TECHNICAL REVIEW: Acoustic Vulnerabilities in Proposed Data Center Legislation

Some people who received this message don't often get email from lhub01@gmail.com. [Learn why this is important](#)

Dear Commissioner Sweeney and Members of the Levy Court,

My name is Lauren Hubbard, and I own property in unincorporated Kent County (physically in Harrington with a Houston mailing address). I am writing to provide critical technical feedback regarding the data center regulations currently under development. While I appreciate the Levy Court's proactive stance in drafting a 55-decibel cap to protect our community, the current draft contains a severe acoustic vulnerability that will leave rural homeowners completely defenseless against Low-Frequency Noise (LFN).

News reports indicate that Kent County is modeling its ordinance after Loudoun County, Virginia. Loudoun County is currently facing massive community backlash and lawsuits because a flat 55-decibel cap fails to address the deep, sub-bass drone of data center cooling infrastructure.

I understand that local officials are planning a trip to Virginia to visit a data center and talk to residents. However, a standard daytime field trip is completely flawed and misleading. At 2:00 PM, heavy background traffic, wind, and daily ambient activity mask industrial noise. To truly understand what we will face, officials need to stand outside a data center at 3:00 AM. Data centers run 24/7/365. In the dead of night, when the rest of the world goes completely silent, that low-frequency humming travels for miles and vibrates right through bedroom walls. A noise level that passes a dBA test during the day will completely destroy a homeowner's ability to sleep at night. Please do not pass zoning laws based on a 2:00 PM field trip.

The physics of low-frequency sound means that over our flat Delaware terrain, these waves do not dissipate like normal noise. During nighttime atmospheric inversions, this heavy bass hum is trapped near the ground and can travel 2 to 4 miles, physically vibrating residential walls and preventing sleep, even while registering as "quiet" on a standard meter.

I am not an engineer, but as a taxpayer looking at the public information available, I formally request that the county's engineers and planning staff add the following three specific safeguards to the draft ordinance before it is finalized:

1. **Mandate a dBC (C-Weighted) Sound Cap:** Traditional zoning uses the dBA scale, which deliberately filters out low-frequency bass. A data center can easily pass a 55 dBA test while simultaneously emitting an intolerable structural vibration. The ordinance must include a strict, separate limit of no more than 50 dBC at residential property lines at night.
2. **Require Low-Frequency Octave-Band Modeling:** Pre-construction modeling must legally simulate sound propagation during a nighttime thermal inversion with a downwind out to a 4-mile radius, rather than idealized daytime conditions.
3. **Enforce Ground-Borne Vibration Limits:** The ordinance must explicitly prohibit any continuous low-frequency structural resonance or physical floor vibration (measured in VdB) at any residential property line.

If the county relies strictly on a generalized 55-decibel cap, developers will use standard dBA metrics to exploit this vulnerability, leaving rural residents to bear the burden of long-term property devaluation and sleep deprivation.

Thank you for your time, your leadership, and your attention to this critical engineering detail.

Sincerely,

Lauren Hubbard
818 Williamsville Rd
Houston, DE 19954-2619

REGIONAL PLANNING COMMISSION
PUBLIC HEARING MINUTES
Conference Call Included
July 2, 2026

The following members were present:

David Peterman
Peter Servon
Denise Kaercher
Glenn Gauvry
Delbert Mills
Paul Davis
Bill Jester

Also present:

Sarah Keifer - Director of Planning
Tanner Jameson - Attorney

Ordinance LC26-06 Data Centers: An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article V - Permitted Uses, §205-53, Permitted use table and §205-59 Industrial uses and Article VI Conditions of Approval, §205-72 Industrial uses to add Data Center as a permitted use with conditions in the IL (Limited Industrial) and IG (General Industrial) zoning districts, define the use, and establish conditions for the use.

Mrs. Keifer: First, let's level set given that we were asked to craft this ordinance because some of the towns actually have seen interest from data centers. Data centers are not currently prohibited by the county code. Given how our code is constructed, they could be built in a commercial or an industrial district now, with NO specific conditions related to that. So, given the interest in the state, given the interest in the county, it seemed prudent to put an ordinance together. So, what this ordinance does is permit data centers only in the two industrial zoning districts, IL and IG, by right, but with very specific conditions you can see in the ordinance. It establishes a 300 ft setback for the actual data center, a 400 ft setback for any accessory equipment including the generators associated with them. Limits the noise that comes from them. Requires a rather substantial planted buffer. Requires pre and post construction noise studies, limits the hours for the generator testing that has to take place. Also, because we don't control the utilities aside from sewer, requires effectively letters of NO objection primarily from power companies to ensure they can be served, also includes the same decommissioning requirements that we instituted for our solar, also requires closed loop water systems for cooling within the data center. The primary concerns with these are noise, which is why we've tried to stack the land use standards that the county's actually responsible for. We keep them in industrial areas as far away from houses as we can. We create the setbacks. We require a minimal decibel level. The buffers in addition, we keep utility equipment farther away, and then for a data center that might be relying on its own power generation, instead of the grid, that's a separate conditional use. So, they are not an automatic accessory here.

So if, a data center were to come, they want to create their own power generation because the grid isn't ready for them, separate application altogether. So it's not a guarantee. So again, data centers we would actually be in a position of approving without any of these conditions as the code stands today. I'm happy to answer any questions.

Mr. Jester: Has any of the recent legislation that the state's been working on, does it influence anything particular in this ordinance?

Mrs. Keifer: The legislation that went through the general assembly the other night, was primarily about power generation. Their goal has not been land use related. It's been entirely the extent to which the grid can even accommodate.

Mr. Jester: Because I also know that the data center that was in New Castle was turned down and it actually went to the coastal zone board and it was turned down here also. Based on certain facts that maybe are already built in this ordinance, I don't know.

Mrs. Keifer: When we were developing the ordinance, we looked primarily at Virginia because that is sort of the data center Meca, and has been building for more than 20 years, looked at some other; because Louden County is a much larger, more suburban in urban County than we are. We looked at some Pennsylvania communities that are more commensurate with Kent County. We also, as we were looking at the appropriate setbacks; we took a look at how many industrial properties these would actually work on in Kent County. And I could probably count those on one hand. There just isn't a lot of land that's appropriately zoned in Kent County that would accommodate a data center. In speaking with the Economic Development Director. She's fairly confident if there is interest in developing them in Kent County, it's going to be in the industrial parks in the municipalities. So I think the risk is relatively low, but twofold it seemed prudent to be prepared and some towns were asking us for some technical guidance, so we're trying.

Mr. Jester: Yes, I see you had you had the noise level build in here and one little fact sheet that I was reading is was talking about not only noise but vibration. There's actually vibration that's built into that. Would that come under noise also?

Mrs. Keifer: It actually would come under noise because my understanding that it is not actually vibration. It's a really low frequency noise. And that's where the noise study setting things back as far as we can, creating a planted buffer, all of which tries to dampen the impact of that noise.

Mr. Jester: I'll be the first one to admit, this would be brand new information to me. And to everyone up hear in the front. I'm not going to speak to everybody. Does anybody have any questions?

Mr. Gauvry: I always have questions. Just 3 actually. I kind of want to start off. I'm really glad that we are addressing this because I agree with you that it's important. It's coming down the road to us so my main concern is usually always the same thing with highways. This is a different type of highway in terms of electricity. It's infrastructure. But I think the setbacks are great you have meaningful noise standards the landscaping I'm ok with the shield lighting, the cooling water, the, the decommissioning requirements and the designated areas. I think we're all strengths of this of the Code. The three areas, three questions that I have and I'll just read my notes is has to do with the electrical infrastructure. So the ordinance confirms that the electrical service, if, if the electrical service is available, but it will come from the local source. They'll say we have capacity. But it doesn't really address who pays for the required transmission or the distribution upgrades or does it?

Mrs. Keifer: No, it doesn't and the reason it doesn't is because we're not a utility. This is a land use ordinance and the questions about the grid, the questions about capacity are 100% valid questions and people ought to be concerned. We just don't have any governing authority there. And that's why the General Assembly throughout this past session throughout a handful of bills, trying to get a handle on how do we manage the demands and the other, another part of what the general assembly has been looking at and I think we'll continue to in the next session is how do we build more capacity in the grid? But again, we don't have any oversight. So that's why we don't address it.

Mr. Gauvry: Which means this will be in front of us on a case by case basis and we'll be running up to the basically the DeIDOT scenario, but it won't be DeIDOT. It will be whether there's capacity or not and people will be saying there's not capacity and our bills are going up. And we'll be saying we don't really have any authority over that area and so I see this coming down the road in a different way. So to my next question is kind of answered by that there is at least a thinking not necessarily a trend at yet, having to do with data centers throughout the United States and one the thinkings is that these data centers should be required to produce their own electricity and the access of that electricity could actually go into the grid and benefit local communities where I noticed in this particular code we're actually discouraging them from doing that.

Mrs. Keifer: We're not discouraging them. It was because power generation has a different kind of impact. It simply is considered separately. Power generation is its own conditional use in the code, and one of the bills that made it through the General Assembly actually requires data centers within a certain amount of time, to produce their own power.

Mr. Gauvry: Do we have that in this?

Mrs. Keifer: It's not ours to regulate, it's the states to regulate.

Mr. Gauvry: Okay, I'm not sure how that ends up when it comes in front of us, is that something that would be...

Mrs. Keifer: It's a conditional use application, if a power generation application were to come through, it's conditional use, it would come to you as a public hearing, it would also go to the Levy Court as a public hearing, and you would have the opportunity to address the concerns related to primarily noise.

Mr. Gauvry: Okay. Then my last thing. Thank you for indulging me. In terms of emergency generation, there is the code it stipulates when they can and can't and all that. But, following some of the news this past week with all the temperature increases that we have throughout the country, one of the problems is that a lot of places that do have emergency generation actually are reaching capacity because of overuse of the, of the grid. So what I don't see in the code right now is anything that talks about the accumulative impacts of extended generation operations and large scale fuel storages. So if I was a company that wanted to put in a data center and I was mindful of the fact that there maybe temperature increases or other conditions that would require my backup generators to run for extended periods of time, I would need to actually have storage capacity for fuel or whatever. Maybe I'm got this wrong, but I'm just wondering if, if we're looking at backup generation as a short term, but it could, at times, be longer than short term and what those ramifications might be to local communities.

Mrs. Keifer: It's I think the ramification is primarily for the data centers because they're going to be responsible for maintaining and storing the fuel, and certainly I've read the same that throughout the east Coast at this point, data centers have been put on notice user emergency generators because we can't accommodate you on the grid.

Mrs. Keifer: Yes, and I think in, in the most recent cases it's been governors saying you shall. And I think at that point, we will accommodate that because it's an emergency circumstance.

Mr. Gauvry: So when they come in front of us and they have contingency plans for extended use of generators, in those plans would have whatever storage that they, and then we have the ability to approve them on that level.

Mrs. Keifer: It would certainly be because they would come to you as a site plan just given the size of them. And I think that is a reasonable area of discussion that this seems to be becoming a trend and ask them how they intend to accommodate it.

Mr. Gauvry: Great. Thank you. I just want to say that I'm in support of us doing this and I'm really happy that, that your department is actually taking a proactive position on this because this is coming whether we like it or not. What I'm trying to not have happen is, is the kind of problems that we're always dealing with up here where our hands are tied to do the things that we would like to do because we didn't really build them into the code. So, here we have a chance to actually get it right and you're right in terms of Virginia being the leading the way. So if we're as good as or if not better than them, then we're on the right page. Thank you very much.

Mr. Davis: Well, 1st of all, I know it's coming. I mean, that's just technology. What's new today is obsolete tomorrow. I have a lot of concerns about this. Firstly, I don't think it's the time to pass anything about these data centers. There's a lot of questions in a general assembly. There's a lot of questions and lawsuits in Virginia that the county was going to go visit. We got a letter from a person from Houston, that appeared, is what an engineer, but I think he knew what he's talking about and based upon his letter, I followed up on data centers on the internet and there's a lot of issues with this. I know they're coming, but I don't see what the urgency is today. One thing I don't really care for, is make it a by right permit. Just tonight, because of the by right, we saw what happened in here. We have NO ability if it's a by right, they meet the code. And tonight was a perfect example. We have a major public safety issue about 2nd driveway in that development. And there's not a **** thing we can do about it. And that's what's going to happen when you make it by right. I'm just getting concerned that these things are by right. We're asked to make a decision, and the bottom line is a rubber stamp. I'm here to look after the people and the taxpayers of this county. And I don't like hitting a rubber stamp because I got to do it. I listen to the people, I try to do as much research as I can, and all the time anymore. Well if you don't do this, you know, you're gonna get sued. There's NO flexibility for the commission. It's really adds the things, takes the things away. Let me just take one example. And the proposed code, it's been stated 300 ft set back to housing development. Virginia people and the people on the internet that I looked, there's been tests done at 03:00 in the morning, 4 mile away and there were vibrations. So, this is a very serious thing to do. I'm not saying that we can't get it done, but I want to hear what the General assembly is going to say about it. I want to hear what the public service commissioner's going to say about it. We've already heard chairman just say it was turned down upstate, and why was it turned down? Did anybody check into that reason? I mean I don't know. I just think we're moving too fast. Personally, I would like to see this thing tabled for a while until we get all the information. We don't have the information. I read that thing, I read it a couple times.

And I'm getting tired of getting stuck with things that I'm trying to help the public, public safety, fire and things like this. So, my opinion, I think it should be tabled next meeting. I'm only I'm only one, I'm only one person and people disagree, they have the right to do that. But I haven't heard a lot that's convinced me, that this is what we've got proposed is going to work. As you were talking about a 4 mile radius that they had problems and it's been on TV about these data centers and we want to jump in and just pass a thing that we'll go ahead and do it. Let's do our research and then maybe doing the right thing, thank you.

Mrs. Kaercher: You've done a lot of research already. This, I see, is protection for Kent County. Let's say it doesn't exist and someone tries to put in a data center, they come in front of us. At that point we have NO ordinance, correct? So we have NO safety valve to say NO to. So, I see this as an ordinance that's going to be changing a lot over time but for right now it's a safety valve. Am I correct?

Mrs. Keifer: You are, because right now if we had an application, we'd process it as a conditional use, but it would have NO specific data center conditions to it. And while I understand the concern about permitted by right versus conditional use, conditional uses also come with a presumption of approval. You cannot deny them because you don't like that. You can add conditions that are reasonable. But the presumption is that it will be approved and I think you're a hundred percent correct if one came in the door tomorrow, we'd have to process it and I would not have this guidance to work with, and I think your point that it will end up being iterative as we learn more, as we experience more. we'll change to ordinance over time.

Mr. Davis: Just one quick follow-up you had mentioned I realized this. If this is not passed, you said something that then the general business category, we can put them there, is that correct?

Mrs. Keifer: No, not if this is passed. If nothing happens it would be approved today in General Business or Industrial.

Mr. Davis: I would like to know how many places would be compatible that's got that size, you're going to need a lot of land.

Mrs. Keifer: You will need a lot of land, which is why when we ran a mapping exercise with these standards, there are fewer than half a dozen that a data center could even fit on.

Mr. Jester: Was that actually industrial areas that you came up with?

Mrs. Keifer: Both IL and IG and we didn't look at just current zoning, we also looked at the comprehensive plan, so if somebody wanted to rezone, and even then it's fewer than half a dozen.

Mr. Jester: So what you are saying is we if we don't get something like this in place, it's going to be processed under something we already have, and we probably couldn't force it into an area that they wouldn't want to be in.

Mrs. Keifer: Correct. This does offer a certain amount of protection that the County does not have right now.

Mr. Jester: Any other commissioners have any comment? If not, I'll turn it over to the public. Is there anybody here that would like to speak in favor of this ordinance? Either here or on the phone?

Mrs. Kiefer: There is nobody on the phone.

Mr. Jester: There is no one on the phone. Is there anybody here in favor of this application, 3rd and final call. Is there anybody against the ordinance and would like to speak? Since there isn't anyone on the phone, I won't ask that. Is there anyone who would like to speak against this ordinance? 3rd and final call. Seeing none, we'll be taking this ordinance up next week.

Ordinance LC26-06 (Data Centers) — support for adoption with five targeted amendments; public hearing of Tuesday, July 21, 2026, 7:00 p.m., Levy Court Chamber, Room 203

 1 attachment (17 KB)

LC26-06_Levy_Court_Memorandum.docx;

From: Greg Layton <gregorylayton@pm.me>

Sent: Wednesday, July 15, 2026 10:02 AM

To: Joanne Masten <joanne.masten@kentcountyyde.gov>; Robert Scott <Robert.Scott@kentcountyyde.gov>; Terry L. Pepper <terry.pepper@kentcountyyde.gov>; Jeffrey Hall <Jeffrey.Hall@kentcountyyde.gov>; Allan F. Angel <allan.angel@kentcountyyde.gov>; Jody Sweeney <jody.sweeney@kentcountyyde.gov>; Paul Hertz <Paul.Hertz@kentcountyyde.gov>

Cc: Planning <Planning@KentCountyDE.Gov>; Sarah Keifer <sarah.keifer@kentcountyyde.gov>

Subject: Ordinance LC26-06 (Data Centers) — support for adoption with five targeted amendments; public hearing of Tuesday, July 21, 2026, 7:00 p.m., Levy Court Chamber, Room 203

Some people who received this message don't often get email from gregorylayton@pm.me. [Learn why this is important](#)

MEMORANDUM

Subject: Ordinance LC26-06 (Data Centers) — memorandum in support, with five proposed amendments

Dear Commissioners,

My name is Greg Layton. I write The Delaware Project, a newsletter about life, culture, government, and ecology in Delaware, and I have followed Ordinance LC26-06 through the Regional Planning Commission's hearing on July 2 and its recommendation on July 9. The attached memorandum is offered ahead of your public hearing on Tuesday, July 21.

Let me be clear at the outset about where I stand: I support adoption. Kent County is doing something few counties do — writing standards before the first application arrives, rather than after the first complaint — and the Department of Planning Services deserves the credit it has received for that work. My memorandum asks only that the Court adopt the ordinance with five targeted amendments. Each closes a gap the public record has already exposed, and each borrows a number, a mechanism, or a sentence that the County or the State has already adopted somewhere else.

The memorandum also addresses the Court's authority to amend on the 21st. It prints 9 Del. C. §§ 4910 and 4911 rather than characterizing them, and it defers to the County Attorney on which path fits which amendment.

I am grateful to Director Keifer, who answered a written question from me this week promptly and plainly. Her answer is quoted in Amendment 1, and it is the reason that amendment now asks the

Court simply to codify the Department's own interpretation rather than to change it.

Every factual assertion is sourced in Appendix A, and I am glad to provide any underlying document — ordinance text, statutes, GIS measurements — in full on request. I plan to attend on the 21st and to keep my remarks brief.

Thank you for your service, and for your time.

Respectfully,

Greg Layton

The Delaware Project

thedelawareproject.substack.com

GregoryLayton@Proton.me | (302) 423-9832 -- A Word version of this memo is attached for your convenience.

I. Introduction and Summary

This memorandum supports adoption of Ordinance LC26-06 and respectfully asks the Court to adopt it with five targeted amendments. The County deserves credit for acting before the first application arrives: as Planning Director Keifer told the Regional Planning Commission, a data center proposed today “would be approved today in general business or industrial” with no data-center-specific standards at all, and the Commission’s unanimous July 9 recommendation rests on the finding that the existing code already permits the use without these conditions. [1] The ordinance’s stated purpose, in other words, is protection. The five amendments below are offered on the ordinance’s own terms: each closes a gap the public record has already exposed, each is anchored in the County’s existing code, in existing state law and regulation, or in legislation the General Assembly passed this month, and each is drafted for administrability rather than obstruction.

Every factual assertion herein is traceable to a primary source listed in Appendix A. Where a fact rests on the author’s own recording of a public meeting or on GIS measurement, that limitation is stated in place.

II. The Court’s Authority to Amend on July 21

Title 9, Chapter 49 of the Delaware Code governs changes to Kent County’s zoning regulations. Section 4911(a) requires that changes be “proposed by or ... first submitted to” the Zoning Commission — whose functions the Regional Planning Commission exercises under § 4904 — and § 4911(b) requires the Commission’s noticed public hearing. Both occurred: LC26-06 was submitted to the RPC, heard on July 2, and recommended on July 9. Section 4911(c) then provides:

“In any event, the county government shall not be bound by the report of the Zoning Commission. Before finally adopting any such changes, the county government shall hold a public hearing thereon, at least 15 days notice of the time and place of which shall be given ...” — 9 Del. C. § 4911(c).

That hearing is the noticed business of July 21. For departures from Commission-certified text, § 4910(c) supplies the conservative discipline: submission to the Commission “for its approval or disapproval or

suggestions,” a forty-five-day report window, and — again — a report by which “the county government shall not be bound.” Read together, the statutes leave the Court two lawful paths, and the author defers to the County Attorney on which fits each amendment: (1) adopt LC26-06 as amended on July 21, where the amendments are germane to the noticed data-center proposal and tighten its conditions; or (2) amend, refer the amended text to the RPC for its non-binding report, and adopt at the August 11 business meeting — a three-week cost, already on the calendar. Either path is preferable to adopting the gaps.

III. Five Amendments

Amendment 1 — Define “residential zoning district”

The gap. Proposed § 205-72.H.1 measures its 300-foot building and 400-foot equipment setbacks from a “residential zoning district.” Chapter 205 nowhere defines the phrase, and the code points in two directions at once. Section 205-7.B names and describes the AR district — “Agricultural *Residential*” — as existing to “provide for a wide range of agricultural use ... while providing for low-density residential development” and to “allow for a variety of low-density planned residential and cluster developments”; § 205-7.A says the same of AC. Yet the County’s noise code enumerates “residential districts” as RS1, RS5, RM and RMH only (§ 161-5.B), omitting AR and AC. Whether the setbacks reach the agricultural districts — where most rural Kent homes actually sit — is therefore an open question of administrative interpretation on the most protective provision in the ordinance.

Why it is now urgent. Effective July 1, 2026 — three weeks before this hearing — House Bill 472 (Chapter 85:340) returned 281 parcels of the Nobles Pond development from the Town of Cheswold to unincorporated Kent County and provided, in the statute’s own words, that the parcels “are zoned ‘AR – Agricultural Residential’, as established under the ordinances of Kent County.” [2] The County’s parcel and zoning layers place occupied single-family dwellings among those parcels 205 feet (45 Guard House Lane) and 298 feet (704 Nobles Pond Crossing) from the boundary of a 17.5-acre Limited Industrial tract that would be data-center-eligible under LC26-06, with vacant residential lots as close as 37 and 41 feet. [3] If “residential zoning district” excludes AR, those households receive no setback protection from this ordinance; if it includes AR, the setback bands materially shape the adjoining tract. Either way, the phrase now has 281 street addresses, and it should not be left to case-by-case staff interpretation.

Proposed text (add to § 205-72.H as a new opening paragraph):

Definitions. For purposes of this subsection H, “residential zoning district” means the AC, AR, RS1, RS5, RM, and RMH zoning districts as established in § 205-7 of this chapter.

Administrability — and the Department agrees. A bright-line list; no new process; consistent with the ordinance’s own broader phrase in H.3.e (“a zoning district permitting residential uses”). On July 14 the author asked the Department of Planning Services, in writing, whether it reads the phrase to include AR and AC. Director Keifer’s written reply was direct: “Yes, residential zoning districts include AC and AR,” adding that with HB 472 now signed, “our GIS staff will update the maps shortly.” [11] This amendment therefore asks the Court only to codify the Department’s own stated interpretation. It costs nothing to any project the Department would approve today; it binds future administrations; it forecloses the contrary reading an applicant’s counsel could build on § 161-5.B’s narrower enumeration; and it makes the protection of the 281 Nobles Pond parcels a matter of code rather than correspondence.

Amendment 2 — A public hearing for the largest facilities

The gap. As drafted, every data center of any size is “PC” — approved administratively, with no site-specific hearing and no neighbor notice. The Court’s own code treats lesser impacts more cautiously: a warehouse of 75,000 square feet or larger requires a conditional use (§ 205-72.G(2)), immediately above the subsection where the data-center conditions would sit; and the community-solar conditions require written notice to every property owner within 200 feet even for an administrative approval, with an escalation path to the Levy Court on denial (§ 205-73). LC26-06 carries neither the hearing nor the notice. The Director was candid before the RPC that conditional uses carry “a presumption of approval” and “you cannot deny them because you don’t like them” [1] — a fair trade for standards, but the presumption is precisely why a hearing costs applicants little while giving neighbors the one thing an administrative file cannot: a night to be heard on their specific site.

The state has now drawn the line for you. House Bill 445, as passed July 1, defines a large energy use facility at 30 megawatts of monthly maximum demand and reaches data centers by NAICS code — the same NAICS 518210 the ordinance itself uses — with an aggregation rule that prevents splitting one project into several to duck the threshold; House Substitute 1 for House Bill 233 records the General Assembly’s finding that proposed Delaware data centers “would almost double the current peak electricity demand of the entire State.” [4] Borrowing the State’s number keeps the county standard from ever being the outlier.

Status note. Candor about those bills: as of July 15, 2026, both had passed the General Assembly and were listed as “Ready for Governor for action.” Neither had been signed, and the Court may wish to confirm their status before the hearing. [4] The recommendation does not turn on the outcome. Signed or not, 30 megawatts is the General Assembly’s considered judgment about the scale at which one customer’s electrical demand becomes a matter of public consequence — and a county threshold set at that number will not be the outlier in either event.

Proposed text (add to § 205-72.H as a new numbered condition):

Scale threshold. Notwithstanding the permitted-with-conditions designation, a data center whose projected maximum electrical demand — aggregated across all phases and across all contiguous or functionally integrated parcels under common or affiliated ownership or control — equals or exceeds 30 megawatts shall require conditional use approval under the applicable provisions of this chapter. For any data center approved administratively, the applicant shall provide written notice of the application to all owners of property within 200 feet of the site, in the manner provided for community solar energy-generating facilities in § 205-73.

Administrability. The threshold matches imminent state law the utilities must administer anyway; the aggregation clause is the State’s own anti-evasion concept; the notice sentence copies a mechanism the Department already runs for community solar.

