

# **Sussex County Council Public/Media Packet**

**MEETING:  
October 22, 2019**

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

## COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT  
IRWIN G. BURTON III, VICE PRESIDENT  
DOUGLAS B. HUDSON  
JOHN L. RIELEY  
SAMUEL R. WILSON JR.



# Sussex County

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## SUSSEX COUNTY COUNCIL

### AGENDA

OCTOBER 22, 2019

10:00 A.M.

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes

#### Reading of Correspondence

#### Public Comments

#### Presentation – “Never Let Them Go” Campaign

#### Todd Lawson, County Administrator

1. Recognition of Retiree – Jim Hickin, Airport Manager
2. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”) OF THE CODE OF SUSSEX COUNTY TO INCLUDE A NEW ARTICLE VI, §§ 103-39 THROUGH 103-42 WHICH SHALL PERMIT THE IMPOSITION OF A LOCAL LODGING TAX OF NO MORE THAN 3% OF THE RENT FOR ANY ROOM IN A HOTEL, MOTEL OR TOURIST HOME IN THE UNINCORPORATED AREAS OF SUSSEX COUNTY”
3. Administrator’s Report

#### Hans Medlarz, County Engineer

1. Robinsonville Road Core Infrastructure, Project S19-16
  - A. Tidewater Financing Agreement
2. City of Seaford Utility Service Agreement



3. **Materials – Forcemain Consolidation at SCRWF, Project M20-11**
  - A. **Recommendation to Award**
4. **KCI Technologies, Inc. – EJCDC Base Engineering Agreement**
  - A. **Amendment 1 – Joy Beach Sewer Expansion, Project S20-12**
  - B. **Amendment 2 – Mulberry Knoll Sewer Expansion, Project S20-14**

**John Ashman, Director of Utility Planning**

1. **Request for Permission to Prepare and Post Notices**
  - A. **Milo’s Haven annexation into the Sussex County Unified Sanitary Sewer District (Millville Area)**
  - B. **Chase Oaks annexation into the Sussex County Unified Sanitary Sewer District (Angola Neck Area)**

**10:30 a.m. Public Hearing**

**“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, VII, VIII, IX, X, XA, XB, XI, XIA, XIB, XIC, XID, XIE, XIF, XII, XIII, XIV, XV AND XXVII BY AMENDING SECTIONS 115-20, 115-23, 115-29, 115-32, 115-40 115-48, 115-53, 115-56, 115-64, 115-69, 115-72, 115-75.2, 115-75.4, 115-75.9, 115-75.11, 115-80, 115-83.6, 115-83.11, 115-83.13, 115-83.18, 115-83.20, 115-83.26, 115-83.28, 115-83.33, 115-83.35, 115-83.40, 115-83.42, 115-88, 115-94, 115-97, 115-105, 115-114, 115-210 AND TABLE IV TO ESTABLISH ADMINISTRATIVE APPROVAL PROCESSES FOR THE USE OF A MANUFACTURED HOME-TYPE STRUCTURE FOR A BUSINESS, COMMERCIAL OR INDUSTRIAL USE, FOR GARAGE/STUDIO APARTMENTS AND MANUFACTURED HOME-TYPE STRUCTURES IN AN EMERGENCY OR HARDSHIP SITUATION”**

**Grant Requests**

1. **Optimist International Foundation for the Optimist Club of Sussex County’s Essay and Oratorical Contests and Youth Appreciation Day**
2. **Fraternal Order of Police, Sussex County Lodge #2, for Community Outreach Initiative for Sussex County**
3. **Sussex Community Crisis Housing Services for Housing Mitigation Fund (Housing Locator Program)**
4. **Western Sussex Chamber of Commerce for the Seaford Christmas Parade**

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Executive Session – Land Acquisition pursuant to 29 Del.C.§10004(b)**

**Possible Action on Executive Session Items**

**1:30 p.m. Public Hearings**

**Change of Zone No. 1890 filed on behalf of W&B Hudson Family LTD**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 37.08 ACRES, MORE OR LESS” (land lying on the south side of Lewes-Georgetown Highway (Route 9), approximately 340 feet east of Harbeson Road (Route 5) and on the east side of Harbeson Road (Route 5), approximately 456 feet south of Lewes-Georgetown Highway (Route 9) (Tax I.D. No. 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00) (911 Address: None Available)**

**Change of Zone No. 1899 filed on behalf of Harbeson Farm Revex, LLC**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.8016 ACRES, MORE OR LESS” (property lying on the east side of Harbeson Road (Route 5), approximately 0.44 miles south of Lewes-Georgetown Highway (Route 9) (Tax I.D. No. 235-30.00-131.01 (portion of) (911 Address: 18865 Harbeson Road, Harbeson)**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).

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In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 15, 2019 at 4:00 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

###

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 8, 2019**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 8, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Irwin G. Burton III</b>	<b>Vice President</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>John L. Rieley</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

**Call to Order**

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

Mr. Vincent called the meeting to order.

**M 497 19  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to approve the Agenda, as posted.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Minutes**

The minutes of October 1, 2019 were approved by consent.

**Public  
Comments**

A public comment period was held and the following spoke: Dan Kramer.

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

**Adminis-  
trator's  
Report**

**1. 9-1-1 Awareness Day**

The Sussex County Emergency Operations Center will host its 20<sup>th</sup> annual 9-1-1 Awareness Day on Thursday, October 10<sup>th</sup>, from 9:00 a.m. to 2:00 p.m. at the public safety complex located at 21911 Rudder Lane near Georgetown. The event is held each year to give the public a better understanding of how the 9-1-1 Center operates, as well as give citizens a glimpse into how police, firefighters, medical personnel, and emergency dispatchers work each day to save lives. The event also attracts hundreds of fifth-grade students from throughout the county, who spend the day watching and taking part in demonstrations that reinforce safety and preparedness.

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

**This year's event will feature a fun and information-filled day of safety demonstrations and emergency vehicles on display, from police K-9s subduing pretend perpetrators to fire trucks, EMS units, and police units. In addition to tours of the 9-1-1 Center, displays and activities will include the Delaware State Police K-9 Team, the Blades Fire Company Safety House, the State Fire Marshal's Office, the Delaware State Fire School, the Delaware Emergency Management Agency, and the Delaware Department of Natural Resources and Environmental Control.**

**The event is sponsored by Sussex County and the Delaware State Police, which jointly operate the 9-1-1 Center, and is free and open to the public. A rain date is scheduled for next Thursday, October 17<sup>th</sup>.**

**2. Council Meeting Schedule**

**A reminder that Council will not meet on Tuesday, October 15<sup>th</sup>. The next regularly scheduled Council meeting will be held on October 22<sup>nd</sup> at 10:00 a.m.**

**Biosolids  
Handling  
Agreement/  
Town of  
Georgetown**

**Hans Medlarz, County Engineer, reported that the Town of Georgetown has approved a Biosolids Handling Agreement with