Amendment 3 — Protect the night, not just the day

The gap. H.3.a caps sound at a flat 55 dB(A) at the property line, with no nighttime standard, no low-frequency provision, and no cross-reference to Chapter 161. Data centers run continuously; the community’s only written comment in the RPC record — from a Harrington-area property owner — put the problem plainly: “A noise level that passes a dBA test during the day will completely destroy a homeowner’s ability to sleep at night,” and asked for nighttime low-frequency limits and modeling under still-night inversion conditions. [5]

The benchmarks. Three are already on the County’s and the federal government’s books. First, the County’s own zoning code holds a *backyard wind turbine* to ambient-plus-five decibels with a 60 dB ceiling at the property line (§ 205-73.A(2)(b)) — a stricter, sleep-protective, relative standard than LC26-06 would apply to an industrial campus. Second, Chapter 161 treats ambient-plus-five as a noise disturbance for tonal or cyclic stationary sources county-wide (§ 161-5.C) — and cooling infrastructure is characteristically tonal. Third, EPA’s protective outdoor level is 55 decibels expressed as a day-night average with a 10-decibel nighttime penalty; a source holding a constant 55 dB(A) around the clock therefore produces a day-night average of roughly 61 dB — about six decibels above the federal benchmark the flat cap superficially matches — while the day-night-consistent nighttime companion to a 55 dB(A) daytime cap is 45 dB(A). [6]

Proposed text (amend H.3.a and H.3.b):

a. The site shall be designed to minimize noise impact on neighboring residential properties and shall not exceed 55 dB(A) at the property line of the data center site between 7:00 a.m. and 10:00 p.m., nor 45 dB(A) between 10:00 p.m. and 7:00 a.m. Nothing in this subsection exempts a data center from Chapter 161 of the Kent County Code, including § 161-5.C. ... b. [Add:] Noise studies required by this paragraph shall report A-weighted and C-weighted sound levels by octave band and shall include modeling of nighttime propagation under temperature-inversion conditions.

Administrability. The study vehicle already exists in H.3.b; this amendment tells the engineer what to measure. If the Court prefers a relative standard, parity with its own small-wind rule — ambient plus five — is the in-code alternative.

Amendment 4 — Classify battery energy storage

The gap. The ordinance’s accessory-use definition excludes non-solar generation from accessory status — wisely routing it to a separate conditional use — but says nothing about battery energy storage, which is neither generation nor plainly an environmental control. House Bill 445’s clean-energy obligations (“produce or procure,” in the enrolled text) would, if that bill is signed, make substantial on-site storage a likely feature of any large facility. [4] Left unclassified, the question lands on staff’s desk with the first application, without standards and without the Fire Marshal’s early involvement that the ordinance’s own letters-of-no-objection process anticipates.

Proposed text (add to the Data Center Accessory Use definition, after the existing sentence on energy generation systems):

Battery energy storage systems, other than uninterruptible power supply equipment integral to and located within a data center building, shall likewise not be considered a data center accessory use and shall require separate conditional use approval under the applicable provisions of this chapter.

Administrability. The sentence is drafted in exact parallel to the ordinance’s existing generation clause; the carve-out for in-building UPS keeps routine equipment routine.

Amendment 5 — Prove the water where no utility can vouch for it

The gap. H.5.b requires written confirmation from “the applicable water utility” that capacity exists. On 36 of the 59 IL/IG-zoned patches in unincorporated Kent County — including the county’s largest single eligible tract, southwest of Harrington — no water utility holds a Certificate of Public Convenience and Necessity, so the required letter is either unobtainable or would come from an entity with no duty to serve and no knowledge of the aquifer. [7] The ordinance is otherwise silent on groundwater, and requires no reporting of withdrawals.

The instrument already exists. DNREC’s Regulations Governing the Allocation of Water require an allocation permit for “all water withdrawals greater than 50,000 gallons in any 24 hour period” (7 Del. Admin. C. 7303, § 1.3.1), and the permit criteria expressly forbid “significant interference with the withdrawals of other permit holders unless compensation for such injury is provided” (§§ 3.3.1, 3.4.2) — the neighboring-wells concern, administered by the agency with jurisdiction and the data. [8]

Proposed text (amend H.5.b):

Where no water utility holds a Certificate of Public Convenience and Necessity for the site, the applicant shall instead provide: (i) a water allocation permit issued by the Department of Natural Resources and Environmental Control pursuant to 7 Del. Admin. C. 7303, or DNREC’s written determination that projected withdrawals will not exceed 50,000 gallons in any 24-hour period; and (ii) as a condition of approval, annual reporting of metered water withdrawals to the Department of Planning Services.

Administrability. No county hydrogeology is required; the County simply asks for the State’s existing permit at the moment it can still be a condition of approval, and gains the data to notice a problem before a dry-well complaint does.

IV. Conclusion

The Regional Planning Commission’s July 9 recommendation embedded the finding that the current code already permits data centers without any of these protections. That finding is the best argument for this ordinance — and for finishing it. Each amendment above tightens a condition already noticed to the public; each borrows a number, a mechanism, or a sentence the County or the State has already adopted elsewhere; and the calendar accommodates either lawful path, on July 21 or by August 11. The author supports adoption and asks the Court to adopt the ordinance with these amendments, and is glad to provide any source in Appendix A, in full, on request.

Respectfully submitted,

Greg Layton

The Delaware Project · thedelawareproject.substack.com · GregoryLayton@Proton.me · (302) 423-9832

Appendix A — Sources and Methods

- 1.
- 2.

3. Regional Planning Commission proceedings of July 2 and July 9, 2026 (agenda packet pp. 62–72, incl. Ordinance LC26-06 text and Director Keifer’s June 24 memorandum). Quotations of Director Keifer and the
4. description of the July 9 motion are from the author’s recordings of the public meetings; official minutes were not yet published at transmittal and should be consulted when available.
- 5.
- 6.
- 7.
8. House Bill 472 w/ HA 1, 153rd General Assembly, Chapter 85:340 (signed July 6, 2026; effective July 1, 2026), Sections 1–2 (engrossed text, legis.delaware.gov).
- 9.
- 10.
- 11.
12. Kent County GIS: Parcels and Zoning Districts layers with the County geometry service; distances are geodesic, edge-to-edge between the parcel and zoning layers at locator precision; the certified Official
13. Zoning Maps control (§ 205-8). The Act lists 281 parcels; the current parcel layer carries 267 records in grid 3-03-05602 — the difference comprises 16 bill-listed lot numbers absent from the layer (consistent with consolidation or renumbering) and 2 unit-suffixed
14. records of listed parcels; none affects the parcels cited.
- 15.
- 16.
- 17.
18. House Bill 445 w/ HA 1 + SA 3 and House Substitute 1 for House Bill 233 w/ amendments, 153rd General Assembly, each “Passed 7/1/26” and “Ready for Governor for action” as of July 15, 2026 (status and engrossed
19. texts, legis.delaware.gov). Verify signature status before the hearing.
- 20.
- 21.
- 22.
23. Letter of Lauren Hubbard (June 20, 2026), the sole public comment in the RPC packet, pp. 71–72.
- 24.
- 25.
- 26.
27. U.S. EPA, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (EPA 550/9-74-004, 1974), as summarized in EPA’s archive (“EPA Identifies

28. Noise Levels Affecting Health and Welfare”): 55 dB outdoors, 45 dB indoors, 70 dB for hearing conservation. Day-night computation: a constant 55 dB(A) yields $L_{dn} = 10 \cdot \log_{10}[(15 \cdot 10^{5.5} + 9 \cdot 10^{6.5})/24] \approx 61.4$ dB; with a 55 dB(A) day level, $L_{dn} = 55$ requires a
29. night level of 45 dB(A).
- 30.
- 31.
- 32.
33. Inventory of the 59 IL/IG-zoned patches in unincorporated Kent County (state and county GIS layers; ≥ 5 -acre patches), joined to the FirstMap DE_CPCN water layer: 36 of 59 patches lie in no water CPCN
34. territory. Figures are locator-precision and should be confirmed against certificated records for any formal filing.
- 35.
- 36.
- 37.
38. 7 Del. Admin. C. 7303, Regulations Governing the Allocation of Water, §§ 1.3.1, 3.3.1, 3.4.2 (regulations.delaware.gov).
- 39.
- 40.
- 41.
42. Kent County Code as published at ecode360.com/KE1751 (downloaded July 12, 2026): §§ 205-7.A–B; 205-8; 205-53; 205-72.G; 205-73 (small wind; community solar notice and escalation); 161-5.B–C. Delaware Code:
43. 9 Del. C. §§ 4904, 4910, 4911 (delcode.delaware.gov).
- 44.
- 45.
- 46.
47. Kent County Levy Court Business Meeting Notice and Agenda, July 21, 2026 (posted July 14, 2026, 6:37 p.m.): 7:00 p.m., Levy Court Chamber, Room 203, 555 Bay Road, Dover; public comment on public-hearing
48. items taken during the hearings; attendance in person, by WebEx, or by phone.
- 49.
- 50.
- 51.
52. Email of Sarah E. Keifer, AICP, Director, Department of Planning Services, to the author (July 15, 2026), quoted in Amendment 1.
- 53.

MEMORANDUM

TO: The Honorable Members of the Kent County Levy Court — Commissioners Allan F. Angel, Jeffrey Hall, Paul Hertz, Joanne Masten, Terry L. Pepper, Robert Scott, and Jody Sweeney

CC: Sarah E. Keifer, Director, Department of Planning Services; Office of the County Attorney

FROM: Greg Layton, The Delaware Project · thedelawareproject.substack.com · GregoryLayton@Proton.me · (302) 423-9832

DATE: July 15, 2026

RE: Ordinance LC26-06 (Data Centers) — support for adoption with five targeted amendments; public hearing of Tuesday, July 21, 2026, 7:00 p.m., Levy Court Chamber, Room 203

I. Introduction and Summary

This memorandum supports adoption of Ordinance LC26-06 and respectfully asks the Court to adopt it with five targeted amendments. The County deserves credit for acting before the first application arrives: as Planning Director Keifer told the Regional Planning Commission, a data center proposed today “would be approved today in general business or industrial” with no data-center-specific standards at all, and the Commission’s unanimous July 9 recommendation rests on the finding that the existing code already permits the use without these conditions. [1] The ordinance’s stated purpose, in other words, is protection. The five amendments below are offered on the ordinance’s own terms: each closes a gap the public record has already exposed, each is anchored in the County’s existing code, in existing state law and regulation, or in legislation the General Assembly passed this month, and each is drafted for administrability rather than obstruction.

Every factual assertion herein is traceable to a primary source listed in Appendix A. Where a fact rests on the author’s own recording of a public meeting or on GIS measurement, that limitation is stated in place.

II. The Court’s Authority to Amend on July 21

Title 9, Chapter 49 of the Delaware Code governs changes to Kent County’s zoning regulations. Section 4911(a) requires that changes be “proposed by or ... first submitted to” the Zoning Commission — whose functions the Regional Planning Commission exercises under § 4904 — and § 4911(b) requires the Commission’s noticed public hearing. Both occurred: LC26-06 was submitted to the RPC, heard on July 2, and recommended on July 9. Section 4911(c) then provides:

“In any event, the county government shall not be bound by the report of the Zoning Commission. Before finally adopting any such changes, the county government shall hold a public hearing thereon, at least 15 days notice of the time and place of which shall be given ...” — 9 Del. C. § 4911(c).

That hearing is the noticed business of July 21. For departures from Commission-certified text, § 4910(c) supplies the conservative discipline: submission to the Commission “for its approval or disapproval or suggestions,” a forty-five-day report window, and — again — a report by which “the county government shall not be bound.” Read together, the statutes leave the Court two lawful paths, and the author defers to the County Attorney on which fits each amendment: (1) adopt LC26-06 as amended on July 21, where the amendments are germane to the noticed data-center proposal and tighten its conditions; or (2) amend, refer the amended text to the RPC for its non-binding report, and adopt at the August 11 business meeting — a three-week cost, already on the calendar. Either path is preferable to adopting the gaps.

III. Five Amendments

Amendment 1 — Define “residential zoning district”

The gap. Proposed § 205-72.H.1 measures its 300-foot building and 400-foot equipment setbacks from a “residential zoning district.” Chapter 205 nowhere defines the phrase, and the code points in two directions at once. Section 205-7.B names and describes the AR district — “Agricultural Residential” — as existing to “provide for a wide range of agricultural use ... while providing for low-density residential development” and to “allow for a variety of low-density planned residential and cluster developments”; § 205-7.A says the same of AC. Yet the County’s noise code enumerates “residential districts” as RS1, RS5, RM and RMH only (§ 161-5.B), omitting AR and AC. Whether the setbacks reach the agricultural districts — where most rural Kent homes actually sit — is therefore an open question of administrative interpretation on the most protective provision in the ordinance.

Why it is now urgent. Effective July 1, 2026 — three weeks before this hearing — House Bill 472 (Chapter 85:340) returned 281 parcels of the Nobles Pond development from the Town of Cheswold to unincorporated Kent County and provided, in the statute’s own words, that the parcels “are zoned ‘AR – Agricultural Residential’, as established under the ordinances of Kent County.” [2] The County’s parcel and zoning layers place occupied single-family dwellings among those parcels 205 feet (45 Guard House Lane) and 298 feet (704 Nobles Pond Crossing) from the boundary of a 17.5-acre Limited Industrial tract that would be data-center-eligible under LC26-06, with vacant residential lots as close as 37 and 41 feet. [3] If “residential zoning district” excludes AR, those households receive no setback protection from this ordinance; if it includes AR, the setback bands materially shape the adjoining tract. Either way, the phrase now has 281 street addresses, and it should not be left to case-by-case staff interpretation.

Proposed text (add to § 205-72.H as a new opening paragraph):

Definitions. For purposes of this subsection H, “residential zoning district” means the AC, AR, RS1, RS5, RM, and RMH zoning districts as established in § 205-7 of this chapter.

Administrability — and the Department agrees. A bright-line list; no new process; consistent with the ordinance’s own broader phrase in H.3.e (“a zoning district permitting residential uses”). On July 14 the author asked the Department of Planning Services, in writing,

whether it reads the phrase to include AR and AC. Director Keifer’s written reply was direct: “Yes, residential zoning districts include AC and AR,” adding that with HB 472 now signed, “our GIS staff will update the maps shortly.” [11] This amendment therefore asks the Court only to codify the Department’s own stated interpretation. It costs nothing to any project the Department would approve today; it binds future administrations; it forecloses the contrary reading an applicant’s counsel could build on § 161-5.B’s narrower enumeration; and it makes the protection of the 281 Nobles Pond parcels a matter of code rather than correspondence.

Amendment 2 — A public hearing for the largest facilities

The gap. As drafted, every data center of any size is “PC” — approved administratively, with no site-specific hearing and no neighbor notice. The Court’s own code treats lesser impacts more cautiously: a warehouse of 75,000 square feet or larger requires a conditional use (§ 205-72.G(2)), immediately above the subsection where the data-center conditions would sit; and the community-solar conditions require written notice to every property owner within 200 feet even for an administrative approval, with an escalation path to the Levy Court on denial (§ 205-73). LC26-06 carries neither the hearing nor the notice. The Director was candid before the RPC that conditional uses carry “a presumption of approval” and “you cannot deny them because you don’t like them” [1] — a fair trade for standards, but the presumption is precisely why a hearing costs applicants little while giving neighbors the one thing an administrative file cannot: a night to be heard on their specific site.

The state has now drawn the line for you. House Bill 445, as passed July 1, defines a large energy use facility at 30 megawatts of monthly maximum demand and reaches data centers by NAICS code — the same NAICS 518210 the ordinance itself uses — with an aggregation rule that prevents splitting one project into several to duck the threshold; House Substitute 1 for House Bill 233 records the General Assembly’s finding that proposed Delaware data centers “would almost double the current peak electricity demand of the entire State.” [4] Borrowing the State’s number keeps the county standard from ever being the outlier.

Status note. Candor about those bills: as of July 15, 2026, both had passed the General Assembly and were listed as “Ready for Governor for action.” Neither had been signed, and the Court may wish to confirm their status before the hearing. [4] The recommendation does not turn on the outcome. Signed or not, 30 megawatts is the General Assembly’s considered judgment about the scale at which one customer’s electrical demand becomes a matter of public consequence — and a county threshold set at that number will not be the outlier in either event.

Proposed text (add to § 205-72.H as a new numbered condition):

Scale threshold. Notwithstanding the permitted-with-conditions designation, a data center whose projected maximum electrical demand — aggregated across all phases and across all contiguous or functionally integrated parcels under common or affiliated ownership or control — equals or exceeds 30 megawatts shall require conditional use approval under the applicable provisions of this chapter. For any data center approved administratively, the applicant shall provide written notice

of the application to all owners of property within 200 feet of the site, in the manner provided for community solar energy-generating facilities in § 205-73.

Administrability. The threshold matches imminent state law the utilities must administer anyway; the aggregation clause is the State’s own anti-evasion concept; the notice sentence copies a mechanism the Department already runs for community solar.

Amendment 3 — Protect the night, not just the day

The gap. H.3.a caps sound at a flat 55 dB(A) at the property line, with no nighttime standard, no low-frequency provision, and no cross-reference to Chapter 161. Data centers run continuously; the community’s only written comment in the RPC record — from a Harrington-area property owner — put the problem plainly: “A noise level that passes a dBA test during the day will completely destroy a homeowner’s ability to sleep at night,” and asked for nighttime low-frequency limits and modeling under still-night inversion conditions. [5]

The benchmarks. Three are already on the County’s and the federal government’s books. First, the County’s own zoning code holds a *backyard wind turbine* to ambient-plus-five decibels with a 60 dB ceiling at the property line (§ 205-73.A(2)(b)) — a stricter, sleep-protective, relative standard than LC26-06 would apply to an industrial campus. Second, Chapter 161 treats ambient-plus-five as a noise disturbance for tonal or cyclic stationary sources county-wide (§ 161-5.C) — and cooling infrastructure is characteristically tonal. Third, EPA’s protective outdoor level is 55 decibels expressed as a day-night average with a 10-decibel nighttime penalty; a source holding a constant 55 dB(A) around the clock therefore produces a day-night average of roughly 61 dB — about six decibels above the federal benchmark the flat cap superficially matches — while the day-night-consistent nighttime companion to a 55 dB(A) daytime cap is 45 dB(A). [6]

Proposed text (amend H.3.a and H.3.b):

a. The site shall be designed to minimize noise impact on neighboring residential properties and shall not exceed 55 dB(A) at the property line of the data center site between 7:00 a.m. and 10:00 p.m., nor 45 dB(A) between 10:00 p.m. and 7:00 a.m. Nothing in this subsection exempts a data center from Chapter 161 of the Kent County Code, including § 161-5.C. ... b. [Add:] Noise studies required by this paragraph shall report A-weighted and C-weighted sound levels by octave band and shall include modeling of nighttime propagation under temperature-inversion conditions.

Administrability. The study vehicle already exists in H.3.b; this amendment tells the engineer what to measure. If the Court prefers a relative standard, parity with its own small-wind rule — ambient plus five — is the in-code alternative.

Amendment 4 — Classify battery energy storage

The gap. The ordinance’s accessory-use definition excludes non-solar generation from accessory status — wisely routing it to a separate conditional use — but says nothing about

battery energy storage, which is neither generation nor plainly an environmental control. House Bill 445’s clean-energy obligations (“produce or procure,” in the enrolled text) would, if that bill is signed, make substantial on-site storage a likely feature of any large facility. [4] Left unclassified, the question lands on staff’s desk with the first application, without standards and without the Fire Marshal’s early involvement that the ordinance’s own letters-of-no-objection process anticipates.

Proposed text (add to the Data Center Accessory Use definition, after the existing sentence on energy generation systems):

Battery energy storage systems, other than uninterruptible power supply equipment integral to and located within a data center building, shall likewise not be considered a data center accessory use and shall require separate conditional use approval under the applicable provisions of this chapter.

Administrability. The sentence is drafted in exact parallel to the ordinance’s existing generation clause; the carve-out for in-building UPS keeps routine equipment routine.

Amendment 5 — Prove the water where no utility can vouch for it

The gap. H.5.b requires written confirmation from “the applicable water utility” that capacity exists. On 36 of the 59 IL/IG-zoned patches in unincorporated Kent County — including the county’s largest single eligible tract, southwest of Harrington — no water utility holds a Certificate of Public Convenience and Necessity, so the required letter is either unobtainable or would come from an entity with no duty to serve and no knowledge of the aquifer. [7] The ordinance is otherwise silent on groundwater, and requires no reporting of withdrawals.

The instrument already exists. DNREC’s Regulations Governing the Allocation of Water require an allocation permit for “all water withdrawals greater than 50,000 gallons in any 24 hour period” (7 Del. Admin. C. 7303, § 1.3.1), and the permit criteria expressly forbid “significant interference with the withdrawals of other permit holders unless compensation for such injury is provided” (§§ 3.3.1, 3.4.2) — the neighboring-wells concern, administered by the agency with jurisdiction and the data. [8]

Proposed text (amend H.5.b):

Where no water utility holds a Certificate of Public Convenience and Necessity for the site, the applicant shall instead provide: (i) a water allocation permit issued by the Department of Natural Resources and Environmental Control pursuant to 7 Del. Admin. C. 7303, or DNREC’s written determination that projected withdrawals will not exceed 50,000 gallons in any 24-hour period; and (ii) as a condition of approval, annual reporting of metered water withdrawals to the Department of Planning Services.

Administrability. No county hydrogeology is required; the County simply asks for the State’s existing permit at the moment it can still be a condition of approval, and gains the data to notice a problem before a dry-well complaint does.

IV. Conclusion

The Regional Planning Commission’s July 9 recommendation embedded the finding that the current code already permits data centers without any of these protections. That finding is the best argument for this ordinance — and for finishing it. Each amendment above tightens a condition already noticed to the public; each borrows a number, a mechanism, or a sentence the County or the State has already adopted elsewhere; and the calendar accommodates either lawful path, on July 21 or by August 11. The author supports adoption and asks the Court to adopt the ordinance with these amendments, and is glad to provide any source in Appendix A, in full, on request.

Respectfully submitted,

Greg Layton

The Delaware Project · thedelawareproject.substack.com · GregoryLayton@Proton.me · (302) 423-9832

Appendix A — Sources and Methods

1. Regional Planning Commission proceedings of July 2 and July 9, 2026 (agenda packet pp. 62–72, incl. Ordinance LC26-06 text and Director Keifer’s June 24 memorandum). Quotations of Director Keifer and the description of the July 9 motion are from the author’s recordings of the public meetings; official minutes were not yet published at transmittal and should be consulted when available.
2. House Bill 472 w/ HA 1, 153rd General Assembly, Chapter 85:340 (signed July 6, 2026; effective July 1, 2026), Sections 1–2 (engrossed text, legis.delaware.gov).
3. Kent County GIS: Parcels and Zoning Districts layers with the County geometry service; distances are geodesic, edge-to-edge between the parcel and zoning layers at locator precision; the certified Official Zoning Maps control (§ 205-8). The Act lists 281 parcels; the current parcel layer carries 267 records in grid 3-03-05602 — the difference comprises 16 bill-listed lot numbers absent from the layer (consistent with consolidation or renumbering) and 2 unit-suffixed records of listed parcels; none affects the parcels cited.
4. House Bill 445 w/ HA 1 + SA 3 and House Substitute 1 for House Bill 233 w/ amendments, 153rd General Assembly, each “Passed 7/1/26” and “Ready for Governor for action” as of July 15, 2026 (status and engrossed texts, legis.delaware.gov). Verify signature status before the hearing.
5. Letter of Lauren Hubbard (June 20, 2026), the sole public comment in the RPC packet, pp. 71–72.
6. U.S. EPA, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (EPA 550/9-74-004, 1974), as summarized in EPA’s archive (“EPA Identifies Noise Levels Affecting Health and Welfare”): 55 dB outdoors, 45 dB indoors, 70 dB for hearing conservation. Day-night computation: a constant 55 dB(A) yields $L_{dn} = 10 \cdot \log_{10}[(15 \cdot 10^{5.5} + 9 \cdot 10^{6.5})/24] \approx 61.4$ dB; with a 55 dB(A) day level, $L_{dn} = 55$ requires a night level of 45 dB(A).

7. Inventory of the 59 IL/IG-zoned patches in unincorporated Kent County (state and county GIS layers; $\geq$ 5-acre patches), joined to the FirstMap DE_CPCN water layer: 36 of 59 patches lie in no water CPCN territory. Figures are locator-precision and should be confirmed against certificated records for any formal filing.
8. 7 Del. Admin. C. 7303, Regulations Governing the Allocation of Water, §§ 1.3.1, 3.3.1, 3.4.2 (regulations.delaware.gov).
9. Kent County Code as published at ecode360.com/KE1751 (downloaded July 12, 2026): §§ 205-7.A–B; 205-8; 205-53; 205-72.G; 205-73 (small wind; community solar notice and escalation); 161-5.B–C. Delaware Code: 9 Del. C. §§ 4904, 4910, 4911 (delcode.delaware.gov).
10. Kent County Levy Court Business Meeting Notice and Agenda, July 21, 2026 (posted July 14, 2026, 6:37 p.m.): 7:00 p.m., Levy Court Chamber, Room 203, 555 Bay Road, Dover; public comment on public-hearing items taken during the hearings; attendance in person, by WebEx, or by phone.
11. Email of Sarah E. Keifer, AICP, Director, Department of Planning Services, to the author (July 15, 2026), quoted in Amendment 1.

Data Centers

From: Amy Yarnall <pastoramy@gmail.com>

Sent: Thursday, July 16, 2026 9:52 PM

To: Jody Sweeney <jody.sweeney@kentcountyyde.gov>; Terry L. Pepper <terry.pepper@kentcountyyde.gov>; Joanne Masten <joanne.masten@kentcountyyde.gov>; Jeffrey Hall <Jeffrey.Hall@kentcountyyde.gov>; Allan F. Angel <allan.angel@kentcountyyde.gov>; Robert Scott <Robert.Scott@kentcountyyde.gov>; Planning <Planning@KentCountyDE.Gov>

Subject: Data Centers

Some people who received this message don't often get email from pastoramy@gmail.com. [Learn why this is important](#)

Dear Levy Court Members

Thank you for taking action to regulate data centers.

I write to share my input in the drafting of these regulations .

In addition to requiring a letter from the water utility proving there's enough water, proof of water needs to be required for well water.

At 36 of the 59 eligible sites, there is no water utility — those places run on wells. Please don't compromise our water table.

Please include homes in agricultural zones in the calculation for 300 foot distance.

Please require data centers to have public hearings.

Please require that night time noise be limited.

Please regulate the stage of power in backs of batteries now. Later it will become too difficult to do.

Thank you for your hard work.

Sincerely,
Amy D. Yarnall
141 Tranquil Ct
Smyrna DE 19977
302-354-2982

COMMENT FOR ATHE COUNTY'S RECORD - Tuesday, July 21 - Data Center Regulations

From: Sarah Gerardi <sarahbgerardi@gmail.com>

Sent: Friday, July 17, 2026 10:36 AM

To: Jody Sweeney <jody.sweeney@kentcountyde.gov>; Terry L. Pepper <terry.pepper@kentcountyde.gov>; Joanne Masten <joanne.masten@kentcountyde.gov>; Jeffrey Hall <Jeffrey.Hall@kentcountyde.gov>; Allan F. Angel <allan.angel@kentcountyde.gov>; Robert Scott <Robert.Scott@kentcountyde.gov>; Paul Hertz <Paul.Hertz@kentcountyde.gov>

Cc: Planning <Planning@KentCountyDE.Gov>

Subject: COMMENT FOR ATHE COUNTY'S RECORD - Tuesday, July 21 - Data Center Regulations

Some people who received this message don't often get email from sarahbgerardi@gmail.com. [Learn why this is important](#)

Hello, my name is Sarah Gerardi. And I would like to put a comment on record for the 7 p.m. Tuesday, July 21 meeting at Levy Court Chamber, Room 203, 555 Bay Road, Dover in regards to the new proposed Data Center regulations.

I am a lifelong Kent County resident, I live in Harrington.

First of all, thank you for introducing rules and regulations for data center operations in Kent County. Secondly, they are insufficient.

To point out the insufficiencies of the regulations themselves, most DE homes are in rural areas. Not residential. And therefore your buffer zone is inadequate and your notification to neighbors would be inapplicable.

The decibel limit does not change for the nighttime and this will have negative effects as the sound will be carried further in the quiet of the evening and night.

Most areas where regulations will allow these data centers to be built will not have a utility supplier for water to get the letter through as they are all likely well systems and therefore no testing will be required or completed and no notifications will be sent.

Ultimately though, the biggest failure of these rules is the attempt at regulation at all. The county needs an OUTRIGHT BAN on building data centers.

They are obtrusive, unhelpful, overwhelmingly negative buildings that serve no benefit to the community whatsoever.

They will affect our water safety and quality. They will turn our water brown and make it unsafe for bathing, cooking, washing, or consumption.

<https://www.bbc.com/news/articles/cy8gy7lv448o>
<https://www.opb.org/article/2026/03/31/amazon-fine-northeast-oregon-boardman-nitrate-pollution-well/>

They will create constant noise that will drive not only people, but the animals in the surrounding area insane. Farmers have reported decreased breeding in their cows at farms within range of a data center. It's not only our people who are affected by this. But our domestic livestock AND wildlife.

https://youtu.be/_bP80DEAbuo?is=Udki-kpg371AGRdb

On top of all of the downsides, they also don't create very many real long term job opportunities. The below "pro-data center" article ACTUALLY STATES IN AND OF ITSELF that larger data centers actually need LESS staff. So when the boom of construction is over. Those "jobs" you created that year that you think will go on your re election record are gone. And in their place are minimal opportunities for people in your area.

<https://broadstaffglobal.com/data-center-staffing-levels-how-many-people-does-a-facility-need>

Lastly, what we must consider about data centers in Kent County is WHERE and WHO we are! Kent county has long been known as an agricultural and conservationist stronghold! We are representative of the backbone of the American way of life. We are farmers and laborers and everyday people. We don't want or need to cede our way of life to giant, multi acre, constantly humming data centers. We want to embrace our traditions and conserve our land. We want to keep our large waving fields of corn and our beautiful marsh ecosystems the way that they are! We want to preserve our wildlife sources for all forms of enjoyment, be they hunting, fishing, or birdwatching and kayaking.

Delaware, including Kent County, is a hotspot for wetlands of all variety. And we are threatening them more and more every time YOU approve a new neighborhood, or in this case, a large scale data center.

<https://dnrec.delaware.gov/watershed-stewardship/wetlands/at-risk/>

As Delaware is also bordering an estuary and has some of the more rare and specific ecosystems in the ENTIRE COUNTRY we also are a unique host to many endangered species and their breeding grounds.

<https://dnrec.delaware.gov/coastal-programs/ocean-and-bay-plan/activity-guide/natural-resources/>

The breeding of these animals may even be at risk due to the constant sound pollution. Please read the below link to see the alarming effects of sound pollution on wildlife. "In general, a growing number of studies indicate that animals, like humans, are stressed by noisy environments (Shannon et al. 2015)"

https://www.nps.gov/subjects/sound/effects_wildlife.htm

According to the below link from NOAA fisheries, "Estuary regions comprise [only 13 percent of the land area](#) of the continental United States". And the Chesapeake is the largest among them! Consider what construction, and runoff, and water consumption and constant sound in the more secluded areas of our county could do to the valuable land and wildlife unique to our area. It's a part of the identity of the state and the county AND the people who live in it.

<https://www.fisheries.noaa.gov/national/habitat-conservation/estuary-habitat>
<https://dnrec.delaware.gov/fish-wildlife/conservation/endangered-species/>

Please, reconsider the value of a data center in Kent county at all. Kent county wants to remain agricultural. We want to remain rural. We want to remain a powerhouse of conservation. We do NOT want data centers. And if they are approved, even with regulations, when at this early stage we could outright ban them. ALL Kent county voters will remember this down the next ballot.

Thank you for your time.

Sarah Gerardi
Resident of DE & Kent County for her whole 27 years of life.
Registered voter.

Data Centers

-----Original Message-----

From: Joy Gordy-Stith <jgordystith@yahoo.com>

Sent: Saturday, July 18, 2026 3:08 PM

To: Jody Sweeney <jody.sweeney@kentcountyde.gov>; Terry L. Pepper <terry.pepper@kentcountyde.gov>; Joanne Masten <joanne.masten@kentcountyde.gov>; Jeffrey Hall <Jeffrey.Hall@kentcountyde.gov>; Allan F. Angel <allan.angel@kentcountyde.gov>; Robert Scott <Robert.Scott@kentcountyde.gov>; Paul Hertz <Paul.Hertz@kentcountyde.gov>; Planning <Planning@KentCountyDE.Gov>

Subject: Data Centers

[Some people who received this message don't often get email from jgordystith@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Good afternoon,

I hope this email finds you well.

I became very concerned and upset when I learned that Kent County is considering building Data Centers.

I have spent nearly all my life here in Delaware, and am a proud Delawarean.

Data Centers destroy environments. Let's not tiptoe around that fact. They make the surrounding area unlivable for both wildlife and citizens. The water usage for these centers are unthinkable and frankly unsustainable.

Delawareans and our wildlife do not deserve to pay the environmental cost for these data centers. We deserve better. We deserve clean water, we deserve clean soil, we deserve quiet communities not polluted with the constant noise of these centers.

Keep Data Centers out of Kent County. Delaware is too good for them.

Thank you for your service to keeping Delaware the best it can be.

Joy Gordy-Stith

Revision to A.I. Data Center Ordinance

From: Mike Wolfer <mikewolfer1@gmail.com>

Sent: Sunday, July 19, 2026 3:57 PM

To: Jody Sweeney <jody.sweeney@kentcountytde.gov>; Terry L. Pepper <terry.pepper@kentcountytde.gov>; Joanne Masten <joanne.masten@kentcountytde.gov>; Jeffrey Hall <Jeffrey.Hall@kentcountytde.gov>; Allan F. Angel <allan.angel@kentcountytde.gov>; Robert Scott <Robert.Scott@kentcountytde.gov>; Paul Hertz <Paul.Hertz@kentcountytde.gov>

Cc: Planning <Planning@KentCountyDE.Gov>

Subject: Revision to A.I. Data Center Ordinance

Some people who received this message don't often get email from mikewolfer1@gmail.com. [Learn why this is important](#)

The amount of legal wrangling required to move data centers into our backyards is unprecedented, particularly for a business/service that no one asked for.

Intelligent voters (emphasis on the word VOTERS) know data centers are a scourge upon humanity, our neighborhoods, and our environment, so my question for Delaware legislators is this: WHY are data centers even being allowed into our state? Why is all of this legal wrangling necessary? If Delaware's elected officials serve the people of Delaware, why are they bending over backwards to satisfy the greed of billionaires? Billionaires are the only ones pushing for this with their "it's coming, so you might as well get used to it" attitudes. THEY are the ones saying "it's coming," and we are expected to just let it happen and focus on fighting for revisions to the ordinance? Since when do billionaires control what happens to the average, everyday voters of our state?

This ordinance should not even be necessary because the unanimous decision of Delaware's legislators should have been, "No data centers in Delaware." It should be noted that public backlash is erupting against businesses that use A.I. to create advertising, etc. Those businesses are being targeted and outed by the public, with their livelihoods financially damaged by boycotts and public outrage. WE, the voters of Delaware, will be doing the exact same thing to Delaware legislators at the ballot boxes in the next election, in response to the crippling damage being brought to our beautiful state.

Michael Wolfer
Kent County, Delaware



DEPARTMENT OF PLANNING SERVICES

REGIONAL PLANNING COMMISSION

RECOMMENDATION REPORT

July 21, 2026

Ordinance / Application Number	:	LC 26-10 / CZ-26-02
Owner/Applicant	:	Joseph Lewis IV & Christina L. Taylor
Present Zoning / Comp Plan Map Designation	:	AR (Agricultural Residential) / Low Density Residential
Proposed Zoning	:	AR (Agricultural Residential) & BN (Neighborhood Business) /
Comp Plan Map Designation	:	Low Density Residential & Neighborhood Commercial
Area and Location	:	85.6± acres (Area of Petition: 1.0± acres) located on the south side of Hammonds town Rd., approximately 550 ft. east of Farmington Rd., north of Farmington.

REGIONAL PLANNING COMMISSION RECOMMENDATION

Upon a motion to deny Ordinance LC26-10, the Regional Planning Commission voted three yeas and three nays and without the requisite four affirmative votes, the motion failed. Upon a second motion to approve Ordinance LC26-10, the Regional Planning Commission voted three yeas and three nays and without the requisite four affirmative votes, the motion failed. Consequently, the ordinance is forwarded to the Levy Court with **no recommendation**.

I. STAFF RECOMMENDATION:

Based on the information presented, the Kent County Code, and the Comprehensive Plan, Staff recommends **DENIAL** of the request to amend the Zoning Map and Comprehensive Plan Future Land Use Map. The proposed rezoning does not meet the conditions for approval of a zoning change under Kent County Code Section 205-408(B):

A. *There was a mistake in the Zoning Map, or the character of the neighborhood has changed to such an extent that the Zoning Map should be changed.*

There was no mistake in the Zoning Map. The AR zoning is the original zoning for the property. Additionally, the character of the neighborhood has not changed to such an extent that the Zoning Map should change. A majority of the surrounding properties are zoned AR,

and the character of the area is primarily agricultural and single-family residential. To the east, across the railroad, at the corner of Rt. 13, there is 14± acres of IG (General Industrial) zoning that was approved in 1989. This land has never been used industrially since a conditional use for an asphalt plant was denied in 1991. This land still exists as agricultural and residential. Approximately ½ mile to the west is an 0.7±acre area of BG (General Business) zoning that was also approved in 1989. Although a use may have operated at the time, there is no evidence that a commercial operation still exists currently. The remainder of the area is farmland, woods, and single family dwellings. Since there has not been an increase in non-residential operations in the area, the character of the neighborhood has not changed to an extent that the zoning map should be changed.

- B. *The new zoning classification conforms to the Comprehensive Plan for Kent County in relation to land use, number of dwelling units or type and intensity of nonresidential buildings and location.*

The proposed BN zoning does not conform to the 2018 Comprehensive Plan, as Map 7B designates the area of petition as Low Density Residential. Additionally, the parcel is not designated in Map 7C as a future Neighborhood Commercial area but is shown as a future Industrial area in South Harrington. Although both designations would be for non-residential zoning there is a substantial difference between these designations based on the property's location. This South Harrington Industrial area was designated based on its accessibility to the railroad corridor and the adjacent undeveloped IG zoning. The plan predicted support for additional zoning to encourage industrial uses to locate on the rail corridor. If rezoned, the neighborhood commercial designation may work in contrast to the goals of the Comprehensive Plan. In addition, the current designation for Low Density Residential is primarily intended to support agricultural and single-family residential uses. Some commercial uses are allowed, though these uses are generally limited in scale and are institutional in nature. This current designation is currently more appropriate to fit with the type and intensity of non-residential buildings.

- C. *Transportation facilities, water and sewerage systems, storm drainage systems, schools and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.*

Transportation Facilities: The subject site is located on Hammondtown Rd., a local road, which serves as access between adjoining properties. Local roads are typically narrow, sometimes unimproved, and intended to support low levels of traffic. The road may not be adequately improved to serve a use in the proposed district.

Water & Sewage Systems: The parcel is not located within the Kent County Sanitary Sewer District. Information from the Public Service Commission indicates that the parcel is not currently located within a water service area. To the east of the railroad tracks, both Artesian and Tidewater Utilities have parcels in their service area but it is unknown if any of those parcels are connected.

Storm Drainage Systems & Fire Suppression Facilities: Comments received from Kent Conservation District (KCD) indicate that they have no objection to the rezoning. Any new project would need to be reviewed by the Kent Conservation District for stormwater impact and by the State Fire Marshall for fire suppression service.

- D. *There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.*

There is little compatibility between the uses of the property as reclassified and the surrounding land uses. The area is predominantly agricultural and residential in nature. Although there is a small amount of existing non-residential zoning in the area, these parcels have mostly been vacant from commercial activity. The intensity of uses in the area has not changed to warrant further commercial development. As such, reclassification of the property to BN, and the uses that would be permitted therein, would not promote the health, safety and welfare of present and future residents of the county.

II. BACKGROUND INFORMATION:

- The subject site is located outside the Growth Zone Overlay District and is currently improved with a residential dwelling and agricultural structures.
- The Office of State Planning and Coordination granted a waiver from the PLUS process for this application on June 8, 2026.
- There have been no previous rezoning applications on the subject site.
- There have been two rezoning applications of a similar nature in the immediate vicinity.
 - Z-89-01 approved the rezoning of 0.7± acres located 0.5 miles west of the subject parcel, from AR to BG in 1989. The applicant wished to relocate his auto repair business to a detached garage on the property. There's no evidence to suggest an auto repair business is currently operating on the site.
 - Z-89-17 approved the rezoning of 14.1± acres located east of the railroad track, east of the subject parcel, from AR to IG in 1989. The site had two homes and multiple farm buildings at the time of the rezoning. Currently the land has only a farm building remaining.

III. AGENCY COMMENTS:

A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS

Contact: Brian L. Hall, Engineering Project Manager II

Advisement:

1. N/A.

Comment:

1. The Engineering Division grants "Approval with No Objection to Recordation".

B. DELAWARE DEPARTMENT OF TRANSPORTATION

Contact: Joshua Schwartz

DelDOT does not have comment on zoning.

C. DNREC DIVISION OF FISH AND WILDLIFE

Contact: Faith Garcia
No comments on zoning.

D. KENT CONSERVATION DISTRICT

Contact: Cullen Baker

Requirements: The Kent Conservation District has no objection to the proposed amendment of the comprehensive plan map and zoning map for the above referenced project.

Advisory Comments to the Applicant:

1. Any earth disturbance in excess of 5,000 square feet is subject to the Delaware Sediment and Stormwater Regulations and will require a Sediment and Stormwater Management Plan to be approved by the Kent Conservation District.
2. Most current forms, fee schedules, and checklists may be accessed from KCD's website <https://www.kentcd.org/services/sediment-stormwater/design-permitting/>

E. DOVER/KENT COUNTY METROPOLITAN PLANNING ORGANIZATION:

Contact: Malcolm Jacob

The subject property was one of the parcels identified in Dover Kent MPO's 2022 *Rail Corridor Industrial Land Use Study*, which determined the viability of each of the parcels along the rail corridor in Kent County for rail-supported industrial uses. This parcel, labeled as #81467 and located in tile T3, was considered viable for such uses due to its total acreage, road access, rail frontage, lack of wetland extent (particularly on the eastern side of Farmington Road), and other factors.¹ Parcels with rail frontage are becoming increasingly scarce due to residential development, which reduces access to the tracks and leads to conflicts such as safety concerns and noise pollution around the homes. Dover Kent MPO strongly recommends that the parcels identified in this study be preserved for rail-supported industrial uses, and that they are not used for residential or other incompatible uses.

Although the rezoning of the subject property to Neighborhood Business (BN) would not allow for rail-supported industrial uses, in this case the rezoning only applies to a small part of the property. Therefore, Dover Kent MPO has no strong objections to the proposal. The MPO will have further comments if a site plan is made available at a later date.

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Regional Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to Levy Court in this matter.

ENC: Ordinance LC-26-10

¹ *Rail Corridor Industrial Land Use Study*. Dover/Kent County MPO (2022).
<https://doverkentmpo.delaware.gov/files/2023/01/Rail-Corridor-Land-Use-Study-Final-September-2022.pdf#page=31>.

Data Sheet

Exhibit A – Location and Zoning Map

Exhibit B – Comprehensive Plan Map

Exhibit C – Rezoning Area

Exhibit D – Comprehensive Plan Area

PLUS Waiver Exemption dtd. June 8, 2026

Plot Plan (2 pages)

RPC Public Hearing Testimony

INTRODUCED BY: Jeffrey W. Hall
DATE INTRODUCED: June 9, 2026
PUBLIC HEARING DATE: _____
PUBLIC HEARING TIME: 7:00 P.M.
ADOPTION DATE: _____
EFFECTIVE DATE: Upon Adoption

ORDINANCE – LC26-10

An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware pursuant to the provisions of Kent County Code, Vol. II, Chapter 205 Zoning, Article III, Section 205-8 and Section 205-9, and Article XXVIII (changes and amendments) effective December 01, 2000, as amended.

WHEREAS, on the 20th day of April 2026 an application was filed by property owner of record known as Joseph Lewis IV & Christina L. Taylor, for rezoning of Tax Parcel; MN-00-187.00-01-45.00/000; which application has been designated as Application No. CZ-26-02 and,

WHEREAS, a Public Hearing will be scheduled before the Regional Planning Commission and

WHEREAS, a Business Meeting will be scheduled before the Regional Planning Commission beginning and

WHEREAS, a Public Hearing will be scheduled before the Levy Court.

NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. The Comprehensive Plan Map for Kent County, Delaware is hereby amended by revising the land use designation for Tax Parcel; MN-00-187.00-01-45.00/000 from Low Density Residential to Neighborhood Commercial. The referenced Tax Parcel forms the area of 85.6 Acre +/- of land (Area of Petition: 1.0 +/- Acres) located on the south side of Hammondtown Rd., approx. 550 ft. east of Farmington Rd., north of Farmington.

Section 2. That the Official Zoning Map of Kent County, Delaware is hereby amended by rezoning Tax Parcel; MN-00-187.00-01-45.00/000; from AR (Agricultural Residential) to BN (Neighborhood Business). The referenced Tax Parcel forms the area of 85.6 Acre +/- of land (Area of Petition: 1.0 +/-Acres) located on the south side of Hammonds town Rd., approx. 550 ft. east of Farmington Rd., north of Farmington.

Section 3. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

ADOPTED BY THE LEVY COURT
OF KENT COUNTY, DELAWARE

President, Kent County Levy Court
This ____ Day of _____ 2026

ATTEST: _____
Clerk of the Peace

Synopsis: This ordinance revises the Comprehensive Plan Map land use designation, and the Official Zoning Map for Tax Parcel; MN-00-187.00-01-45.00/000 for Commercial development.



DEPARTMENT OF PLANNING SERVICES

DATA SHEET FOR COMPREHENSIVE PLAN ZONING MAP AMENDMENT

Regional Planning Commission Public Hearing of: **Thursday, July 2, 2026**

Regional Planning Commission Business Meeting of: **Thursday, July 9, 2026**

Levy Court Public Hearing of: **Tuesday, July 21, 2026**

Ordinance # / Application # and Name	:	LC26-10 / CZ-26-02 Joseph Lewis IV & Christina L. Taylor
Applicant/Owner	:	Joseph Lewis IV & Christina L. Taylor 2940 Hammondtown Rd. Harrington, DE 19952
Present Zoning / Comp Plan Map Designation	:	AR (Agricultural Residential) / Low Density Residential
Proposed Zoning / Comp Plan Map Designation	:	BN (Neighborhood Business) / Neighborhood Commercial
Relation to Growth Zone	:	Outside
Levy Court District	:	6 th - Hertz
School District	:	Woodbridge
Fire District	:	Farmington
Area and Location	:	85.6± acres (Area of Petition: 1.0± acres) located on the south side of Hammondtown Rd., approximately 550 ft. east of Farmington Rd., north of Farmington.
Kent County Property Identification Number	:	MN-00-187.00-01-45.00-000



Kent County Levy Court

LOCATION & ZONING MAP Exhibit A

Application: CZ-26-02
Taylor

APPLICANT/OWNER:

Joseph Lewis IV & Christina L. Taylor

PRESENT COMPREHENSIVE PLAN

MAP DESIGNATION:

Low Density Residential

PROPOSED COMPREHENSIVE PLAN

MAP DESIGNATION:

Neighborhood Commercial

PRESENT ZONING DISTRICT:

AR (Agricultural Residential)

PROPOSED ZONING DISTRICT:

BN (Neighborhood Business)

PRESENT USE:

Agricultural & Residential

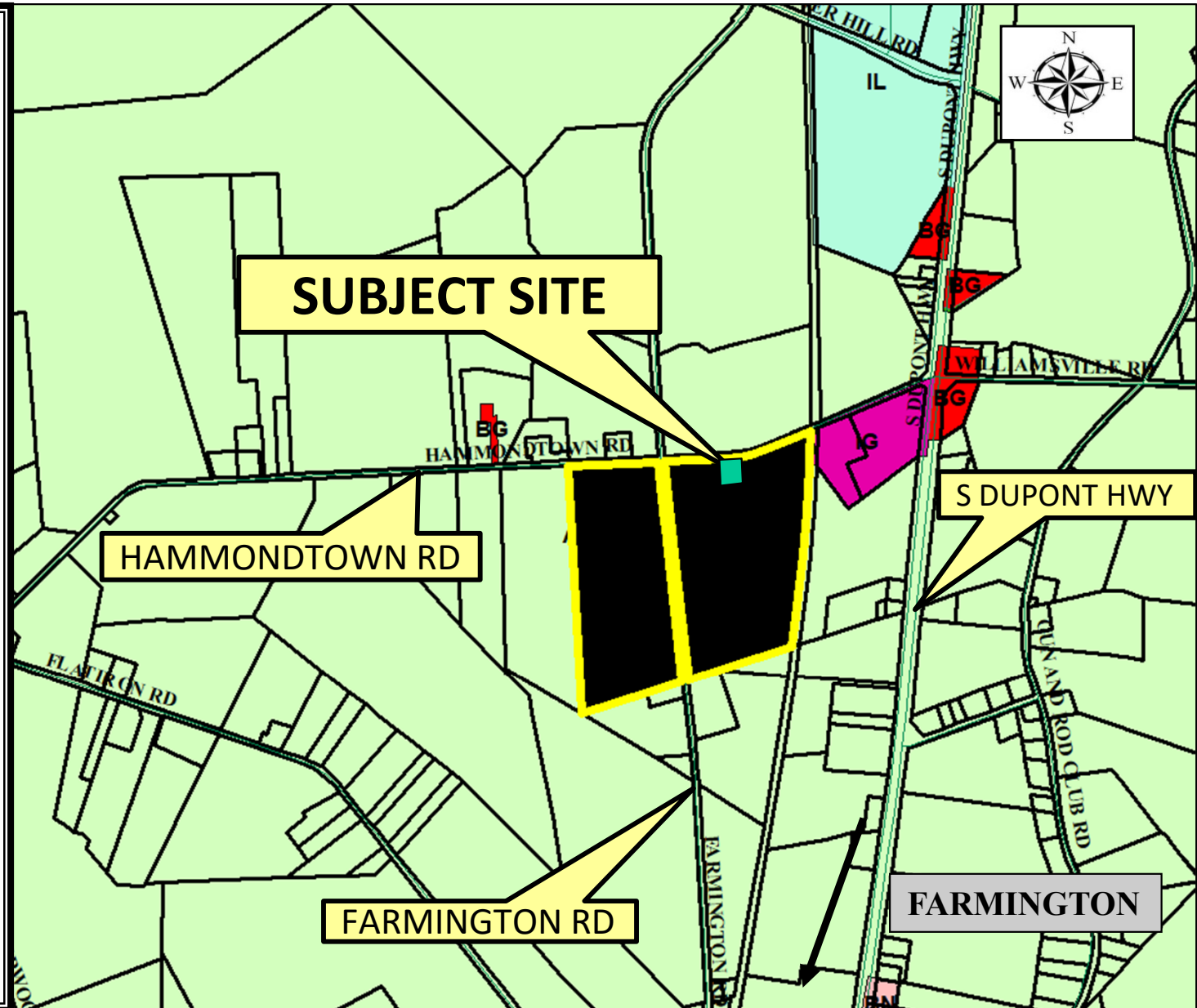
LEVY COURT DISTRICT:

6th - Hertz

TAX MAP NO:

MN-00-187.00-01-45.00-000

LOCATION: 85.6± acres (Area of
Petition: 1.0± acres) located on the south
side of Hammonds town Rd., approx. 550 ft.
east of Farmington Rd., north of
Farmington..





Kent County Levy Court

COMPREHENSIVE PLAN MAP Exhibit B

Application: CZ-26-02
Taylor

APPLICANT/OWNER:

Joseph Lewis IV & Christina L. Taylor

**PRESENT COMPREHENSIVE
PLAN MAP DESIGNATION:**

Low Density Residential

**PROPOSED COMPREHENSIVE
PLAN MAP DESIGNATION:**

Neighborhood Commercial

PRESENT ZONING DISTRICT:

AR (Agricultural Residential)

PROPOSED ZONING DISTRICT:

BN (Neighborhood Business)

PRESENT USE:

Agricultural & Residential

LEVY COURT DISTRICT:

6th - Hertz

TAX MAP NO:

MN-00-187.00-01-45.00-000

LOCATION: 85.6± acres (Area of
Petition: 1.0± acres) located on the south
side of Hammondtown Rd., approx. 550
ft. east of Farmington Rd., north of
Farmington..

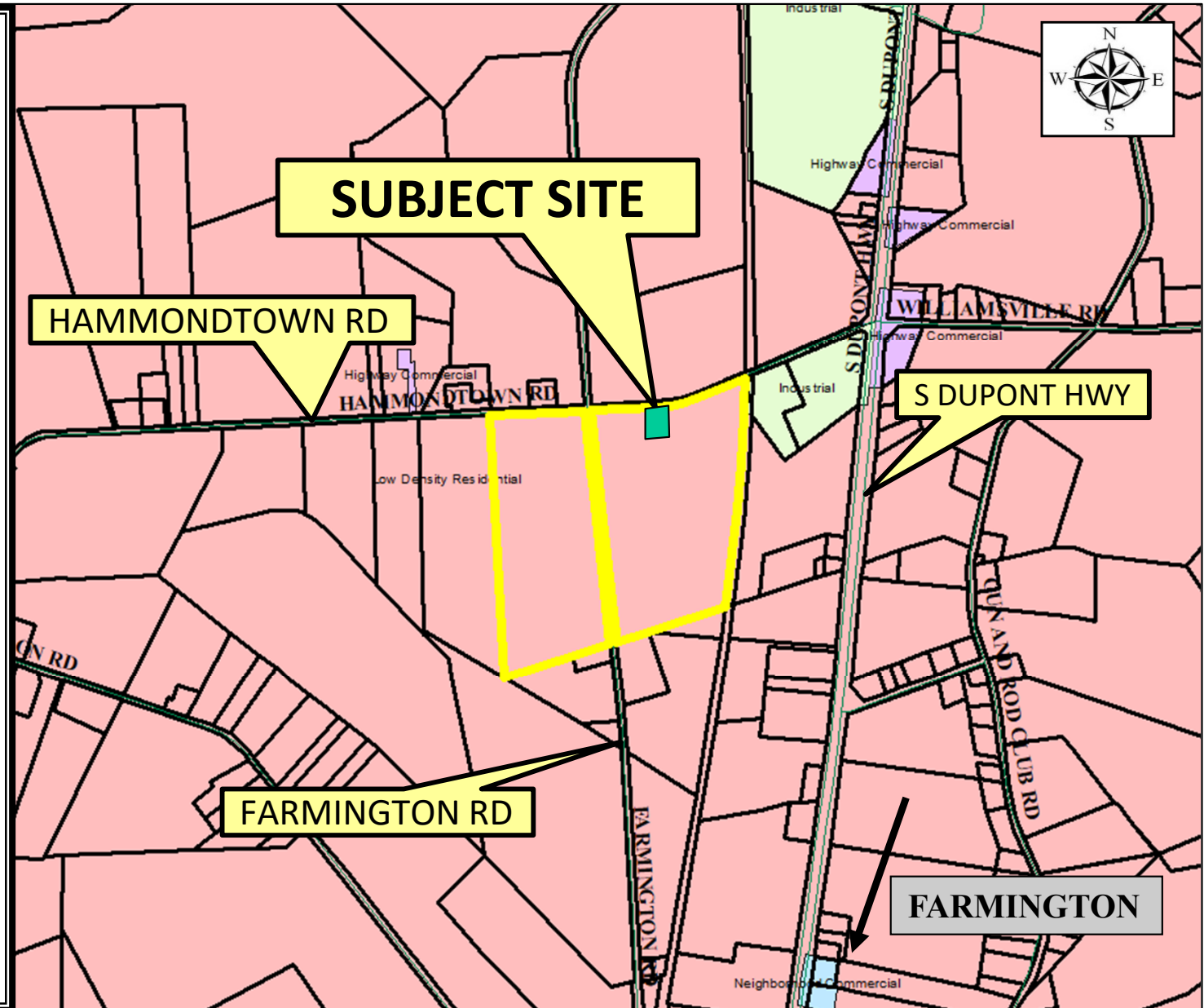
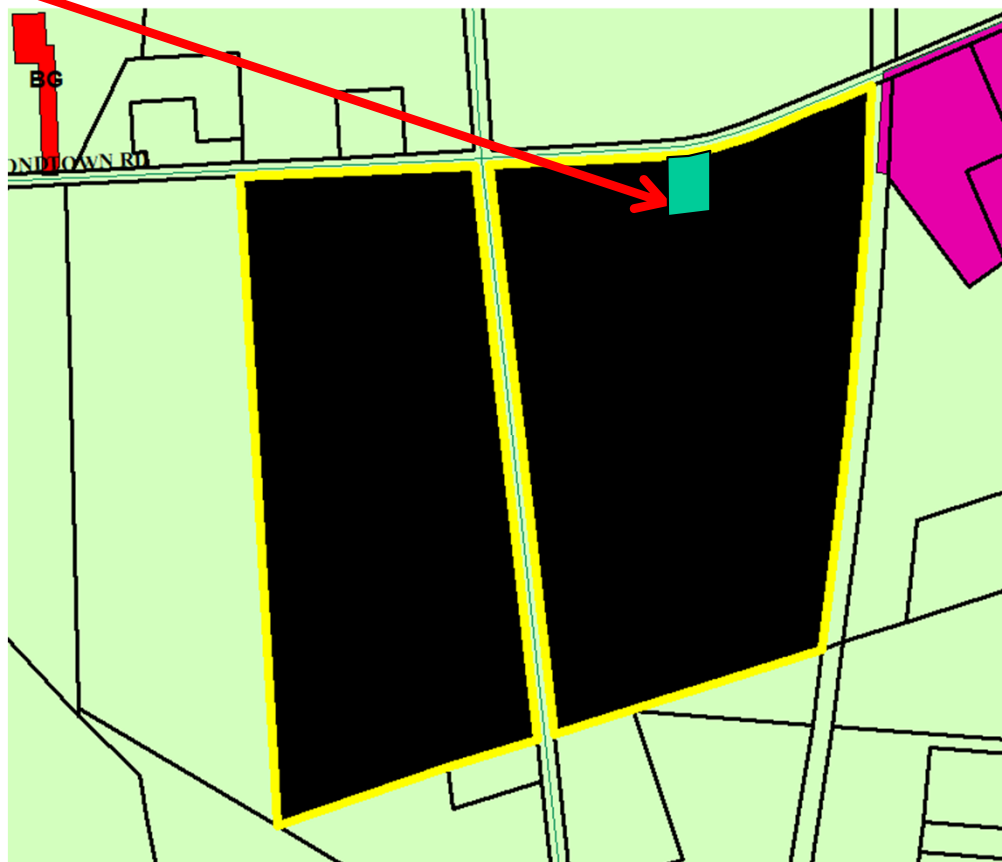


Exhibit C

Application: CZ-26-02
Taylor

PRESENT COMP. PLAN:
Low Density Residential
PROPOSED COMP. PLAN:
Neighborhood Commercial
PRESENT ZONING: AR
PROPOSED ZONING: BN

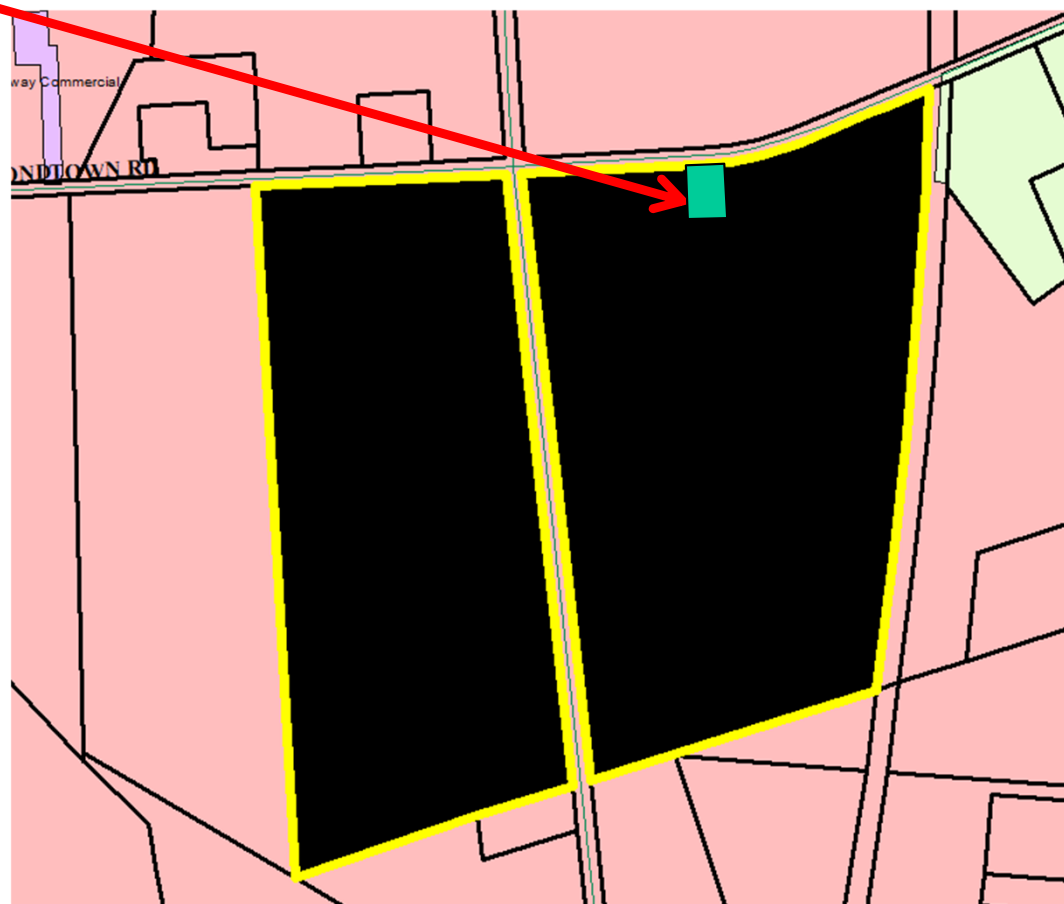


REZONING AREA

Exhibit D

Application: CZ-26-02
Taylor

PRESENT COMP. PLAN:
Low Density Residential
PROPOSED COMP. PLAN:
Neighborhood Commercial
PRESENT ZONING: AR
PROPOSED ZONING: BN



REZONING AREA



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

June 8, 2026

Kristopher S. Connelly, AICP
Kent County
Department of Planning Services
555 Bay Road
Dover, DE 19901

RE: Minor Variation from Kent County Comprehensive Plan – Taylor Property
Request: Future Land-Use Map amendment and associated rezoning of a 0.92±
acre portion of an 85.6± acre parcel.
Tax Parcels: 6-00-18700-01-4500-00001

Dear Mr. Connelly:

I have received your letter dated May 21, 2026, regarding the above referenced minor variation request for a property owner that wishes to submit for a rezoning. The request is to rezone a 0.92± acre portion of an 85.6± acre parcel from AR (Agricultural Residential) zoning to BN (Neighborhood Business) zoning. A PLUS review would normally be required, because the proposed rezoning requires amending the Future Land Use Map in the 2018 Comprehensive Plan to change the designation of the above-referenced parcel from Low-Density Residential to Neighborhood Commercial.

We concur with your determination that this proposed amendment, and rezoning constitute a minor variation from the 2018 Comprehensive Plan, per Section C-4 of our Memorandum of Understanding (MOU). The proposed land-use change is a minor portion of the total property and would not adversely impact any of the surrounding agricultural or natural lands. And it would have the benefit of bringing the existing antique store into compliance with the comp plan and zoning ordinance.

We also concur that the property is within the South Harrington Industrial Area as depicted on Map 7C "Land Use Strategies." Although the proposed land-use is commercial rather than industrial, it is likely that the commercial use will be less intensive than any potential industrial use in the area.

122 Martin Luther King Jr. Blvd. South - Haslet Armory• Third Floor• Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

For the reasons stated above and in your request letter, a PLUS review is not required for this application. Please notify this office of the outcome of the amendment and rezoning application.

Please let me know if I can be of any further assistance in this matter.

Sincerely,

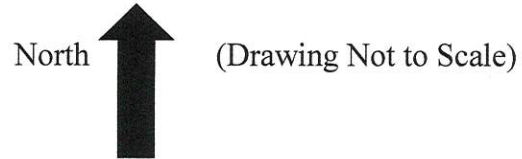
A handwritten signature in black ink, appearing to read "D. Edgell", with a stylized, cursive script.

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



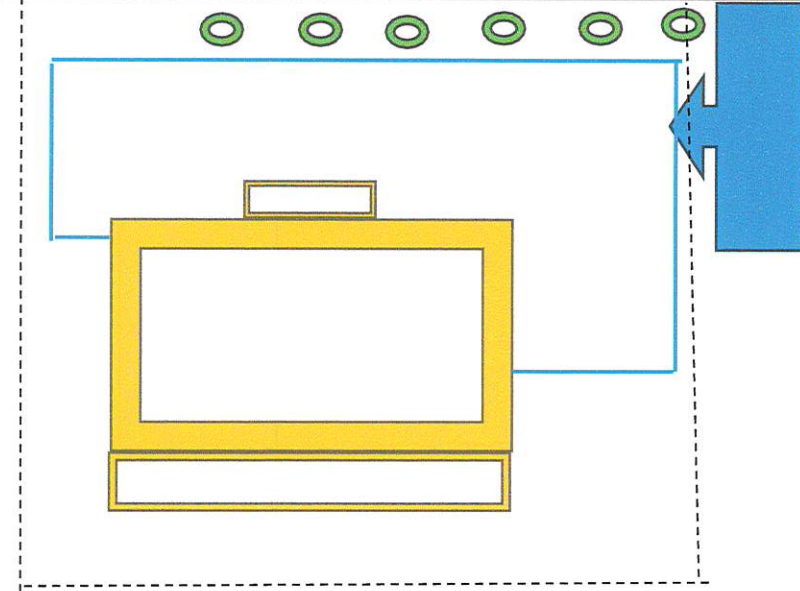
Hammondtown Rd w/ ROW 50ft

Plot Plan 2940 Hammondtown Road



Yellow Outline = Building
Green Circle = Existing Trees
Blue Outline = Parking lot
Blue Solid = Existing Entrance

Parking Lot Roughly 100x150
Main Building 62x142
Front Porch (Entrance) 12x40
Back Lean-to 12x82 Open
Back Lean-to Closed 12x60
Existing Road Entrance 46ft wide



The overall dimensions of the farm are 125 +/- acres. The proposed zoning change is for 1 +/- acre dotted line.

Distance to Northern Property Line = Roughly 1,100ft
Distance to Easterly Property Line = Roughly 790ft
Distance to Westerly Property Line = Roughly 1,350ft
Distance to Southern Property Line = Roughly 1,800ft
Building Set Back from Hammondtown Rd ROW = 100ft
Building Set Back from Farmington Rd ROW = 550 ft

F
a
r
m
i
n
g
t
o
n
R
d
W
/
R
O
W

7
0
ft

REGIONAL PLANNING COMMISSION
PUBLIC HEARING MINUTES
Conference Call Included
July 2, 2026

The following members were present:

David Peterman
Peter Servon
Denise Kaercher
Glenn Gauvry
Delbert Mills
Paul Davis
Bill Jester

Also present:

Sarah Keifer - Director of Planning
Tanner Jameson - Attorney

CZ-26-02/LC26-10 Taylor, Joseph Lewis IV & Christina L.: Request to amend the Zoning Map from AR(Agricultura Residential) to BN(Neighborhood Business) located outside the Growth Zone Overlay District / MN-00-0187.00-01-45.00-000

Ordinance # / Application # and Name	:	LC26-10 / CZ-26-02 Joseph Lewis IV & Christina L. Taylor
Applicant/Owner	:	Joseph Lewis IV & Christina L. Taylor 2940 Hammondtown Rd. Harrington, DE 19952
Present Zoning / Comp Plan Map Designation	:	AR (Agricultural Residential) / Low Density Residential
Proposed Zoning / Comp Plan Map Designation	:	BN (Neighborhood Business) / Neighborhood Commercial
Relation to Growth Zone	:	Outside
Levy Court District	:	6 th - Hertz
School District	:	Woodbridge
Fire District	:	Farmington
Area and Location	:	85.6± acres (Area of Petition: 1.0± acres) located on the south side of Hammondtown Rd., approximately 550 ft. east of Farmington Rd., north of Farmington.
Kent County Property Identification Number	:	MN-00-187.00-01-45.00-000

Mr. Jester: Is there someone here to represent this application?
Can you pull that mic down if you wanted to give us your name and address?

Joseph Taylor: 2940 Hammondtown Road, Harrington, Delaware 19952

Mr. Jameson: And do you swear from that the testimony you're about to give will be the truth?

Mr. Taylor: Yes. Okay, so my wife was running a antique store in Harrington for over a year and in a bad rundown building, having trouble with the landlord. So we came up with an idea to make this far more profitable to put the antique store on the farm and incorporate it with the farm as selling antiques to draw the people in, selling farm products, you know, along with the antiques, which was gonna be you pick strawberry's pumpkins, mums that, that kind of thing, firewood and honey, eggs. And we did it. I looked at the codes, it was under my understanding, we were allowed to do this on our farm because the farm is a business. But I've been told otherwise, so under the county's objection I'm here to have this rezoned as retail or commercial. So I'm taking a one-acre lot off my farm to now make it commercial right next to my house, which I'm not too happy about, but anyway, that's the gist of the story.

Mr. Jester: Anything else you'd like to say?

Mr. Taylor: That business supports 58 vendors that sell antiques in there, most of those vendors are elderly. We've heard nothing but good news from the people that's been in there already. Love the store, best one in the state, best one on the east coast. Somebody said.

Mr. Jester: And you said you're going to sell agricultural stuff and supplies. Can you define what that is?

Mr. Taylor: Eggs for one we've been selling, honey, firewood, cut off the farm, and where in the future we're gonna put you pick strawberries in the back, pumpkins and that sort of thing, maybe mums.

Mr. Jester: You weren't thinking about putting anything like fertilizing chemicals and that kind of stuff, correct?

Mr. Taylor: No, NO NO NO NO NO. Nope, nope. Just Vegetables flowers, that kind of thing.

Mr. Garvey: So currently what do you farm on this land?

Mr. Taylor: Soybean, corn, small grain crops. But that that will not support the farm.

Mr. Gauvry: So mostly feed stocks, so what you're going to be putting in this store would be something that you're going to grow in addition to what you normally grow or something that you're going to be bringing in from outside?

Mr. Taylor: No, something we're going to grow on the farm in addition to the foreign and soy beans

Mr. Gauvry: And you said that you were operating for a while out outside of the code, which brought you here tonight I'm just curious to how long you were operating that way

Mr. Taylor: Since February.

Mr. Gauvry: So you built the building for this purpose in February?

Mr. Taylor: Yeah, we started it in August of last year.

Mr. Gaurvy: And the last question I had is that you had said that, that you were asking for this to be zone business which is right next to your house, but you're not too crazy about. I'm not I'm curious about what part were you not crazy about because it is right next to your house.

Mr. Taylor: Well, NO, the purpose of it, well I'm not too crazy about having to rezone it. I see and I wanted to leave it as the original zoning same as the rest of the farm cause the farm is in nature by nature itself a business. And that that was my understanding, but I've been told differently.

Mr. Gaurvy: Okay, great. Thank you very much.

Mr. Davis: Thank you Mr. Taylor for being here this evening. I do have a question. You apparently have an 85-acre farm, is that correct?

Mr. Taylor: No, that's not correct. You guys have split my farm off I have a 125 acre farm.

Mr. Davis: 125?

Mr. Taylor: Yes.

Mr. Davis: Alright, next to the proposed lot, one acre. Is that where you live?

Mr. Talor: Yes, the house right to the left, left of the screen, I guess it would be.

Mr. Davis: What is all that stuff I see on the picture here It looks like a lot of junk to me.

Mr. Taylor: Well, if you want to call farm equipment junk, you can. I'm gonna take offense to that. I said if you want to call a farm equipment junk, you can, but I will take offense to that.

Mr. Davis: Oh, whatever, I can only see what I can imagine. I'm not calling it junk.

Mr. Taylor: Yeah, well there's disks back there, there's stillage equipment back there, planters back there, tractors back there, farm trucks back there, trailers, wagons. It costs a lot to put up buildings to keep farm equipment.

Mr. Davis: It's hard to it's hard to tell on this arrow photograph. I understand you have a farm, I understand about farm equipment, but he raised a question to me as to what all that stuff is. Piles of this and piles of that. And I'm not attacking you personally. I'm just saying I can only look at this and it looks like it's could be reorganized a little bit better. So, if you're saying it's all farm equipment I'll probably ride down and take a look at it. But maybe we can get that thing organized a little bit better, ok? Thank you.

Mr. Peterman: If this goes through, Sarah and its' zoned commercial, he can put any kind of business there he wants. Is that correct?

Mrs. Keifer: Certainly anything that's permitted within the BN zoning district.

Mr. Peterman: OK, thank you.

Mr. Jester: OK, if there are no other commissioner questions, we thank you. Is there anyone else here in favor of this application would like to speak in favor, 3rd and final call, anyone else in favor of this application, either in the seats out front or on the phone? Is there anyone on the phone would like to speak?

Mr. Jester: Okay, we'll go over to the against side. Is there anyone in the audience that would like to speak against this application? Anyone in the audience would like to speak against? Is there anyone on the phone that would like to speak against? OK, then we'll be taking this application up next week.

INTRODUCED BY: Terry L. Pepper
INTRODUCTION DATE: May 26, 2026
PUBLIC HEARING DATE: July 7, 2026
PUBLIC HEARING TIME: 7:00 PM
ADOPTION DATE: _____
EFFECTIVE DATE: Upon Adoption

ORDINANCE LC25-24

An Ordinance amending The Code of Kent County, State of Delaware, Volume I, Chapter 128 (Fees), Article XI (Fees Enumerated), §128-49 (Meeting Room Fee Schedule) to implement a routine housekeeping update, incorporating updated terms, facility names, procedures, and potential rental fee increases.

NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. That Article XI. Fees Enumerated, §128-49, Meeting Room Fee Schedule is hereby amended by deleting the language identified in brackets and strike-through, and adding underlined language as follows:

§128-49 Meeting Room Use and Fee Schedule [Added 5-12-2009 by Ord. No. 09-09]

Meeting room space in any County building or facility may be used, or reserved by individuals and groups that are not part of the Kent County government organization for a fee in accordance with the following schedule:

A. Purpose. The purpose of this section is to establish guidelines and fees for the use of County meeting rooms by external organizations.

B. Eligibility. Meeting rooms may be reserved by non-profit corporations, government agencies, and civic organizations as defined by Delaware code. Reservations are subject to availability and compliance with County policies.

C. Fee Schedule. The following fees apply to the use of County meeting rooms:

[A]D. Kent County Administrative Complex ~~[County Complex]~~ at 555 Bay Road, Dover, Delaware. [Amended 9-24-2019 by Ord. No. 19-19]

<u>Room</u>	<u>Base Rental (per hour)</u>	<u>Optional Support Staff Fee (per hour)</u>
<u>Levy Court Chamber*</u>	<u>\$60</u>	<u>\$40</u>
<u>Room 220</u>	<u>\$50</u>	<u>\$40</u>
<u>Room 221**</u>	<u>\$35</u>	<u>\$40</u>

Room Location	Base Rental	[With PA System]	With Audio-Visual Equipment	<u>Reference Section</u>
Levy Court Chamber*	\$40/hour	[\$55/hour]	[\$60] \$80/hour	<u>§ 4-1.C</u>
[Room 117**]	[\$20/hour]	{n/a}	{n/a}	
[Room 126**]	[\$20/hour]	{n/a}	{n/a}	
Room 220	\$30/hour	[\$45/hour]	[\$50] \$60/hour	<u>§ 128-49.A</u>
Room 221**	\$20/hour	{n/a}	[\$35] \$40/hour	<u>§ 128-49.A</u>

*The Levy Court Chamber may be authorized for use by state or other government-affiliated agencies.

**~~[After]~~ 5:00 p.m. – 8:00 p.m., Monday through Thursday, nonprofit and civic organizations are exempt from ~~[the fees associated with usage of Rooms [117, 126 and] 221 (without audio-visual equipment) [and the Library Conference Room.]]~~ the base rental fees for Room 221.

E. Support Staff Fee. All meeting rooms are equipped with audio-visual equipment. The base rental fee applies regardless of equipment usage. If support staff is requested or required to be present for the duration of the meeting or event to assist with setup, operation, or troubleshooting of equipment, an additional hourly support staff fee of \$40 shall apply.

F. Usage and Fee Waivers and Extended Building Hours. The Building may be opened beyond the designated times by the County Administrator or by majority vote of the Levy Court upon special request. When deemed appropriate, the County Administrator or a majority vote of the Levy Court may waive fees or usage policies for these spaces. and if a Levy Court Commissioner reserves a room to sponsor a group, the fee shall be waived provided the sponsoring Commissioner attends the meeting.

Other County Facilities with Meeting Rooms:

G. EMS Conference Room at 911 Public Safety Boulevard, Dover, Delaware.

- (1) Affiliated public safety, police, fire, EMS, and emergency services groups: no charge.
- ~~(2) All other outside groups: \$30/hour.~~

H. EMS Conference Room at Wheatley Pond Road Center, Smyrna, Delaware.

- (1) Affiliated public safety, police, fire, EMS, and emergency services groups: no charge.
- ~~(2) All other outside groups: \$20/hour.~~

I. Kent County Public Library Conference Room, Dover, Delaware.

(1) Affiliated library services support groups: no charge.

(2) All other outside groups: \$30/hour. Pending availability. [A]after 5:00 p.m., nonprofit and civic organizations are exempt from the fees associated with usage of the Library Conference Room.

Section 3. This ordinance shall become effective _____.

Section 4. If any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect; and to this end, the provisions of this Ordinance are hereby declared to be severable.

ADOPTED BY THE LEVY COURT
OF KENT COUNTY, DELAWARE

PRESIDENT, KENT COUNTY LEVY COURT
THIS ____ DAY OF ____, 2025

ATTEST: _____
CLERK OF THE PEACE

SYNOPSIS

This Ordinance amends The Code of Kent County, State of Delaware, Volume I, Chapter 128 (Fees), Article XI (Fees Enumerated), §128-49 (Meeting Room Fee Schedule) to implement a routine housekeeping update. Key revisions include:

Removal of Rooms 117 and 126 from the schedule due to their unavailability

Updated base rental fees for the Levy Court Chamber (\$60/hour), Room 220 (\$50/hour), and Room 221 (\$35/hour)

Addition of meeting room fee schedules for EMS Conference Rooms (911 Public Safety Boulevard and Wheatley Pond Road Center) and the Kent County Public Library Conference Room

Introduction of a standardized optional support staff fee of \$40/hour, applicable when technical assistance is requested or required for the duration of a meeting or event

Clarification that all rooms are equipped with audio-visual equipment, and the base rental fee applies regardless of equipment usage

Aligned eligibility to non-profit and civic organizations and government agencies as defined by Delaware code

Refined exemption language for nonprofit and civic organizations, applicable only to Room 221 and the Library Conference Room after 5:00 p.m., subject to availability

Updated facility names and references for consistency across County documents

Authorization for the County Administrator or Levy Court to waive fees or extend building hours under specific conditions

These updates ensure consistency across County facilities, reflect current operational practices, and improve transparency in meeting room rental procedures.



DEPARTMENT OF PLANNING SERVICES

REGIONAL PLANNING COMMISSION RECOMMENDATION REPORT

July 21, 2026

Application Number & Name	:	C-26-04 / Bianca & Tyrel McCoy
Present Zoning District	:	AC (Agricultural Conservation)
Present Use	:	Residential
Proposed Use	:	Same with a Home Day Care
Area & Location	:	0.31± acres on the north side of Elm Crest Ln., being Lot 148 in the Weatherstone Crossing subdivision, approximately 125 ft. east of Weatherstone Ln., west of Frederica.

REGIONAL PLANNING COMMISSION RECOMMENDATION

The Regional Planning Commission voted unanimously to recommend **approval** of application C-26-04, a conditional use for a home occupation (daycare) located inside the Growth Zone Overlay District. This is based on Exhibit A – Staff Recommendation Report dated July 2, 2026, Exhibit B – Public Hearing Testimony dated July 2, 2026, and the findings of fact that:

- The subject site is zoned AC (Agricultural Conservation) and §205-53 permits a home occupation – daycare as a conditional use.
- The location is appropriate and not in conflict with the Comprehensive Plan.
- The public health, safety and general welfare will not be adversely affected.

I. APPLICATION SUMMARY:

The applicant originally submitted an administrative application for a home occupation (Planning file number HP-26-05), and the required neighbor notifications were sent on April 23, 2026. Letters were sent to the owners of 19 properties. Kent County Planning received two Objections and five No Objections within the 30-day comment period. The objection letters are enclosed. As required by Code, the applicant is now seeking approval through the conditional use process.

The subject property is located inside the Growth Zone overlay district and is currently improved with a single-family residence. The character of the area is residential. The surrounding properties to the north, south, east, and west of the site are other residential lots within the Weatherstone Crossing subdivision.

II. STAFF RECOMMENDATION AND COMPLIANCE WITH THE CONDITIONS OF APPROVAL:

The staff recommends **APPROVAL** based on the information submitted as the application demonstrates compliance with the conditions for approval outlined in Kent County Code Section 205-68.E. Home occupation (including family child-care homes):

- (1) The owner/operator shall secure a zoning certificate of use for a home occupation from the Department of Planning Services, Division of Planning. The dwelling shall be the bona fide residence of the operator of the occupation.*
 - ✓ If the application is approved, the Conditional Use approval shall serve as the Certificate of Use.
- (2) The use shall not change the character of the dwelling unit or residential premises nor have any exterior evidence other than an identification sign no larger than six square feet.*
 - ✓ The use as proposed will not result in a change in character of the unit or residential premises, and no signage has been proposed at this time. If the application is approved, the applicant may submit a permit to install a sign no larger than six square feet in size.
- (3) In the RS1, RS5 and RMH Districts, floor area developed to such use shall not exceed 25% of the dwelling unit (except licensed family day-care homes); if the occupation is in a detached accessory structure, floor area shall be limited to 100% of the existing structure or 500 square feet, whichever is less. An accessory structure attached to the principal dwelling will be considered part of the dwelling for floor area calculations.*
 - ✓ As the property is zoned AC (Agricultural Conservation), this condition does not apply.
- (4) In the AC and AR Districts, floor area devoted to such use shall not exceed 25% of the dwelling unit (except licensed family day-care homes); if the occupation is in a detached accessory structure, floor area shall be limited to 2,500 square feet, with up to an additional 1,000 square feet used for storage only. An accessory structure attached to the principal dwelling will be considered part of the dwelling floor area calculations.*
 - ✓ Since the application is for a family day-care home, the size restriction does not apply.
- (5) If the home occupation is conducted in an accessory structure, the structure shall be located a minimum of 15 feet from the side and rear property lines.*
 - ✓ No detached accessory structure is proposed for use of the day-care operation.
- (6) There shall be no person engaged or employed other than members of the household residing on the premises.*
 - ✓ The applicant has signed the Conditions of Approval, agreeing to this condition.

- (7) *Only equipment and facilities that are similar in nature, type, and power to what would generally be used for domestic or household purposes shall be permitted.*
- ✓ The applicant will be utilizing her home for the day-care, which will not entail the use of equipment or facilities outside the nature, type, and power of general domestic or household purposes.
- (8) *The use of property shall not change the general character of the neighborhood.*
- ✓ The proposed use of the property will not change the general character of the neighborhood.
- (9) *The occupation shall create no noise, traffic, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any extent greater or more frequent than that usually experienced for an average residential use in the district wherein located.*
- ✓ The applicant has signed the Conditions of Approval, agreeing to this condition.
- (10) *The need for parking generated by such use shall be provided off-street. There shall be two spaces required for the home occupation in addition to the spaces required for the residential use.*
- ✓ The property has both a large driveway and garage, which provide ample room for more than two vehicles.
- (11) *Outdoor or open-air storage, and storage or keeping of service vehicles on the premises shall be prohibited, except for what is permitted within the zoning district in which the use is located. Any enclosed storage shall be considered included as part of the total permitted square footage.*
- ✓ The applicant has signed the Conditions of Approval, agreeing to this condition, and no outdoor storage is proposed.
- (12) *Retail sales.*
- (a) *No stock-in-trade (the goods kept on hand by a business for the purposes of its trade) shall be produced on the premises, except for the following:*
- [1] *Goods crafted or produced on the premises.*
- [2] *The hand-wrapping or finishing of gift baskets, variety packs, or other similar multi-content stock wherein the component items have been manufactured elsewhere.*
- (b) *No stock-in-trade shall be sold on the premises, except for the following:*
- [1] *The trans-shipment or prearranged pickup of items specifically preordered or pre-purchased by a customer, except for vehicles and large equipment; and*
- [2] *The direct shipment of items to a customer that were specifically preordered or pre-purchased by the customer.*
- (c) *Deliveries and pickups of supplies or products are permitted only between 8:00 a.m. and 8:00 p.m.*

- (d) Vehicles used for delivery and pickup are limited to those normally servicing residential neighborhoods.*
- (e) Customers may visit the site only during the hours of 8:00 a.m. to 8:00 p.m.*
- (f) No more than six customers or clients may visit the site on any single day.*
- ✓ No retail sales are proposed as part of the day-care use.

- (13) Personal service activities, such as beauty shops, barbershops and hairdressing establishments, shall serve one client at a time, be limited to one chair and have only one operator who is a member of the household residing on the premises.*
- ✓ As the application is for a home day-care, this condition does not apply. However, the code definition of a Family Child-Care Home will limit the operation to a maximum of nine children (§205-55).

- (14) Wholesale auto sale offices shall maintain compliance with all applicable State of Delaware, Division of Motor Vehicles requirements. No storage of vehicles bought or sold as part of this use may be parked on the site.*
- ✓ As the application is for a home day-care, this condition does not apply.

III. AGENCY COMMENTS:

A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, Engineering Division

Contact: Brian L. Hall, Engineering Project Manager II

Requirement:

1. N/A.

Comment:

1. The Engineering Division grants “Approval, With No Objection to Recordation”.

B. KENT CONSERVATION DISTRICT

Contact: Cullen Baker

Requirements: The Kent Conservation District has no objection to the proposed conditional use for the above referenced project.

Advisory Comments to the Applicant:

1. Any earth disturbance in excess of 5,000 square feet is subject to the Delaware Sediment and Stormwater Regulations and will require a Sediment and Stormwater Management Plan to be approved by the Kent Conservation District.
2. Most current forms, fee schedules, and checklists may be accessed from KCD’s website <https://www.kentcd.org/services/sediment-stormwater/design-permitting/>

C. DOVER/KENT COUNTY METROPOLITAN PLANNING ORGANIZATION

Contact: Malcom Jacob, Transportation Planner

Dover Kent MPO does not have any objections to the conditional use plan. It is unlikely to lead to significant transportation impacts on the surrounding area. For more information on the transportation elements of this application, please contact Dover Kent MPO.

D. DELAWARE DEPARTMENT OF TRANSPORTATION

Contact: Joshua Schwartz

DelDOT does not have comments. The parcel is within an existing subdivision.

E. DNREC DIVISION OF FISH AND WILDLIFE

Contact: Faith Garcia

No comments.

IV. OWNER/ APPLICANT:

The owner shall be aware of and be prepared to comply with all comments regarding this project stated in this report and any additional requirements that may be placed by the Levy Court through the Conditional Use process. All comments and conditions must be addressed prior to commencement of operations.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Regional Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to Levy Court in this matter.

ENC: Data Sheet

Exhibit A- Location and Zoning Map

Letters of Objection – Considine

Letters of Objection with letter – Goicuria

RPC Public Hearing Testimony



DEPARTMENT OF PLANNING SERVICES

DATA SHEET FOR CONDITIONAL USE REVIEW

Regional Planning Commission Public Hearing of: **Thursday, July 2, 2026**

Regional Planning Commission Business Meeting of: **Thursday, July 9, 2026**

Levy Court Public Hearing of: **Tuesday, July 21, 2026**

Application	:	C-26-04
Applicant/Owner	:	Bianca & Tyrel McCoy 178 Elm Crest Ln. Felton, DE 19943
Present Zoning District	:	AC (Agricultural Conservation)
Relation to Growth Zone	:	Inside
Present Use	:	Residential
Proposed Use	:	Same with a Home Day Care
Levy Court District	:	4 th – Scott
School District	:	Lake Forest
Fire District	:	Frederica
Area and Location	:	0.31± acres on the north side of Elm Crest Ln., being Lot 148 in the Weatherstone Crossing subdivision, approximately 125 ft. east of Weatherstone Ln., west of Frederica.
Property Identification Number	:	SM-00-140.02-01-53.00-000



Kent County Levy Court

LOCATION AND ZONING MAP Exhibit A

Application: C-26-04
McCoy

APPLICANT/OWNER:

Bianca & Tyrel McCoy

**PRESENT ZONING
DISTRICT:**

AC (Agricultural Conservation)

PRESENT USE:

Residential

PROPOSED USE:

Same with a Home Daycare

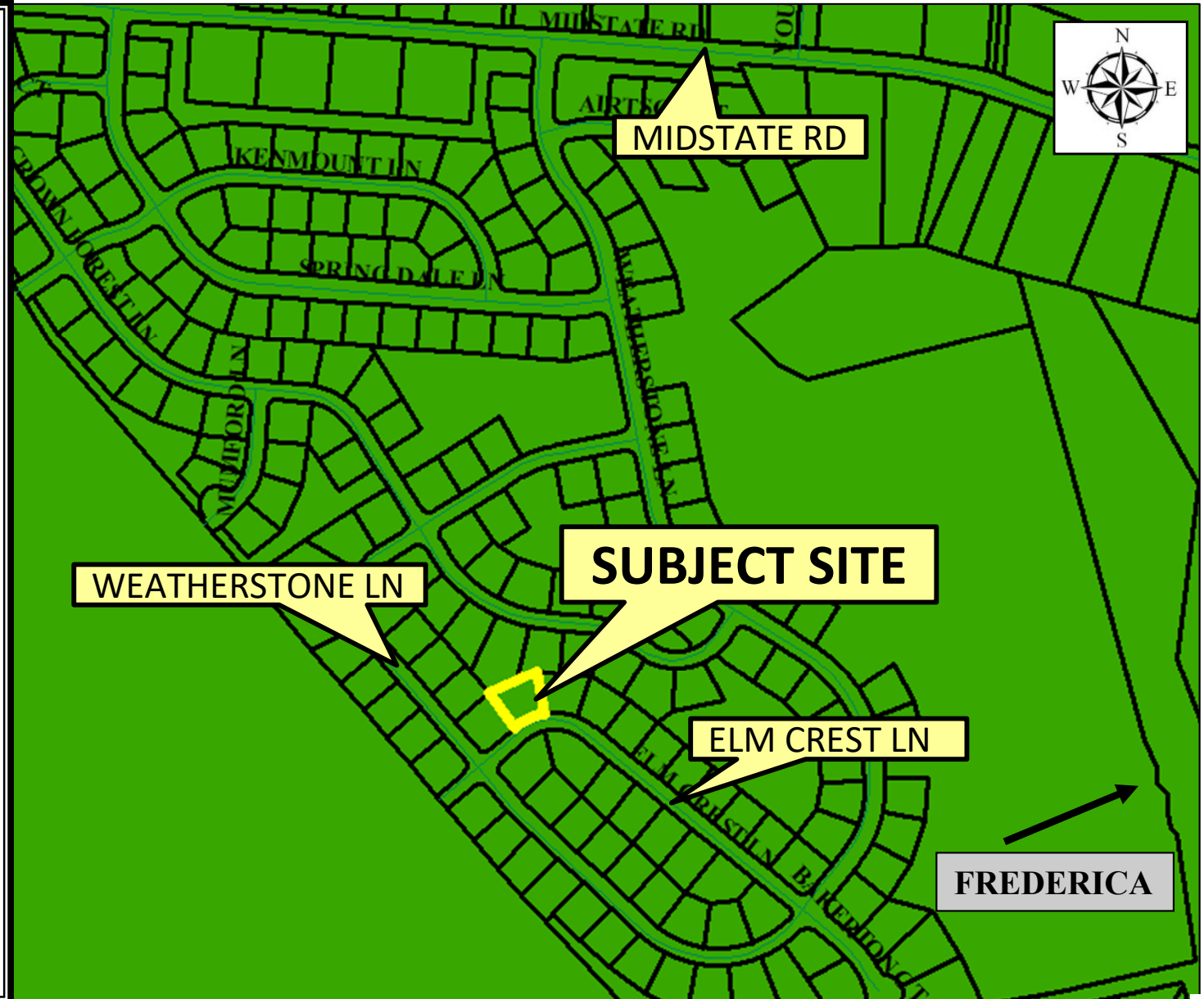
LEVY COURT DISTRICT:

4th - Scott

TAX MAP NO:

SM-00-140.02-01-53.00-000

LOCATION: 0.31+ acres on
the north side of Elm Crest Ln.,
being Lot 148 in the
Weatherstone Crossing
subdivision, approximately
125 ft. east of Weatherstone Ln.,
west of Frederica.





DEPARTMENT OF PLANNING SERVICES

NOTICE OF APPLICATION
Home OccupationDATE: 4/24/2026TO: GOICURIA LISA IONA
775 WEATHERSTONE LN
FELTON, DE 19943

Dear Adjacent Property Owner:

Pursuant to Kent County Code, Sections 205-68 E. and 205-423, you are hereby notified that your neighbor, **Tyrel & Bianca McCoy of 178 Elm Crest Ln., Felton, DE 19943**, is seeking administrative approval of a home occupation described as a Home Day Care of no more than 9 children.

The approval process requires that the applicant notify by certified mail all adjacent property owners located within 200 feet of his/her property prior to a decision being rendered on this application. Responses shall be collected for 30 days from the date the certified letter is mailed.

Please complete the following information and return this form to
Kent County Planning Services at 555 Bay Road, Dover, DE 19901 or send it via email to
Planning@KentCountyDE.gov.

Feel free to call the Planning Office at 302-744-2471 with any questions. This response is not confidential or anonymous. The applicant will be informed of your comments and contact information.

RECOMMENDATION: ☐ I/We have no objection to the approval as requested.☒ I/We object to the approval as requested for the reason(s) stated below:COMMENTS: See attached list of lack of operational details,
county standards for safety, and county standards for
neighborhood compatibilityTelephone Number: 302-723-4118

SIGNATURES OF PROPERTY OWNERS:

Lisa Iona

Signature of Adjacent Property Owner

[Signature]

Signature of Adjacent Property Owner

27-April-2026

Date

4/27/26

Date

Reasons for Adjacent Property Owners' Objection to the Approval

Notice of Application Received – April 27, 2026

Notice Dated – April 24, 2026

Application by – Tyrel & Bianca McCoy of 178 Elm Crest Ln, Felton, DE 19943

Adjacent Property Owners – Lisa & Antonio Goicuria of 775 Weatherstone Ln, Felton, DE 19943

Lack of Operational Details for Home Day Care

- The notice does not provide information on staffing, supervision ratios, or how presumably one adult will safely manage up to nine children.
 - No details were provided regarding how noise, trash, traffic flow, or parking will be managed.
 - Without this information, it is difficult to evaluate whether the proposed operation can meet county standards for safety and neighborhood compatibility.
-

COUNTY STANDARDS - SAFETY

Traffic and Safety Concerns

- A daycare serving up to nine children will generate additional vehicle trips during morning and afternoon peak periods.
- Weatherstone Crossing's internal streets already accommodate school bus traffic, which must safely navigate residential roads, cross streets, and multiple stops. Adding daycare-related drop-off and pick-up activity during similar time windows may create conflicts, congestion, and reduced maneuverability for buses and other vehicles.
- The neighborhood's current roadways have no designated loading/unloading areas, increasing the risk of vehicles stopping in travel lanes or blocking driveways.
- Increased traffic may obstruct sightlines for residents entering or exiting their driveways, creating potential safety hazards for drivers, pedestrians, and children.

Insufficient On-Site Parking

- The property does not appear to have adequate off-street parking to accommodate parent drop-offs/pick-ups, staff traffic and parking, and service vehicles.
- Overflow parking on the street could impede emergency access and reduce visibility for pedestrians and drivers.

Noise Impacts

- A daycare of this size will produce regular daytime noise from outdoor play, drop-off/pick-up activity, and general child activity.
- Homes in this neighborhood are in close proximity, and the noise may be inconsistent with the quiet residential character of the community.

Outdoor Play Area Concerns

- Outdoor play is typically required for licensed childcare, but the notice does not describe the location, fencing, or buffering of outdoor play areas.
- Outdoor play areas located close to neighboring homes may create ongoing noise impacts and reduce privacy.

Structural and Safety Considerations Related to the Dwelling

- The dwelling proposed for the daycare is a two-story home with no basement, which may limit the availability of interior space suitable for quiet activities, rest periods, or weather-related sheltering.
- The absence of a basement reduces options for safe refuge during weather events, potentially increasing reliance on outdoor areas or upper-level rooms.
- The multi-level layout may present challenges for maintaining appropriate supervision ratios, as children may need to be monitored on different floors simultaneously.
- Evacuation of up to nine children from a two-story structure in the event of an emergency may be more complex and time-consuming than a single-level home or in a basement level space designed for group occupancy, raising additional safety considerations.
- The configuration of the home may require frequent movement of children between floors, increasing supervision demands and the potential for accidents on stairs or in traditional spaces.

COUNTY STANDARDS – NEIGHBORHOOD CAPABILITY

Impact on Current and Future Home Sales

- There are currently three homes and a homesite for sale near the proposed daycare site: two immediately nearby (one directly adjacent and one a home away) with another home and homesite/lot on an adjacent street.
- The introduction of a high-activity use such as a daycare may discourage potential buyers who are seeking a quiet residential environment.
- This could also negatively affect the marketability of nearby homes and potentially impact future property values, including my own.
- Real estate activity is sensitive to perceived neighborhood noise, traffic, and commercial-type uses, and the proposed daycare may create conditions that reduce buyer interest and property values.

Neighborhood Compatibility

- Weatherstone Crossing is a single-family residential community with no known existing commercial or quasi-commercial uses.
- A daycare of this size may be incompatible with the established residential character, especially given the density and lot sizes in the neighborhood.

Precedent for Future Commercial Activity

- Approval of this application may set a precedent for additional commercial uses within the subdivision, which could cumulatively alter the residential nature of the community.

Impact on Ability to Work From Home

- Several residents, including those who work from home and retirees, could be impacted by the increased daytime noise and traffic that could disrupt the quiet enjoyment of our properties and make it harder to complete work that requires concentration.



Signature of Adjacent Property Owner

27-APRIL-2026

Date



Signature of Adjacent Property Owner

4/27/26

Date



DEPARTMENT OF PLANNING SERVICES

NOTICE OF APPLICATION

Home Occupation

DATE: 4/24/2026

TO: CONSIDINE STEPHEN J
CONSIDINE ELAINE
712 WEATHERSTONE LN
FELTON, DE 19943

Dear Adjacent Property Owner:

Pursuant to Kent County Code, Sections 205-68 E. and 205-423, you are hereby notified that your neighbor, **Tyrel & Bianca McCoy of 178 Elm Crest Ln., Felton, DE 19943**, is seeking administrative approval of a home occupation described as a Home Day Care of no more than 9 children.

The approval process requires that the applicant notify by certified mail all adjacent property owners located within 200 feet of his/her property prior to a decision being rendered on this application. Responses shall be collected for 30 days from the date the certified letter is mailed.

Please complete the following information and return this form to
Kent County Planning Services at 555 Bay Road, Dover, DE 19901 or send it via email to
Planning@KentCountyDE.gov.

Feel free to call the Planning Office at 302-744-2471 with any questions. This response is not confidential or anonymous. The applicant will be informed of your comments and contact information.

RECOMMENDATION: ☐ I/We have no objection to the approval as requested.☒ I/We object to the approval as requested for the reason(s) stated below:

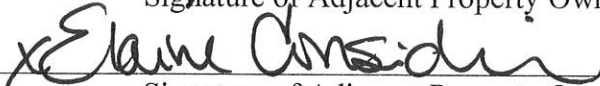
COMMENTS: RECENTLY RETIRED & MOVED TO LOCATION FOR
A QUITE NEIGHBORHOOD. KIDS ALL AROUND US PREVIOUS
LOCATION.

Telephone Number: (201) 264-6720

SIGNATURES OF PROPERTY OWNERS:


Signature of Adjacent Property Owner5/6/26

Date


Signature of Adjacent Property Owner5/6/26

Date

REGIONAL PLANNING COMMISSION
PUBLIC HEARING MINUTES
Conference Call Included
July 2, 2026

The following members were present:

David Peterman
Peter Servon
Denise Kaercher
Glenn Gauvry
Delbert Mills
Paul Davis
Bill Jester

Also present:

Sarah Keifer - Director of Planning
Tanner Jameson - Attorney

C-26-04 McCoy, Bianca & Tyrel: Request for Conditional Approval of a Home Occupation (Daycare) located inside the Growth Zone Overlay District / Parcel # SM-00-140.02-01-53.00-000

Application	:	C-26-04
Applicant/Owner	:	Bianca & Tyrel McCoy 178 Elm Crest Ln. Felton, DE 19943
Present Zoning District	:	AC (Agricultural Conservation)
Relation to Growth Zone	:	Inside
Present Use	:	Residential
Proposed Use	:	Same with a Home Day Care
Levy Court District	:	4 th – Scott
School District	:	Lake Forest
Fire District	:	Frederica
Area and Location	:	0.31± acres on the north side of Elm Crest Ln., being Lot 148 in the Weatherstone Crossing subdivision, approximately 125 ft. east of Weatherstone Ln., west of Frederica.
Property Identification Number	:	SM-00-140.02-01-53.00-000

Mr. Jester: Is there someone here to represent this? I'll ask you when you come to the mic that you give us your name and your address and our attorney will either affirm you or swear you in.

Bianca McCoy: Hi, I'm Bianca McCoy. This is my husband's. We are at 178 crest Lane in Felton Delaware 19943.

Mr. Jameson: And do you both swear or affirm that the testimony you're about to give tonight will be the truth?

Mrs. McCoy: Yes. Good evening. My name is Bianca McCoy, this is my Husband's Roh McCoy. I am requesting approval to operate a licensed family childcare program from my home. I am opening kids or Foundation Academy to provide us to safe reliable childcare for families in our community. Many locals struggle to find quality childcare that meets their needs. My goal is to provide a safe nurturing and educational environment where children can learn, grow while parents are at work. I understand the concerns that neighbors may have regarding traffic noise and safety I have developed an operations plan to ensure that the daycare operates responsibly and respectfully within the neighborhood. Child arrivals and departures will be staggered as much as possible. Parents will be instructed where to park and not to block driveways or roadways. Children will remain supervised at all times while arriving and departing. Outdoor play will be conducted in a safe and controlled manner. The program will follow all Delaware Childcare licensing requirements, including supervision, emergency preparedness, health and safety standards, and staff training requirements. The daycare will serve a limited number of children as permitted by the Delaware licensing regulations. This is not a commercial center, but a small family childcare program operates from my residents. I am committed to being a good neighbor and maintaining the appearance, safety and character of our community. I believe this program will provide an important service to all local families while having minimal impacts around the surrounding properties. Thank you for your time and consideration. I respectfully ask the board to approve my application.

Mr. Jester: I do have a couple of questions. Do you agree with all staff recommendations?

Mrs. McCoy: Yes.

Mr. Jester: And your hours of service for this particular home daycare?

Mrs. McCoy: 08:00 A.M. to 8pM.

Mr. Jester: Seven days or six days a week?

Mrs. McCoy: Five days.

Mr. Jester: Thank you very much. Does any just a couple questions.

Mr. Gauvry: The age group, I think it was nine students at any one time, is that right?

Mrs. McCoy: That is the maximum, but for me reading the zoning where it would be eight because zoning and of course Delaware licensing are different. So, when I spoke with licensing because of my square footage, they were only saying eight and that is with after school meaning they will only be there part time. And the age group tends to be six weeks to twelve years

Mr. Gauvry: OK. And the last question is that one of the letters that we got in opposition had to do with a couple that had retired and so my question really is because I, do think that we need more daycare facilities and so my question is, the composition of the community that you live in has sufficient number of children within the age group that you're going to be addressing, where if they so choose, they could come to you or is this primarily a retirement community?

Mrs. McCoy: So NO, this is actually a family community. If you come, it's kids riding their bikes, we have a playground which is literally a block from my house. It's kids of all ages I've actually, we have a facebook group I've actually had three parents reach out to me because on the Facebook group everybody was asking, they were asking, do you know any childcare centers around because the ones we've looked, they're all full and it's a waiting list and I said, well, I'm working on trying to get one open so they're saying, oh, well, when, if you get it open or when, please let us know because it's a waiting list and it's not known available so that was really my goal. I'm like, I I've worked in childcare and for education for over 20 years, but back in Pennsylvania, so this will be my 1st time in Delaware. So I felt like it was a calling when I seen that and I told my husband I said, Oh my gosh, they're asking about childcare, do you think we should look into it? Do you think we should look into it? And he was like, you know, that's your calling, you've been in childcare for 20 years. I don't know why your question that

Mr. Gauvry: So that's great. So, I mean basically if you live in this community having children. Isn't something that shouldn't surprise you?

Mrs. McCoy: No, NO. Our neighbor has three children. The two their neighbor two doors down has grandkids over. They go in the pond and fish all the time. So it's a community, it's a family community, it's not a retirement community. I do understand that, you know, at older you. You want to go to a more settling community, but unfortunately our community is a family community, it's not a retirement and there's kids all around, all around.

Mr. Gauvry: Great, thank you very much.

Mr. Peterman: Are these kids going to be in the house all day long?

Mrs. McCoy: This is an in-home, so they will be in the home, yes.

Mr. Peterman: Do you have a fenced in yard?

Mrs. McCoy: I do have a back yard. I do not have it fenced in but I do have what is called a privacy screen where NO one will be able to see the children, so they will be in an area where they are pretty much screened in from my back door to outside.

Mr. Jester: Any other questions for the commissioners? If not, we thank you very much. Now I'll ask, is there anyone else here who would like to speak in favor of this this application? 3rd and final call. Is there anyone else here in favor of this application? Is there anybody on their phone?

Unidentified caller on the phone: Can you hear me? I'm on the phone. Can you hear me? I am on the phone.

Mrs. Keifer: Yes, we can.

Unidentified caller on phone: Okay, what is the address for this day care?

Mr. Jester: 178 Elmcrest Lane and Delaware.

Unidentified caller on phone: Okay, thank you.

Mr. Jester: Thank you. Is there anyone else on the, on the phone that's in favor of this application would like to speak again. Is anyone here that's against this application would like to speak? Anyone else against this application would like to speak? Is there anyone on the phone that's against this application would like to speak? Okay cause when I ask you that, you just answered that question and I'll know. Okay now that we have NO other questions for her against this that we'll be taking this application up at next week's meeting. Thank you all very much.

MEMORANDUM

KENT COUNTY DEPARTMENT OF
PLANNING SERVICES
555 BAY ROAD
DOVER, DELAWARE 19901



TO: Levy Court Commissioners

CC: Kevin Sipple, County Administrator

FROM: Sarah E. Keifer, AICP, Director, Department of Planning Services

DATE: July 21, 2026

SUBJECT: Resolution 4174 – Griffith Lake Estates Stormwater Maintenance District

Attached, please find Resolution 4174 creating the Griffith Lake Estates Stormwater Maintenance District. The Stormwater Maintenance District ordinance calls for communities interested in joining the program to first submit a letter of intent which triggers a review of the stormwater system by the Kent Conservation District (KCD), including the development of a conditions assessment and draft Operation and Maintenance Plan. Once any deficiencies in the system are addressed and the petition is completed and verified, the ordinance calls for the Levy Court to conduct a public hearing to consider creating the District.

A majority of the lot owners (7 of 11 lots, or 63.6%) have signed the petition in the affirmative; the signatures have been verified by the planning staff; all necessary repairs required by KCD have been completed; and the Operation and Maintenance Plan has been finalized. Given that the proposed effective date of the Resolution is July 21, 2026, billing will commence with the August 2026 tax bill at the rate adopted in Chapter 128, Fee Schedules. All subsequent billing will occur annually at the assessed rate set by Kent County Levy Court.

Staff suggests the following motion:

Finding that the proposed stormwater maintenance district expansion is adequate and appropriate; that all of the property owners within the district are benefited directly or indirectly thereby; and that it is in the public interest to extend the stormwater

maintenance district in the manner proposed, I move to approve Resolution 4174 creating the Griffith Lake Estates Stormwater Maintenance District.

Please do not hesitate to contact me directly with any questions or concerns prior to the meeting.

Thank you.

Enclosures:

- Resolution 4174 and Map 1
- KCD Final Assessment Report with Operation and Maintenance Plan

INTRODUCED BY: R. Scott
INTRODUCTION DATE: June 23, 2026
PUBLIC HEARING DATE: July 21, 2026
PUBLIC HEARING TIME: 7:00 p.m.
EFFECTIVE DATE: Upon Adoption

RESOLUTION NO. 4174

A RESOLUTION TO EXTEND THE KENT COUNTY STORMWATER MAINTENANCE DISTRICT PURSUANT TO CHAPTER 52, TITLE 9 OF THE DELAWARE CODE AND SECTION 90.4.E(10), CHAPTER 187 OF THE KENT COUNTY CODE

“Griffith Lake Estates”

WHEREAS, pursuant to 9 DEL. C. §5202 et. seq. and Chapter 187 §90.4.E.(1) of the Kent County Code, a Petition to extend the stormwater maintenance district for the areas known as Griffith Lake Estates, lots 1 through 11, has been submitted by a majority of the affected real property owners within the proposed district; and

WHEREAS, pursuant to Chapter 187 §90.4.E.(2), the Kent Conservation District inspected the stormwater management facilities for the proposed stormwater maintenance district, identified required repairs, and developed an Operation and Maintenance Plan; and

WHEREAS, all required repairs have been completed and inspected by the Kent Conservation District; and

WHEREAS, pursuant to 9 DEL. C. §5203 et. seq. and Chapter 187 §90.4.E.(9) of the Kent County Code, notices of the public hearing were posted and published containing a description of the area to be included within the proposed extended district and specifying the time and place where Levy Court would meet to consider the matter and hear all parties interested therein; and

WHEREAS, a public hearing was conducted on July 21, 2026, a full discussion of the matter was had, and all persons for and against the extension of the Stormwater Maintenance District – Griffith Lake Estates were heard; and

NOW, therefore, upon the evidence assembled and developed by the Levy Court and upon the evidence given at said hearing, and after due consideration of the maps and plans, reports, recommendations, and other data,

BE IT RESOLVED as follows:

1. That the proposed stormwater maintenance district expansion is adequate and appropriate;
2. That all of the property owners within the district are benefited directly or indirectly thereby; and
3. That it is in the public interest to extend the stormwater maintenance district in the manner proposed.

BE IT FURTHER RESOLVED:

1. That the Kent County Stormwater Maintenance District is hereby extended to include Griffith Lake Estates as described and delineated on Map 1 attached hereto;

2. That the stormwater maintenance infrastructure within Griffith Lake Estates, exclusive of that within Delaware Department of Transportation right-of-way, shall be maintained in accordance with the Operation and Maintenance Plan attached hereto and that maintenance shall include regular minor and major maintenance as well as emergency repairs as needed, as defined by Chapter 187 §90.4.B. of the Kent County Code;
3. That said Operation and Maintenance Plan may be revised upon the concurrence of the Stormwater Maintenance District Technical Advisory Committee;
4. That the County government shall assess the cost of maintaining the stormwater infrastructure in said district as a stormwater maintenance tax against all lots and parcels of land therein at the initial cost determined by the Levy Court per parcel per year. Billing will commence with the August 2026 tax bill at the rate adopted in Chapter 128, Fee Schedules. All subsequent billing will occur annually at the assessed rate set by Kent County Levy Court;
5. That the inclusion of Griffith Lake Estates within the Stormwater Maintenance District and the resulting infrastructure maintenance managed by the County shall take precedence over any homeowner obligation for stormwater management included in Declarations of Restrictions or similar development agreements. Any common open space or infrastructure within a community not maintained as part of a stormwater maintenance district shall remain the responsibility of the homeowners;
6. A perpetual easement agreement for Griffith Lake Estates granting the Stormwater Maintenance District access for the inspection and maintenance of the stormwater maintenance infrastructure has been recorded with the Recorder of Deeds Office;
7. The Levy Court may, without further public hearing, consolidate two (2) or more Stormwater Maintenance Districts into a single district; and
8. That this resolution shall become effective upon adoption.

ADOPTED BY THE LEVY COURT OF KENT COUNTY, DELAWARE

JOANNE MASTEN, KENT COUNTY LEVY COURT

DATED THIS _____ DAY OF _____, A.D. _____

ATTEST:

KENT COUNTY CLERK OF THE PEACE

SYNOPSIS

This Resolution establishes the Griffith Lake Estates Stormwater Maintenance District. This Resolution includes only residential properties within the described district and authorizes the County to direct the Kent Conservation District to maintain the Griffith Lake Estates stormwater infrastructure in accordance with the applicable Operation and Maintenance Plan. This Resolution further authorizes the County to establish a stormwater maintenance fee to be levied against all properties within the described stormwater district, pro-rata, and bill annually. The initial per unit annual fee for inclusion in the Stormwater Maintenance District will be determined based on the assessed rate set by the Kent County Levy Court. In the event of a discrepancy between the written description and Griffith Lake Estates Stormwater Maintenance District Map No. 1, the map shall govern.

Parcel Numbers:

5-00-18202-01-0100-00001
5-00-18202-01-0200-00001
5-00-18202-01-0300-00001
5-00-18202-01-0600-00001
5-00-18202-01-0700-00001
5-00-18202-01-0800-00001
5-00-18202-01-0900-00001
5-00-18202-01-1000-00001
5-00-18202-01-1100-00001
5-00-18202-01-1200-00001
5-00-18202-01-1300-00001



Kent County Levy Court

Map 1

Resolution 4174
Griffith Lake Estates

LOCATION AND ZONING MAP

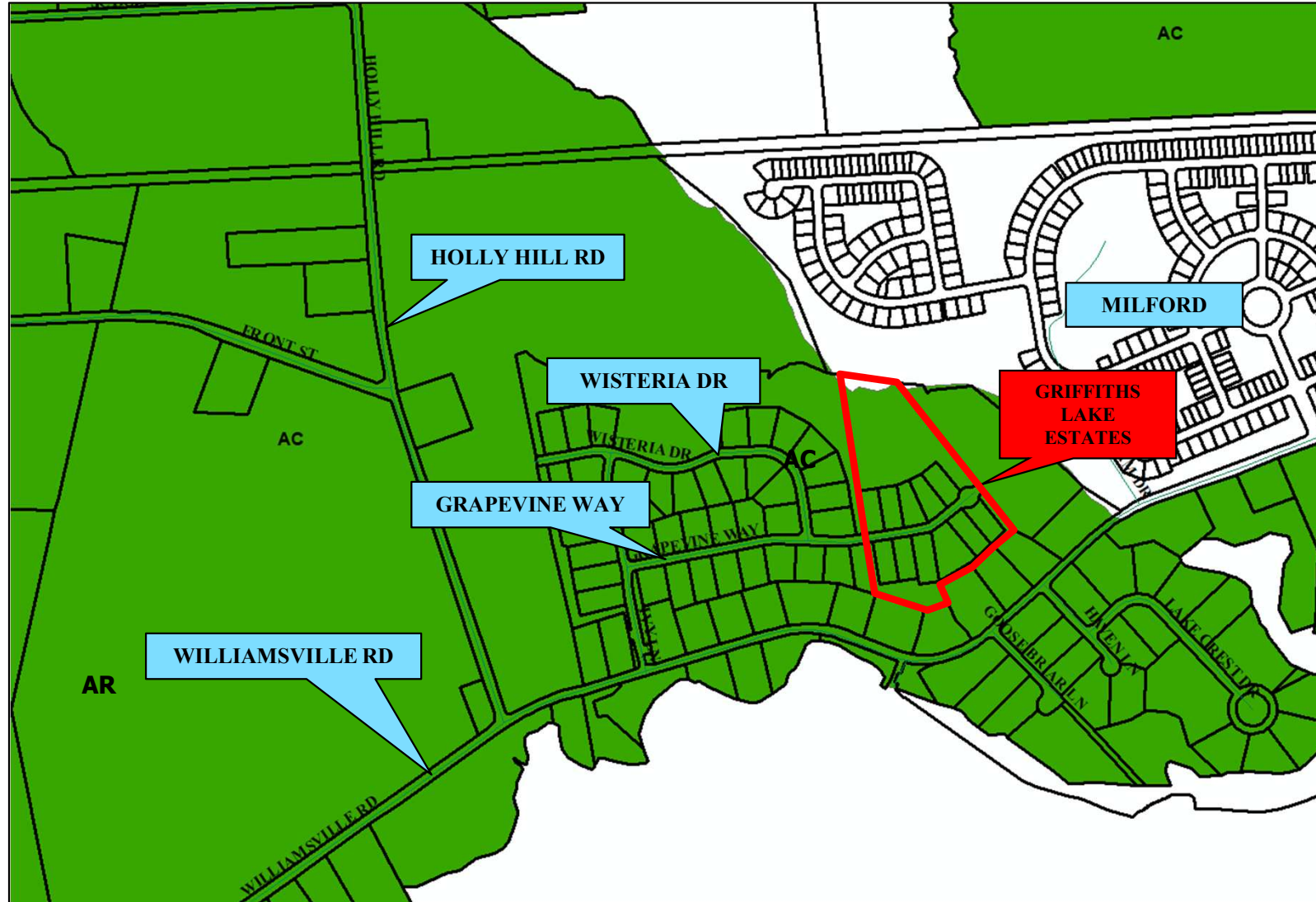
Stormwater
Maintenance
District

Levy Court District:
4th - Scott

Location:

Located on the north
and south side of
Grapevine Way,
approx. 290 ft., east
of Wisteria Dr., west
of Milford

Number of Lots:
11





KENT CONSERVATION DISTRICT

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

January 7, 2026

Griffith Lake Estates HOA
C/O Michelle Sylvester
PO Box 778
Milford, DE 19963

RE: Griffith Lake Estates
Stormwater Facility Assessment Report

Dear Commissioners:

The community of Griffith Lake Estates has applied to join the Kent County Stormwater Maintenance District (SWMD.) As a part of that process, the Kent Conservation District has performed a stormwater facility assessment and prepared a proposed operation and maintenance plan. The assessment report, proposed operation and maintenance plan, along with photos and location maps are attached.

The community of Griffith Lake Estates contains two infiltration basins. The facilities are in good condition.

The operation and maintenance plan proposes establishing a turf condition on the slopes and basin floor to reduce maintenance cost for both the community and the SWMD.

The Kent Conservation District recommends that this community be allowed to join the Stormwater Maintenance District. Please feel free to contact our office if you have any questions.

Sincerely,

KENT CONSERVATION DISTRICT

Jared C. Adkins, P.E.,
Sediment & Stormwater Program Manager

cc: Sarah Keifer, AICP – Kent County
Michelle Sylvester-Griffith Lake Estates Home Owners Association

Stormwater Facility Assessment Report

Griffith Lake Estates

Background

The community of Griffith Lake Estates was constructed in 2022 by Timber Lake Homes. Griffith Lake Estates is located west of Milford, off of Williamsville Road. It is an extension of the community of Country Lake at the end of Grapevine Way and contains eleven lots.

Stormwater Facilities

Griffith Lake Estates is served by two stormwater facilities: both infiltration basins. As-built drawings for the two infiltration basins were submitted to the Kent Conservation District. A review of the as-builts found them to be built within acceptable tolerances.

Infiltration Basin 1: This basin is located on the south side of Grapevine Way behind the homes to the right of the community entrance. Infiltration Basin 1 has a single inlet swale, a 23,443 s.f. (0.54 acres) storage capacity and has a 3.69 acre drainage area.

Infiltration Basin 2: This basin is located to the north of the cul-de-sac at the end of Grapevine Way. Infiltration Basin 2 has one inlet swale, a 18,854 s.f. (0.43 acres) storage capacity and has a 4.21 acre drainage area.

Assessment Results

On December 9, 2025, Kent Conservation District staff inspected the stormwater facilities.

Infiltration Basin 1 – At the time of the inspection, no water was within the facility. The banks were in generally good condition. There was evidence of water laying on the basin floor for extended periods before infiltration. The facility is being mowed on a regular basis and is kept in turf condition.

Infiltration Basin 2 – At the time of the inspection, no water was within the facility. The banks were in generally good condition. There was evidence of a washout occurring behind the mailboxes, but it appears stable. The facility is being mowed on a regular basis and is kept in turf condition.

Additionally, the roadside swales and driveway pipes throughout the community showed signs of sedimentation.

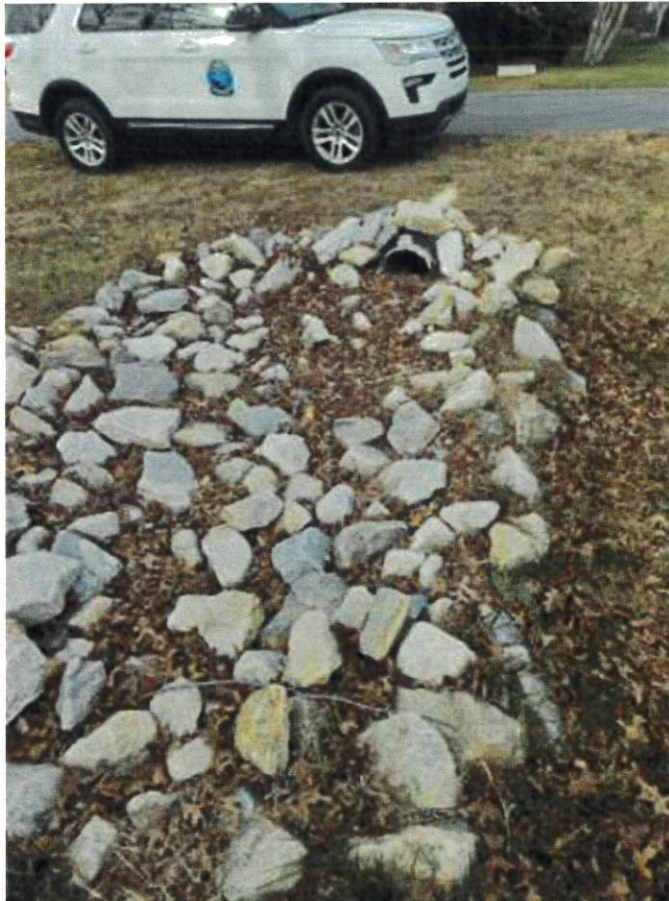
Maintenance Needed

No maintenance is needed on the facilities.

However, we recommend that property owners routinely clean out the pipes under their driveways to allow water to reach the facilities.

Proposed Operation and Maintenance Plan

The proposed Operation and Maintenance Plan is attached. For the infiltration basins, we recommend cutting the slopes and basin floor on a regular basis to prevent tree growth. Grass can be kept at 4-6 in to prevent erosion and cut down on mowing costs. Any bare spots within the facility should be reseeded. Trash should be removed on a regular basis.



Road Culvert into Infiltration Basin 1.



Infiltration Basin 1 looking east.



Infiltration Basin 2 inlet pipe.



Stable erosion at inlet swale to Basin 2.



Infiltration Basin 2 looking north.

**KENT COUNTY STORMWATER MAINTENANCE DISTRICT
OPERATION AND MAINTENANCE PLAN
INFILTRATION BASIN**

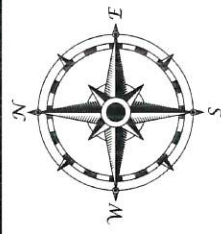
Performed by Kent Conservation District	
Bi-annually	Perform comprehensive inspection of all components of the stormwater management facility. Prepare inspection report and deliver to HOA.

Routine Maintenance Items by HOAs	
As needed	- Mow infiltration basin and vegetated filter strips as necessary and remove the clippings. - Ensure that the contributing drainage area, inlets, and facility are clear of trash and debris. - Perform spot-reseeding of bare areas as needed.
Quarterly or after major storms (>1 inch of rainfall)	Check basin bottom 3 days after storm events over 1/2 inch. Standing water observed after three days is a indication of clogging.

Minor and Major Maintenance Items by Stormwater Maintenance District	
Bi-annually	- Clean out accumulated sediments from the forebay. - Remove accumulated sediment from inflow points and check dams. - Refresh or replace rip-rap aprons at inflow points as needed. - Repair undercut and eroded areas. - Maintain or replace stone check dams as needed.
Every 5 to 25 years	- Recondition basin bottom to restore infiltration capacity. - Reconstruct as needed.

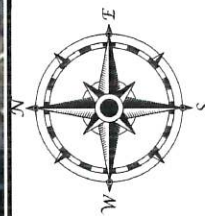


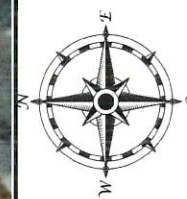
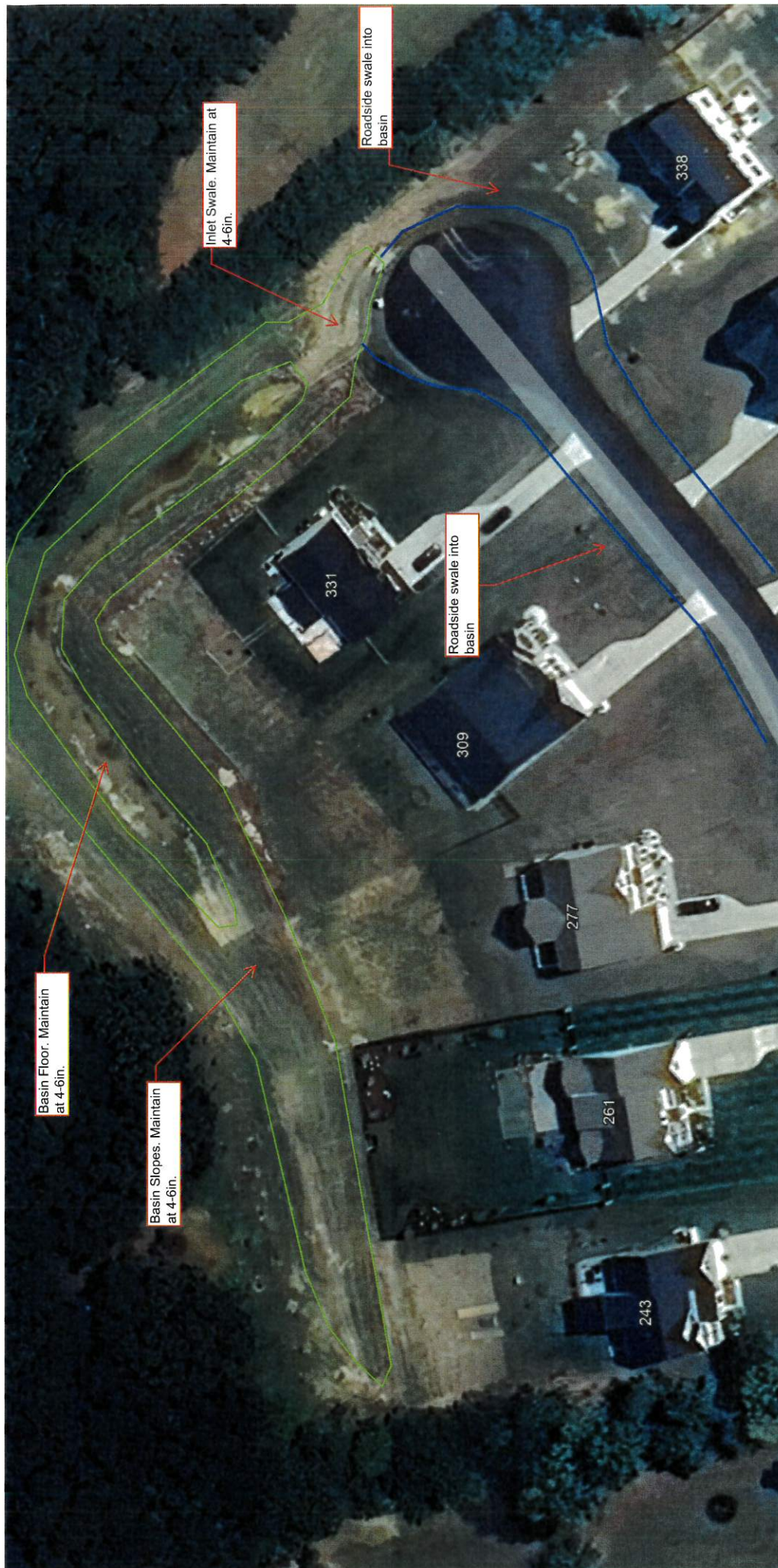
Griffith Lake Estates Overall Site Map





Griffith Lake Estates Infiltration Basin 1





Griffith Lake Estates Infiltration Basin 2





OFFICE OF THE COUNTY ADMINISTRATOR

MEMORANDUM

TO: Levy Court Commissioners
FROM: Kevin R. Sipple, County Administrator
SUBJECT: Introduction of Kent County Vehicle GPS and Camera Systems Policy
DATE: June 30, 2026

Commissioners,

Attached for your review and consideration is the proposed Kent County Vehicle GPS and Camera Systems Policy.

Over the past several months, staff has evaluated the implementation of a County-wide GPS and forward-facing camera system for County-owned vehicles. This initiative is intended to enhance employee safety, improve fleet management, strengthen accountability, reduce liability exposure, and provide valuable operational information while protecting both County employees and County assets.

The proposed policy establishes clear guidelines governing the installation, use, monitoring, and administration of GPS tracking devices and vehicle camera systems. It is designed to ensure these technologies are utilized responsibly, consistently, and in compliance with applicable laws, County personnel policies, and collective bargaining obligations.

Several key principles of the policy include:

- Establishing GPS and forward-facing cameras as tools primarily intended to improve employee safety, operational efficiency, and risk management.
- Providing additional protection for employees by allowing recorded data to help resolve complaints, document incidents, and exonerate employees when allegations are inconsistent with recorded information.
- Limiting access to GPS and camera data to authorized personnel with a legitimate business need.
- Clarifying that these systems are not intended to serve as the primary tool for routine employee discipline or performance monitoring, while recognizing that data

may be reviewed when necessary for significant operational, safety, legal, or administrative matters.

- Requiring employees to properly operate County vehicles and prohibiting tampering with monitoring equipment.
- Establishing procedures for data retention, confidentiality, and lawful disclosure.

Implementation of this program represents an investment in both our employees and our operations. Similar technologies have become standard practice in local governments across the country, providing valuable tools for improving safety, protecting public resources, enhancing fleet management, and reducing insurance and liability costs.

Staff believe this policy strikes an appropriate balance between operational oversight and employee privacy while providing a clear framework for the responsible use of GPS and vehicle camera technology.

I respectfully request that Levy Court review the attached policy and consider its adoption. Staff will be available to answer any questions and discuss the policy during the meeting.

Respectfully submitted,

Kevin Sipple

County Administrator

Recommended Motion:

“I move to approve proposed Policy P26-01, establishing a Kent County Vehicle GPS and camera Systems Policy as presented and authorize the County Administrator to implement the policy and take all actions necessary for its administration and implementation.”

KENT COUNTY LEVY COURT POLICY (NEW) P26-01

INTRODUCED BY: Commissioner Allan F. Angel

ADOPTION DATE:

EFFECTIVE DATE: Upon adoption

§ TBD. Kent County Vehicle GPS and Camera Systems Policy.

Purpose

The purpose of this policy is to establish guidelines for the installation, use, monitoring, and management of Global Positioning System (GPS) tracking devices and vehicle camera systems, as warranted, in designated Kent County-owned vehicles. The County recognizes that these systems can improve employee safety, vehicle accountability, operational efficiency, risk management, and protection of County assets.

Policy Statement

Kent County reserves the right to install and utilize GPS tracking devices and camera systems in County-owned vehicles for legitimate governmental and operational purposes. Employees should be aware that County-owned vehicles equipped with GPS and camera systems are subject to monitoring for the legitimate business purposes outlined in this policy. The primary purpose of GPS and vehicle camera systems is to enhance employee safety, improve operational awareness, protect employees from false complaints, support fleet management, and safeguard County assets. These systems are not intended to serve as a primary tool for routine employee discipline or performance monitoring.

The County will utilize these systems in a professional, reasonable, and lawful manner consistent with applicable laws, regulations, collective bargaining agreements, and County personnel policies. Implementation for bargaining-unit employees shall occur only as permitted by applicable collective bargaining agreements and labor law.

Scope

This policy applies to all employees, volunteers, temporary staff, contractors, and authorized users operating County-owned vehicles equipped with GPS tracking devices and/or camera systems.

The County Administrator, in conjunction with the relevant Department Head, may determine which vehicles will be equipped with GPS and/or camera technology based on

operational needs, risk management considerations, public safety functions, fleet management, or other administrative purposes.

Authorized Uses

GPS and camera systems may be utilized for purposes including, but not limited to:

- Enhancing employee and public safety
- Protecting County employees from false complaints or allegations
- Monitoring vehicle location and utilization
- Improving fleet efficiency and route management
- Monitoring driver behavior and vehicle operation
- Assisting with accident investigations
- Supporting maintenance scheduling and vehicle diagnostics
- Verifying payroll, work assignments, and time reporting
- Investigating misuse of County vehicles or violations of County policy
- Supporting emergency response and operational coordination
- Reducing liability exposure and insurance claims

Camera Systems

At implementation, Kent County vehicles will utilize forward-facing cameras only. Interior-facing cameras and audio recording are not authorized unless separately approved and implemented in accordance with applicable County policy, labor obligations, and legal requirements.

Employee Responsibilities

Employees operating County vehicles shall:

- Operate County vehicles in a safe and professional manner
- Comply with all traffic laws and County vehicle policies
- Not tamper with, disable, obstruct, disconnect, or otherwise interfere with GPS or camera equipment
- Promptly report malfunctioning equipment to their supervisor
- Understand that GPS and camera data may be reviewed as part of routine operations or investigations

Unauthorized tampering with County monitoring equipment will result in disciplinary action.

Data Access and Confidentiality

GPS and camera data are County records and shall be maintained in accordance with applicable records retention requirements and County procedures.

Access to system data shall be limited to authorized personnel with a legitimate business need, including but not limited to:

- County Administrator
- Department Directors
- Human Resources
- Information Technology staff
- Legal Counsel
- Supervisors conducting administrative reviews or investigations

Data may also be disclosed as required by law, court order, subpoena, Freedom of Information Act requirements, insurance claims, law enforcement investigations, or other authorized governmental purposes. Public disclosure of GPS, video, or related data shall be coordinated through the County's established public records process and may be subject to redaction or withholding where permitted or required by law.

Monitoring and Review

The County reserves the right to monitor, review, retrieve, and utilize GPS and camera system data at any time for legitimate business or governmental purposes. GPS and camera data may be reviewed during investigations involving accidents, safety events, complaints, or allegations of misconduct. The County does not intend to utilize these systems as the primary means of routine employee discipline, while reserving the right to review data when necessary for significant operational, safety, legal, or administrative matters

Collected data may be used in discipline proceedings, but employees will have an opportunity to respond consistently with County policy, applicable law, and any collective bargaining agreement.

Employee Protection

GPS and camera data may also be utilized to exonerate employees when complaints, allegations, or claims are inconsistent with the recorded information

Employee Notification

Departments utilizing GPS and/or camera systems shall notify employees assigned to affected vehicles that such systems are installed and operational. Acknowledgment of this policy shall be required as part of vehicle assignment or departmental procedures.

Retention of Data

Routine GPS and video data shall not be retained indefinitely and shall be deleted or overwritten in accordance with County retention procedures, unless preservation is required

for an investigation, complaint, accident, claim, litigation hold, public records request, or other official purpose. GPS and video data retention periods shall be established by the County based on operational needs, storage capacity, legal requirements, and records retention schedules. The County reserves the right to retain data longer when necessary for investigations, litigation, claims, or other official purposes.

Violations

Violations of this policy may result in disciplinary action up to and including termination of employment, reimbursement for damages, loss of vehicle privileges, and/or criminal prosecution when applicable.

Administration

The County Administrator, in coordination applicable Department Heads, shall have the authority to implement procedures necessary to administer this policy.

This policy may be amended at any time as deemed necessary by Kent County Levy Court

Effective Date

This policy shall become effective upon approval by Kent County Levy Court.

INTRODUCED BY: Commissioner Allan F. Angel
DATE INTRODUCED: July 21, 2026
PUBLIC HEARING DATE: August 11, 2026
HEARING TIME: 7:00 P.M.
ADOPTION DATE: _____
EFFECTIVE DATE: January 1, 2027

ORDINANCE 26-12

AN ORDINANCE AMENDING THE CURRENT KENT COUNTY CODE VOLUME I CHAPTER 68, PERSONNEL POLICY §68-21 SICK LEAVE (J). TO ESTABLISH A NEW EFFECTIVE DATE OF JANUARY 1, 2027.

WHEREAS, the Kent County Levy Court deems it advisable to amend the Kent County Code to update the Personnel Policy to reflect the calendar year basis for personal leave accrual and ensure employees are aware of changes to the personal leave benefit for nonexempt employees;

NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. §68-21 (J) Sick Leave of the Kent County Code is hereby amended to allow more time to communicate with nonexempt employees about changes to the personal leave policy as approved by Ordinance LC26-02.

Section 2. §68-21 (J) Sick Leave of the Kent County Code is now effective on January 1, 2027.

NOTE: Actual text of this chapter is attached to this document.

Section 3. This Ordinance is adopted pursuant to the powers conferred upon the Levy Court of Kent County, Delaware, in the Delaware Code, Title 9, Section 4110.

Section 4. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any or the remaining provisions.

Section 5. This Ordinance shall take effect January 1, 2027.

ADOPTED BY THE LEVY COURT
OF KENT COUNTY, DELAWARE

President, Kent County Levy Court
This 21st day of July, 2026

ATTEST: _____
Clerk of the Peace

SYNOPSIS

This ordinance amendment updates the policy with a new effective date for implementation of the benefit.

TEXT

§68-21 Sick leave (J). Full-time nonexempt employees in the classified service are eligible to take up to three working days per calendar year of personal leave for undisclosed reasons, which shall not be charged against accrued sick leave.

Suggested motion: I move to approve Ordinance LC26-11, An Ordinance Amending the current Chapter 68, Personnel Policy §68-21 (J) Sick Leave to Establish a New Effective Date of January 1, 2027.



DEPARTMENT OF COMMUNITY SERVICES

Memo

Date: July 15, 2026

To: Kevin Sipple, County Administrator

Cc: Levy Court Commissioners; Susan Durham, Finance Director

From: Jeremy Sheppard, Community Services Director

Re: Recreation Center HVAC Repair

Staff will present at the Levy Court Workshop on Tuesday, July 21, 2026, to review and discuss the required repair to the Recreation Center's HVAC chiller system.

In May 2026, staff and program participants observed that the gym temperature was noticeably warmer than normal. Upon inspection, staff noted that the main rooftop chiller was not operating as expected. A "hard reset" was performed by cycling the power, which temporarily restored function. Over the following weeks, the same issue reoccurred several times, and staff noticed through the BAS system that the unit consistently tripped at a particular time of day.

A service call was made to our contracted vendor at the time, Modern Controls, to diagnose the root cause. Their assessment determined that three of the unit's four compressors had failed. The chiller relies on two banks of dual compressors. Each bank alternates between its compressors to balance running time and reduce wear. With three compressors out of service, the system could no longer complete the scheduled switch, resulting in the chiller shutting down entirely. Staff were able to maintain cooling only by manually resetting the unit when failures occurred.

Based on Modern Controls' guidance, staff developed a plan to replace the failed compressors and associated components. Due to the projected cost, staff followed Kent County procurement policy and obtained three written quotes. These quotes were submitted to Finance for review and are attached to this memo. The lowest quote was provided by Seiberlich Trane in the amount of \$79,995.00.



DEPARTMENT OF COMMUNITY SERVICES

Staff Recommendation:

Staff recommend accepting the quote from Seiberlich Trane and proceeding with the repair as soon as possible by placing this item on the next available Levy Court Business Meeting agenda for action.

Recommended Motion:

Move to approve the vendor Seiberlich Trane to repair the Recreation Center HVAC system per their quote of \$79,995. Funds shall be expensed from the Parks Contingency Fund.

I have reviewed this memo and concur:

A handwritten signature in blue ink, appearing to read "Susan Durham", is written over a horizontal line.

Susan Durham, Finance Director

QUOTATION SUMMARY

NAME OF PROJECT:		Recreation Center Gymnasium Chiller Repair			
PROJECT NUMBER:					
KENT COUNTY DEPARTMENT OF COMMUNITY SERVICES - DIVISION OF PARKS AND RECREATION					
		Capital Project: No			RECOMMENDED FOR APPROVAL BY 
		\$79,995.00	DATE RECOMMENDED FOR AWARD -		OFFICE (***) ***.*** / FAX (***) ***.***
DESCRIPTION OF ITEMS (S): Replacement of four faulty compressors and critical components on the Rec Center gym chiller system				PLEASE SO STATE: ONE TIME PURCHASE OR CONTINUOUS PURCHASEES (IF REPETITIVE, HOW FREQUENTLY) One time purchase.	
Vendor: Siberlich Trane			1-Jul-26		
	COMPLETE (YES/NO)	TIME OPENED	#W / P	PER UNIT COST	DOLLAR AMOUNT QUOTED
Seiberlich Trane	Y		W		\$79,995.00
Diamond Mechanical Inc	Y		W		\$92,800.00
Modern Controls	Y		W		\$101,084.00



**PROPOSAL ST26-01602
TO
Kent County Rec Center**

June 30, 2026

CGAM R'Newal





Wilmington DE
66 Southgate Blvd
New Castle, DE 19720
Phone: (302) 395-0200
Fax: (302) 395-0700

June 30, 2026

Kent County Rec Center

Project Name: R'newal Chiller-1

Attention: Mike Rigby

Seiberlich Trane Energy Services is pleased to offer you this proposal for performance of the following services:

Equipment

Equipment	Manufacturer	Model Number	Serial Number
120 TON CHILLER	TRANE	CGAM120	U15E48827

R'newal™ Service Program- CGAM

A comprehensive program, available only from Trane Service, designed to prevent refrigerant leaks, compressor failures, and avoid unscheduled downtime. This process replaces worn materials, restores compressor(s) performance, and updates applicable components to current design. The CGAM R'newal™ Service program delivers Trane's original commitment of reliability and performance and is backed by a long-term factory warranty.

Included:

- On the CGAM R'newal™ compressor A & B:
 - Starter evaluation
 - Oil and refrigerant lab analysis
 - Circuit remove/transfer existing refrigerant (recovery equipment included)
- Install factory R'newal™ exchange compressors
- Depending on unit size and age, the following will be replaced:
 - High pressure cut-out switch
 - Oil filter element
 - Pressure relief valve
 - Master solenoid valve/coil
- Unit up-grades and modifications per unit schedule
- Replace existing refrigerant that was removed or transferred
- All necessary labor and rigging
- Insulate compressor motor terminals
- Install eight (8) new condenser fan motors and blades
- Install new suction temperature sensors
- Install new CH530 control panel and cover
- Start-up and system checkout
- **Factory compressor warranty (Parts and Labor)**
 - **2 year standard warranty included on compressor**
- Shipping and Handling

The compressor shall all be covered as below.

R'newal™ exchange compressor warranty;

Standard warranty on all renewed compressor is two years parts and labor. If the unit is maintained by an approved Trane Service Agreement an additional third through fifth year warranty is available for purchase.

Notes:

- ☑ R'newal™ price assumes compressor to be returned to OEM R'newal™ facility in good operating condition for core charge credit. Therefore, if returned compressor(s) is discovered to have a failed helical rotor, housing, or compressor motor, an additional charge will apply.
- ☑ The existing HCFC-410 will be re-used. If additional refrigerant is necessary, it is not included and will be billable in addition to this proposal.
- ☑ Disposition of waste oil - the owner/operator will be responsible for removal/disposal of waste oil, if necessary.
- ☑ Unless specified, upgrades to the motor starter and controls are not included in this proposal.

Price:..... \$79,995.00

Notes:

1. **Customer to provide lift to place compressors on roof**
2. Applicable taxes are not included and will be added to the invoice.
3. Any service not listed is not included.
4. Work will be performed during normal business hours

Thank you for giving us this opportunity. If you have any questions or concerns, please call me at (302) 395-0200.

Sincerely,

Jim Strusowski
Service Account Manager
Seiberlich Trane Energy Services

This agreement is subject to the attached Seiberlich Trane Terms and Conditions.

SUBMITTED BY: Jim Strusowski

Proposal Date: June 30, 2026

Service Account Manager

CUSTOMER ACCEPTANCE

Authorized Representative

Printed Name

Title

Purchase Order

Acceptance Date

SEIBERLICH TRANE ACCEPTANCE
Seiberlich Trane Energy Services

Authorized Representative

Title

Signature Date

The following "Terms and Conditions" are attached to and made a part of the Service Agreement ("Agreement") between the named Customer and Seiberlich Trane.

Seiberlich Trane's Services are furnished pursuant to and subject to the following terms and conditions, except for any Services that are the subject of a pre-existing valid written agreement currently in effect between Seiberlich Trane and Customer, in which case such written agreement shall apply.

Acceptance. A Proposal or Agreement made upon these terms is subject to Customer acceptance in writing delivered to Seiberlich Trane within thirty (30) days from the date hereof. If your order is an acceptance of a written Proposal on a form provided by Seiberlich Trane, without the addition of any other terms and conditions of sale or any other modification, this document shall be treated solely as an acknowledgment of such order, subject to credit approval. If your order is not such an acceptance, then this document is Seiberlich Trane's offer, subject to credit approval, to provide the services solely in accordance with the following terms and conditions of sale. If we do not hear from you within two weeks from the date hereof, Seiberlich Trane shall rely upon your silence as an acceptance of these terms and conditions and any performance will be pursuant hereto. Customer's acceptance of services by Seiberlich Trane will in any event constitute an acceptance by Customer of these terms and conditions.

Term and Pricing. The Term of this Agreement shall be as stated in the "Pricing & Acceptance" section hereof. This Agreement may be cancelled upon the written notice of either party to the other (for any reason or no reason) no later than thirty (30) days prior to the scheduled expiration date; provided, however, that, in the event of a cancellation by Customer, Customer shall pay to Seiberlich Trane the balance of the stated price applicable to the then current 12 month period of the Term. The Service Fee is based on performance during regular business hours.

Payment and Taxes. Payment is due net 30 days on date of Seiberlich Trane's invoice. Except as may otherwise be provided in the "Pricing & Acceptance" section, annual Service Fee amounts shall be paid in advance of performance of the Services. A service charge of 1½% on unpaid balances may be charged by Seiberlich Trane. Without liability to Customer, Seiberlich Trane may discontinue services whenever payment is overdue. In addition to the stated Price, Customer shall pay all taxes not legally required to be paid by Seiberlich Trane or, alternatively, shall provide Seiberlich Trane with acceptable tax exemption certificates. Customer shall pay all costs (including attorneys' fees) incurred by Seiberlich Trane in attempting to collect amounts due.

Termination. This Agreement may be terminated by either party upon a material breach by the other party of its obligations hereunder upon fourteen (14) calendar days prior written notice to the breaching party and the failure of the breaching party to cure the breach within such fourteen (14) day period. Notwithstanding any termination, Customer shall remain liable to Seiberlich Trane for any amounts for services provided by Trane and not then paid.

Performance. Seiberlich Trane shall perform the services described in this Agreement with respect to the listed Equipment with reasonable promptness in a workmanlike manner in accordance with industry standards generally applicable in the area. Except as otherwise provided in writing in "Scope of Services," Services will be performed during Seiberlich Trane's normal business hours and any after-hours services shall be billed separately according to then prevailing overtime or emergency labor rates. Seiberlich Trane's duty to perform under this Agreement are subject to the approval of Seiberlich Trane's credit department, are subject to Events of Force Majeure, and contingent upon the ability to procure materials from the usual sources of supply. Upon disapproval of the credit department or upon the occurrence of any such event as aforesaid, Seiberlich Trane may delay or suspend performance or, at its option, renegotiate the Price, and/or terms and conditions with the Customer. If Seiberlich Trane and Customer are unable to agree on such revisions, this Agreement shall be cancelled without any liability, other than Customer's obligation to pay for services rendered by Seiberlich Trane to the date of cancellation. This Agreement presupposes that all major pieces of equipment are in proper operating condition as of the date hereof. Services furnished are premised on the Equipment being in a maintainable condition. In no event shall Seiberlich Trane have any obligation to replace Equipment that is no longer maintainable. If initial or seasonal start-up is included in the services, or an inspection by Seiberlich Trane prior to commencement of the services, indicates repairs are required, Seiberlich Trane will provide a quotation for such repairs. If Customer does not authorize such repairs, Seiberlich Trane may remove the unacceptable Equipment from the "Equipment Coverage" or "Scope of Services" sections of this Agreement and adjust the Price accordingly, or at Seiberlich Trane's option, cancel this Agreement. During the Term, Seiberlich Trane may elect to install/attach to Customer equipment or provide portable devices (hardware and/or software) for execution of control or diagnostic procedures. Such devices shall remain the personal proprietary property of Seiberlich Trane and in no event shall become a fixture of customer locations. Customer shall not acquire any interest, title or equity in any hardware, software, processes, and other intellectual or proprietary rights to devices used in connection with providing service on Customer equipment. Seiberlich Trane reserves the right to remove such items at its discretion.

Customer Obligations. Customer shall:

- Provide Seiberlich Trane reasonable and safe access to all Equipment;
- Reimburse Seiberlich Trane for services, repairs, and/or replacements performed by Seiberlich Trane beyond the "Scope of Services" or otherwise excluded hereunder. Such reimbursement shall be at the then prevailing overtime/holiday rates for labor and prices for materials and may at Seiberlich Trane's option be subject to a separate written agreement prior to its undertaking such work; and
- Unless water treatment is expressly included in Seiberlich Trane's Scope of Services, provide professional cooling tower water treatment in accordance with any reasonable recommendations provided by Seiberlich Trane.

Exclusions. Unless expressly included in "Scope of Services" or "Equipment Coverage," the services to be provided by Seiberlich Trane do not include, and Seiberlich Trane shall not be liable for, any of the following:

- Any guarantee of room conditions or system performance;
- Inspection, maintenance, repair, replacement of or services for: chilled water and condenser water pumps and piping; electrical disconnect switches or circuit breakers; motor starting equipment and interconnecting power wiring; recording or portable instruments, gauges or thermometers; any pipe covering or insulation containing asbestos, or non-maintainable parts of the system, including, but not limited to, unit cabinets, shells, ductwork, electrical wiring, hydronic piping, structural supports, boiler refractory material and shells, storage tanks and similar items; the appearance of decorative casing or cabinets; damage sustained by other equipment or systems; and/or any failure, misadjustment or design deficiencies in other equipment or systems;
- Repairs or replacement of parts made necessary as a result of electrical power failure, low voltage, burned out main or branch fuses, low water pressure, vandalism, misuse or abuse, improper operation, unauthorized alteration of Equipment, accident, negligence of Customer or others, damage due to freezing weather, calamity or malicious act;
- Any damage or malfunction resulting from freezing, contamination, corrosion or erosion on the water side of the equipment or caused by scale or sludge on internal tubes except where water treatment protection services are provided by Seiberlich Trane as part of this agreement;
- Furnishing any items of equipment, material, or labor/labour, or performing special tests recommended or required by insurance companies or federal, state, or local governments;
- Failure or inadequacy of any structure or foundation supporting or surrounding the Equipment or any portion thereof;
- Building access or alterations that might be necessary to repair or replace Customer's existing equipment; The normal function of starting and stopping the Equipment or the opening and closing of valves, dampers or regulators normally installed to protect the Equipment against damage;
- Any responsibility for design or redesign of the system or the Equipment, obsolescence, safety tests, or removal or reinstallation of valve bodies and dampers;
- Any services, claims, or damages arising out of Customer's failure to comply with its obligations under this Agreement;
- Any claims, damages, losses, or expenses, arising from or related to conditions that existed in, on, or upon the premises before the effective date of this Agreement ("Pre-Existing Conditions"), including, without limitation, damages, losses, or expenses involving pre-existing building envelope issues, mechanical issues, plumbing issues, and/or indoor air quality issues involving mold/mould and/or fungi; and
- Any claims, damages, losses, or expenses, arising from or related to work done by or services provided by individuals or entities that are not employed by or hired by Seiberlich Trane.

Warranties. (a) Labor is warranted (to have been properly performed) for a period of 90 days from completion and Seiberlich Trane's obligation under this warranty is limited to correcting any improperly performed labor and (b) equipment and/or parts are not warranted by Seiberlich Trane, but shall have such warranties as are extended to Seiberlich Trane by the respective manufacturer. **THE WARRANTY AND LIABILITY SET FORTH IN THIS SECTION ARE IN LIEU OF ALL OTHER WARRANTIES AND LIABILITIES, WHETHER IN CONTRACT OR IN NEGLIGENCE, EXPRESS OR IMPLIED, IN LAW OR IN FACT, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE OR FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL SEIBERLICH TRANE BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL (INCLUDING WITHOUT LIMITATION LOST REVENUE OR PROFITS), OR PUNITIVE DAMAGES. NO REPRESENTATION OR WARRANTY OF MERCHANTABILITY OR FITNESS OF PURPOSE IS MADE REGARDING**

PREVENTION BY THE SCOPE OF SERVICES, OR ANY COMPONENT THEREOF, OF MOLD, FUNGUS, BACTERIA, MICROBIAL GROWTH, OR ANY OTHER CONTAMINATES. SEIBERLICH TRANE SPECIFICALLY DISCLAIMS ANY LIABILITY IF THE SCOPE OF SERVICES OR ANY COMPONENT THEREOF IS USED TO PREVENT OR INHIBIT THE GROWTH OF SUCH MATERIALS.

Indemnity and Liability. Seiberlich Trane and Customer shall indemnify, defend and hold each other harmless from any and all claims, actions, costs, expenses, damages and liabilities, including reasonable attorneys' fees, resulting from death or bodily injury or damage to real or personal property, to the extent caused by the negligence or misconduct of the indemnifying party, and/or its respective employees or agents. If the parties are both at fault, the obligation to indemnify shall be proportional to their relative fault. The duty to indemnify will continue in full force and effect, notwithstanding the expiration or early termination hereof, with respect to any claims based on facts or conditions that occurred prior to expiration or termination. **NOTWITHSTANDING ANY CONTRARY PROVISION, NEITHER PARTY SHALL BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES OF ANY NATURE (INCLUDING WITHOUT LIMITATION LOST REVENUE OR PROFITS), WHETHER CLAIMED UNDER CONTRACT, WARRANTY, NEGLIGENCE, STRICT LIABILITY OR ANY OTHER LEGAL THEORY OR FACTS, OR PUNITIVE DAMAGES.**

Asbestos and Hazardous Materials. Seiberlich Trane's services expressly exclude any identification, abatement, cleanup, control, disposal, removal or other work connected with asbestos or other hazardous materials (collectively, "Hazardous Materials"). Should Seiberlich Trane become aware of or suspect the presence of Hazardous Materials, Seiberlich Trane may immediately stop work in the affected area and shall notify Customer. Customer will be responsible for taking any and all action necessary to correct the condition in accordance with all applicable laws and regulations. Customer shall be exclusively responsible for any claims, liability, fees and penalties, and the payment thereof, arising out of or relating to any Hazardous Materials on or about the premises, not brought onto the premises by Seiberlich Trane. Seiberlich Trane shall be required to resume performance of the services only when the affected area has been rendered harmless.

Insurance. Seiberlich Trane agrees to maintain insurance in the following minimum amounts during the Term: Commercial General Liability -- \$1,000,000 per occurrence; Automobile Liability -- \$1,000,000 CSL; Workers Compensation -- Statutory Limits. If Customer has requested to be named as an additional insured under Seiberlich Trane's insurance policy, Seiberlich Trane will do so but only to the extent of Seiberlich Trane's indemnity assumed under the indemnity provision contained herein. Seiberlich Trane does not waive any rights of subrogation.

Force Majeure. Seiberlich Trane shall not be considered to be in default hereunder when a failure of performance is due to an Event of Force Majeure. An "Event of Force Majeure" shall mean any cause beyond the control of Seiberlich Trane and which by the exercise of due diligence Seiberlich Trane could not reasonably have been expected to avoid and which it has been unable to overcome. Without limiting the foregoing, "Event of Force Majeure" includes: acts of God and the public enemy; flood, earthquake, tornado, storm, fire; civil disobedience, labor disputes, labor or material shortages, or sabotage; restraint by court order or public authority (whether valid or invalid), and action or non-action by or inability to obtain or keep in force the necessary governmental authorizations, permits, licenses, certificates or approvals if not caused by the fault of Seiberlich Trane. If Seiberlich Trane is rendered unable to fulfill any of its obligations under this Agreement by reason of an Event of Force Majeure it shall give prompt written notice of such fact to Customer and Seiberlich Trane's obligations shall be suspended until removal of the Event of Force Majeure.

Services Other Than Solely Scheduled Service. If Seiberlich Trane's services hereunder are not limited solely to Scheduled Service, the following provisions shall also apply: (a) Required restoration shall be performed by Customer at its cost prior to Seiberlich Trane being obligated to perform hereunder; (b) any changes, adjustments, service or repairs made to the Equipment by any party other than Seiberlich Trane, unless approved by Seiberlich Trane in writing, may, at Seiberlich Trane's option, terminate Seiberlich Trane's obligation to render further service to the Equipment so affected; in such case no refund of any portion of the agreement Price shall be made; and (c) Customer shall (i) promptly notify Seiberlich Trane of any unusual performance of Equipment; (ii) permit only Seiberlich Trane personnel to repair or adjust Equipment and/or controls during the Term; and (iii) utilize qualified personnel to properly operate the Equipment in accordance with the applicable operating manuals and recommended procedures.

General. To the maximum extent provided by law, this Agreement is made and shall be interpreted and enforced in accordance with the laws of the state or province in which work is performed. This Agreement contains all of the agreements, representations and understandings of the parties and supersedes all previous understandings, commitments or agreements, oral or written, related to the subject matter hereof. If any part of this Agreement is deemed to be unlawful, invalid, void or otherwise unenforceable, the rights and obligations of the parties shall be reduced only to the extent required to remove the invalidity or unenforceability. Customer may not assign, transfer, or convey this Agreement, or any part hereof, without the written consent of Seiberlich Trane. Subject to the foregoing, this Agreement shall bind and inure to the benefit of the parties hereto and their permitted successors and assigns. Except as provided no modifications, additions or changes may be made to this Agreement except in writing signed by

Michael Rigby

From: Jim Strusowski <jim.strusowski@seiberlich.com>
Sent: Wednesday, July 1, 2026 9:10 AM
To: Michael Rigby
Cc: Mike Long
Subject: RE: Kent County Rec Center Chiller

4 Compressors
8 Condenser Fan Motors
4 Heaters
1 Module
1 Dynaview Enclosure
8 Fan Blades
2 Temp Sensors

Thanks again,

Jim Strusowski

Jim Strusowski
Direct Sales Leader
Seiberlich Trane Energy Services
66 Southgate Blvd.
New Castle, DE 19720
Cell: (302) 547-4622



We make buildings work better, for life!

The information in this message is the property of SEIBERLICH TRANE ENERGY SERVICES. This message is intended only for the use of the addressee named above and may contain legally privileged and/or confidential information. If you are not the intended recipient of this message, you are hereby notified that any use, dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, please notify us immediately by telephone or return e-mail and delete the message, all copies thereof and any attachments. We thank you for your cooperation.

From: Michael Rigby [mailto:michael.rigby@kentcountyde.gov]
Sent: Wednesday, July 1, 2026 8:58 AM
To: Jim Strusowski <jim.strusowski@seiberlich.com>
Cc: Mike Long <mike.long@seiberlich.com>
Subject: RE: Kent County Rec Center Chiller

This message originated from outside the organization

I see the quote states compressor A and B. Is that all 4 compressors ?

Thanks



Diamond Mechanical, Inc.

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

June 16, 2026

P-SVC-2026-5060

Kent County Park & Recs
Attn: Mike Rigby
Michael.rigby@kentcountyde.gov

SUBJECT: Chiller Compressor replacement

DMI's scope of work is as follows:

Mechanical as indicated on drawings:

- DMI will recover and dispose of approximately 174lbs of refrigerant
- DMI will disconnect, remove & dispose of (4) compressors that are not operable
- DMI will furnish and install (4) Scroll compressors from Trane
- DMI will furnish and install (4) crank case heaters
- DMI will flush all compressor piping to ensure any contaminated oil and refrigerant is removed
- DMI will furnish and install approximately 174lbs of refrigerant into the chiller
- DMI will furnish and install (1) new Trane controller screen to replace defective
- DMI will verify all connections and sequence prior to start up
- DMI will provide crane / fork lift to complete the work
- DMI will provide equipment start up to ensure repairs are successful

Mechanical Cost:

Ninety-Two Thousand Eight Hundred Dollars.....\$92,800

Conditions/Exceptions:

- Excludes roof penetrations & patching/sealing, structural steel, all electrical work, additional demo other than what is identified in scope, temporary heating & cooling, Existing ATC controls to remain,
- Price is based on work being performed during normal business hours, Monday-Friday 7:00am – 3:30pm.
- This proposal pricing is valid for 30 days
- Standard 1 year labor warranty
- Manufacturer warranties to begin upon factory start up

Thank you for the opportunity to provide this proposal. If you have any questions, please do not hesitate to contact me.

Sincerely,

Marc Patone

Marc Patone



Customer:	Kent County Parks & Rec	Proposal #	S26-0635
Contact Name:	Mike Rigby	Job Evaluation Date:	6/18/2026
Email:	michael.rigby@co.kent.de.us	Job Proposal Date:	6/18/2026
Job Description:	Trane Chiller - Compressor & Interface Replacements		

We are submitting the following proposal to replace (4) compressors, (4) contactors, and (1) interface module that serve the Trane chiller on site. (2) compressors for circuit 1B and (2) compressors for circuit 2B.

- Mobilize labor and materials to jobsite.
 - Modern will provide a crane for the removal and replacement of the compressors.
 - Reclaim refrigerant from the system as necessary.
 - Power down unit and remove (4) existing faulty compressors.
 - Remove (4) existing faulty contactors and (1) interface module.
 - Install, wire and test (4) new contactors and (1) interface module.
 - Install, wire and test (4) new compressors.
 - Purge the system with nitrogen and perform a pressure hold test to verify there are no leaks.
 - Pull a vacuum on the system and then charge each circuit to proper operating levels with refrigerant.
 - Charge circuit 1B with 86 lbs. of R410-A refrigerant.
 - Charge circuit 2B with 86 lbs. of R410-A refrigerant.
 - Verify proper operation of newly repaired chiller.
- Clarifications: Any additional refrigerant needed to charge the system to proper operating levels will be billed separately.

Labor Rate.....	\$136.50
Quoted Material Price.....	\$82,520.00
Quoted Labor Price.....	\$18,564.00
Quoted Price.....	\$101,084.00

Plus Sales Tax If Applicable

ALL PROPOSALS ARE ONLY VALID FOR 30 DAYS FROM THE DATE LISTED ABOVE

Clarifications

All work to be done during normal working hours.
Please allow 2-3 weeks for material to be available from the date of authorization.
Due to market volatility material pricing is subject to change.

Thank you for the opportunity to submit a quote on the above project. As the job progresses, we would alert you to any potential cost overruns prior to such costs being incurred. If you have any questions or need any additional information, please feel free to contact me. On acceptance of quote, please sign and e-mail to quotes@moderncontrols.com

Sincerely,

George Englesson

Service Estimator

quotes@moderncontrols.com

I accept the above contract:

Authorized Signature

Date



Diamond Mechanical, Inc.

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

June 16, 2026

P-SVC-2026-5061

Kent County Park & Recs
Attn: Mike Rigby
Michael.rigby@kentcountyde.gov

SUBJECT: Chiller Replacement

DMI's scope of work is as follows:

Mechanical as indicated on drawings:

- DMI will recover and dispose of approximately 174lbs of refrigerant
- DMI will disconnect, remove & dispose of existing chiller
- DMI will furnish and install New Trane Chiller like kind
- DMI will reconnect new chiller to existing chilled water loop
- DMI will verify all connections and sequence prior to start up from factory
- DMI will provide crane / fork lift to complete the work

Mechanical Cost:

Two Hundred Five Thousand Dollars.....\$205,000

Conditions/Exceptions:

- Excludes roof penetrations & patching/sealing, structural steel, all electrical work, additional demo other than what is identified in scope, temporary heating & cooling, Existing ATC controls to remain,
- Price is based on work being performed during normal business hours, Monday-Friday 7:00am – 3:30pm.
- This proposal pricing is valid for 30 days
- Standard 1 year labor warranty
- Manufacturer warranties to begin upon factory start up

Thank you for the opportunity to provide this proposal. If you have any questions, please do not hesitate to contact me.

Sincerely,

Marc Patone

Marc Patone

The following "Terms and Conditions" are attached to and made a part of the Service Agreement ("Agreement") between the named Customer and Seiberlich Trane.

Seiberlich Trane's Services are furnished pursuant to and subject to the following terms and conditions, except for any Services that are the subject of a pre-existing valid written agreement currently in effect between Seiberlich Trane and Customer, in which case such written agreement shall apply.

Acceptance. A Proposal or Agreement made upon these terms is subject to Customer acceptance in writing delivered to Seiberlich Trane within thirty (30) days from the date hereof. If your order is an acceptance of a written Proposal on a form provided by Seiberlich Trane, without the addition of any other terms and conditions of sale or any other modification, this document shall be treated solely as an acknowledgment of such order, subject to credit approval. If your order is not such an acceptance, then this document is Seiberlich Trane's offer, subject to credit approval, to provide the services solely in accordance with the following terms and conditions of sale. If we do not hear from you within two weeks from the date hereof, Seiberlich Trane shall rely upon your silence as an acceptance of these terms and conditions and any performance will be pursuant hereto. Customer's acceptance of services by Seiberlich Trane will in any event constitute an acceptance by Customer of these terms and conditions.

Term and Pricing. The Term of this Agreement shall be as stated in the "Pricing & Acceptance" section hereof. This Agreement may be cancelled upon the written notice of either party to the other (for any reason or no reason) no later than thirty (30) days prior to the scheduled expiration date; provided, however, that, in the event of a cancellation by Customer, Customer shall pay to Seiberlich Trane the balance of the stated price applicable to the then current 12 month period of the Term. The Service Fee is based on performance during regular business hours.

Payment and Taxes. Payment is due net 30 days on date of Seiberlich Trane's invoice. Except as may otherwise be provided in the "Pricing & Acceptance" section, annual Service Fee amounts shall be paid in advance of performance of the Services. A service charge of 1½% on unpaid balances may be charged by Seiberlich Trane. Without liability to Customer, Seiberlich Trane may discontinue services whenever payment is overdue. In addition to the stated Price, Customer shall pay all taxes not legally required to be paid by Seiberlich Trane or, alternatively, shall provide Seiberlich Trane with acceptable tax exemption certificates. Customer shall pay all costs (including attorneys' fees) incurred by Seiberlich Trane in attempting to collect amounts due.

Termination. This Agreement may be terminated by either party upon a material breach by the other party of its obligations hereunder upon fourteen (14) calendar days prior written notice to the breaching party and the failure of the breaching party to cure the breach within such fourteen (14) day period. Notwithstanding any termination, Customer shall remain liable to Seiberlich Trane for any amounts for services provided by Trane and not then paid.

Performance. Seiberlich Trane shall perform the services described in this Agreement with respect to the listed Equipment with reasonable promptness in a workmanlike manner in accordance with industry standards generally applicable in the area. Except as otherwise provided in writing in "Scope of Services," Services will be performed during Seiberlich Trane's normal business hours and any after-hours services shall be billed separately according to then prevailing overtime or emergency labor rates. Seiberlich Trane's duty to perform under this Agreement are subject to the approval of Seiberlich Trane's credit department, are subject to Events of Force Majeure, and contingent upon the ability to procure materials from the usual sources of supply. Upon disapproval of the credit department or upon the occurrence of any such event as aforesaid, Seiberlich Trane may delay or suspend performance or, at its option, renegotiate the Price, and/or terms and conditions with the Customer. If Seiberlich Trane and Customer are unable to agree on such revisions, this Agreement shall be cancelled without any liability, other than Customer's obligation to pay for services rendered by Seiberlich Trane to the date of cancellation. This Agreement presupposes that all major pieces of equipment are in proper operating condition as of the date hereof. Services furnished are premised on the Equipment being in a maintainable condition. In no event shall Seiberlich Trane have any obligation to replace Equipment that is no longer maintainable. If initial or seasonal start-up is included in the services, or an inspection by Seiberlich Trane prior to commencement of the services, indicates repairs are required, Seiberlich Trane will provide a quotation for such repairs. If Customer does not authorize such repairs, Seiberlich Trane may remove the unacceptable Equipment from the "Equipment Coverage" or "Scope of Services" sections of this Agreement and adjust the Price accordingly, or at Seiberlich Trane's option, cancel this Agreement. During the Term, Seiberlich Trane may elect to install/attach to Customer equipment or provide portable devices (hardware and/or software) for execution of control or diagnostic procedures. Such devices shall remain the personal proprietary property of Seiberlich Trane and in no event shall become a fixture of customer locations. Customer shall not acquire any interest, title or equity in any hardware, software, processes, and other intellectual or proprietary rights to devices used in connection with providing service on Customer equipment. Seiberlich Trane reserves the right to remove such items at its discretion.

Customer Obligations. Customer shall:

- a. Provide Seiberlich Trane reasonable and safe access to all Equipment;
- b. Reimburse Seiberlich Trane for services, repairs, and/or replacements performed by Seiberlich Trane beyond the "Scope of Services" or otherwise excluded hereunder. Such reimbursement shall be at the then prevailing overtime/holiday rates for labor and prices for materials and may at Seiberlich Trane's option be subject to a separate written agreement prior to its undertaking such work; and
- c. Unless water treatment is expressly included in Seiberlich Trane's Scope of Services, provide professional cooling tower water treatment in accordance with any reasonable recommendations provided by Seiberlich Trane.

Exclusions. Unless expressly included in "Scope of Services" or "Equipment Coverage," the services to be provided by Seiberlich Trane do not include, and Seiberlich Trane shall not be liable for, any of the following:

- a. Any guarantee of room conditions or system performance;
- b. Inspection, maintenance, repair, replacement of or services for: chilled water and condenser water pumps and piping; electrical disconnect switches or circuit breakers; motor starting equipment and interconnecting power wiring; recording or portable instruments, gauges or thermometers; any pipe covering or insulation containing asbestos, or non-maintainable parts of the system, including, but not limited to, unit cabinets, shells, ductwork, electrical wiring, hydronic piping, structural supports, boiler refractory material and shells, storage tanks and similar items; the appearance of decorative casing or cabinets; damage sustained by other equipment or systems; and/or any failure, misadjustment or design deficiencies in other equipment or systems;
- c. Repairs or replacement of parts made necessary as a result of electrical power failure, low voltage, burned out main or branch fuses, low water pressure, vandalism, misuse or abuse, improper operation, unauthorized alteration of Equipment, accident, negligence of Customer or others, damage due to freezing weather, calamity or malicious act;
- d. Any damage or malfunction resulting from freezing, contamination, corrosion or erosion on the water side of the equipment or caused by scale or sludge on internal tubes except where water treatment protection services are provided by Seiberlich Trane as part of this agreement;
- e. Furnishing any items of equipment, material, or labor/labour, or performing special tests recommended or required by insurance companies or federal, state, or local governments;
- f. Failure or inadequacy of any structure or foundation supporting or surrounding the Equipment or any portion thereof;
- g. Building access or alterations that might be necessary to repair or replace Customer's existing equipment; The normal function of starting and stopping the Equipment or the opening and closing of valves, dampers or regulators normally installed to protect the Equipment against damage;
- h. Any responsibility for design or redesign of the system or the Equipment, obsolescence, safety tests, or removal or reinstallation of valve bodies and dampers;
- i. Any services, claims, or damages arising out of Customer's failure to comply with its obligations under this Agreement;
- j. Any claims, damages, losses, or expenses, arising from or related to conditions that existed in, on, or upon the premises before the effective date of this Agreement ("Pre-Existing Conditions"), including, without limitation, damages, losses, or expenses involving pre-existing building envelope issues, mechanical issues, plumbing issues, and/or indoor air quality issues involving mold/mould and/or fungi; and
- k. Any claims, damages, losses, or expenses, arising from or related to work done by or services provided by individuals or entities that are not employed by or hired by Seiberlich Trane.

Warranties. (a) Labor is warranted (to have been properly performed) for a period of 90 days from completion and Seiberlich Trane's obligation under this warranty is limited to correcting any improperly performed labor and (b) equipment and/or parts are not warranted by Seiberlich Trane, but shall have such warranties as are extended to Seiberlich Trane by the respective manufacturer. **THE WARRANTY AND LIABILITY SET FORTH IN THIS SECTION ARE IN LIEU OF ALL OTHER WARRANTIES AND LIABILITIES, WHETHER IN CONTRACT OR IN NEGLIGENCE, EXPRESS OR IMPLIED, IN LAW OR IN FACT, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR USE OR FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL SEIBERLICH TRANE BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL (INCLUDING WITHOUT LIMITATION LOST REVENUE OR PROFITS), OR PUNITIVE DAMAGES. NO REPRESENTATION OR WARRANTY OF MERCHANTABILITY OR FITNESS OF PURPOSE IS MADE REGARDING**

PREVENTION BY THE SCOPE OF SERVICES, OR ANY COMPONENT THEREOF, OF MOLD, FUNGUS, BACTERIA, MICROBIAL GROWTH, OR ANY OTHER CONTAMINATES. SEIBERLICH TRANE SPECIFICALLY DISCLAIMS ANY LIABILITY IF THE SCOPE OF SERVICES OR ANY COMPONENT THEREOF IS USED TO PREVENT OR INHIBIT THE GROWTH OF SUCH MATERIALS.

Indemnity and Liability. Seiberlich Trane and Customer shall indemnify, defend and hold each other harmless from any and all claims, actions, costs, expenses, damages and liabilities, including reasonable attorneys' fees, resulting from death or bodily injury or damage to real or personal property, to the extent caused by the negligence or misconduct of the indemnifying party, and/or its respective employees or agents. If the parties are both at fault, the obligation to indemnify shall be proportional to their relative fault. The duty to indemnify will continue in full force and effect, notwithstanding the expiration or early termination hereof, with respect to any claims based on facts or conditions that occurred prior to expiration or termination. **NOTWITHSTANDING ANY CONTRARY PROVISION, NEITHER PARTY SHALL BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES OF ANY NATURE (INCLUDING WITHOUT LIMITATION LOST REVENUE OR PROFITS), WHETHER CLAIMED UNDER CONTRACT, WARRANTY, NEGLIGENCE, STRICT LIABILITY OR ANY OTHER LEGAL THEORY OR FACTS, OR PUNITIVE DAMAGES.**

Asbestos and Hazardous Materials. Seiberlich Trane's services expressly exclude any identification, abatement, cleanup, control, disposal, removal or other work connected with asbestos or other hazardous materials (collectively, "Hazardous Materials"). Should Seiberlich Trane become aware of or suspect the presence of Hazardous Materials, Seiberlich Trane may immediately stop work in the affected area and shall notify Customer. Customer will be responsible for taking any and all action necessary to correct the condition in accordance with all applicable laws and regulations. Customer shall be exclusively responsible for any claims, liability, fees and penalties, and the payment thereof, arising out of or relating to any Hazardous Materials on or about the premises, not brought onto the premises by Seiberlich Trane. Seiberlich Trane shall be required to resume performance of the services only when the affected area has been rendered harmless.

Insurance. Seiberlich Trane agrees to maintain insurance in the following minimum amounts during the Term: Commercial General Liability -- \$1,000,000 per occurrence; Automobile Liability -- \$1,000,000 CSL; Workers Compensation -- Statutory Limits. If Customer has requested to be named as an additional insured under Seiberlich Trane's insurance policy, Seiberlich Trane will do so but only to the extent of Seiberlich Trane's indemnity assumed under the indemnity provision contained herein. Seiberlich Trane does not waive any rights of subrogation.

Force Majeure. Seiberlich Trane shall not be considered to be in default hereunder when a failure of performance is due to an Event of Force Majeure. An "Event of Force Majeure" shall mean any cause beyond the control of Seiberlich Trane and which by the exercise of due diligence Seiberlich Trane could not reasonably have been expected to avoid and which it has been unable to overcome. Without limiting the foregoing, "Event of Force Majeure" includes: acts of God and the public enemy; flood, earthquake, tornado, storm, fire; civil disobedience, labor disputes, labor or material shortages, or sabotage; restraint by court order or public authority (whether valid or invalid), and action or non-action by or inability to obtain or keep in force the necessary governmental authorizations, permits, licenses, certificates or approvals if not caused by the fault of Seiberlich Trane. If Seiberlich Trane is rendered unable to fulfill any of its obligations under this Agreement by reason of an Event of Force Majeure it shall give prompt written notice of such fact to Customer and Seiberlich Trane's obligations shall be suspended until removal of the Event of Force Majeure.

Services Other Than Solely Scheduled Service. If Seiberlich Trane's services hereunder are not limited solely to Scheduled Service, the following provisions shall also apply: (a) Required restoration shall be performed by Customer at its cost prior to Seiberlich Trane being obligated to perform hereunder; (b) any changes, adjustments, service or repairs made to the Equipment by any party other than Seiberlich Trane, unless approved by Seiberlich Trane in writing, may, at Seiberlich Trane's option, terminate Seiberlich Trane's obligation to render further service to the Equipment so affected; in such case no refund of any portion of the agreement Price shall be made; and (c) Customer shall (i) promptly notify Seiberlich Trane of any unusual performance of Equipment; (ii) permit only Seiberlich Trane personnel to repair or adjust Equipment and/or controls during the Term; and (iii) utilize qualified personnel to properly operate the Equipment in accordance with the applicable operating manuals and recommended procedures.

General. To the maximum extent provided by law, this Agreement is made and shall be interpreted and enforced in accordance with the laws of the state or province in which work is performed. This Agreement contains all of the agreements, representations and understandings of the parties and supersedes all previous understandings, commitments or agreements, oral or written, related to the subject matter hereof. If any part of this Agreement is deemed to be unlawful, invalid, void or otherwise unenforceable, the rights and obligations of the parties shall be reduced only to the extent required to remove the invalidity or unenforceability. Customer may not assign, transfer, or convey this Agreement, or any part hereof, without the written consent of Seiberlich Trane. Subject to the foregoing, this Agreement shall bind and inure to the benefit of the parties hereto and their permitted successors and assigns. Except as provided no modifications, additions or changes may be made to this Agreement except in writing signed by

Michael Rigby

From: Jim Strusowski <jim.strusowski@seiberlich.com>
Sent: Wednesday, June 17, 2026 8:30 AM
To: Michael Rigby
Subject: Re: Kent County Rec Center Chiller

Send me the info on the chiller and what you like us to do. I'll pull the numbers together for you to review. If the numbers are in the ball park, I'll send someone down to take a look to verify.

No charge for the proposal.

Jim Strusowski
(302) 547-4622
Sent from my iPhone

On Jun 17, 2026, at 8:24 AM, Michael Rigby <michael.rigby@kentcountyde.gov> wrote:

This message originated from outside the organization

Jim, good morning. Here at the Kent County Rec Center I am having issues with my chiller. Apparently, there are 3 bad compressors out of 4 on this train unit. Any chance you can get me a quote for all the parts and labor to replace the 4 compressors along with a separate quote to replace entire chiller.

Does a tech need to come out to look at the unit or can I send you the specs from the unit and compressors.

Will there be a charge for requesting a quote ?

Thanks

Michael S. Rigby
Assistant Director
Kent County Levy Court
Division of Parks and Recreation
302-744-2495



Kent County

Department of Public Works

MEMORANDUM

DATE: July 21, 2026

TO: Levy Court Commissioners

FROM: Sam Bautista, P.E., Director of Public Works
Colby Harrington, Assistant Director of Public Works

RE: CHEMICAL CONTRACT: FY27 FERRIC CHLORIDE- BID AWARD

One of the key chemicals currently required in our wastewater treatment processes (both liquid and solid) is ferric chloride. The liquid treatment process uses ferric chloride in precipitation of phosphorus in the clarifiers and sand filter. Biosolids uses it to condition the waste sludge in preparation for dewatering.

An "Invitation to Bid" was publicly advertised on June 1, 2026, and June 10, 2026, in the Delaware State News for a new contract. Bid documents were requested by five (5) vendors and two (2) bid-clearing houses. A bid opening was held on June 25, 2026. One Company (PENCCO, Inc.) notified us that they were not bidding. Bids were submitted by Kemira Water Solutions, Inc. and PVS Technologies, Inc. Bid results are shown in the table below.

TABLE 1. BID SUMMARY		
BIDDER	UNIT BID PRICE	TOTAL BID
Kemira Water Solutions, INC	\$1,045.00 per dry ton	\$470,250.00
PVS Technologies, Inc.	\$1,209.00 per dry ton	\$544,050.00

Kemira Water Solutions was the lowest bidder, meeting the bid specifications and the Department has been satisfied with both Kemira's service and product. Kemira's proposed unit price of \$1,045.00 per dry ton is a decrease of \$62.75 from the previous contract extension. The FY27 budget is fully funded to cover the estimated cost for Ferric in FY27. Therefore, the Department recommends contract award to Kemira and the following motions:

1. "Move to award the two-year Ferric Chloride chemical contract to Kemira Water Solutions, Inc. at a unit bid price of \$1,045.00 per dry ton for the period from July 1, 2026, to June 30, 2028, with the option for two (2) one-year extensions. Funding shall be FY2027 Sewer Fund Operating Budget, and FY2028 Sewer Fund Operating Budget." AND
2. "Move to authorize the President of the Levy Court to execute the contract."

Reviewed and Concurred:

Susan Durham, Finance Director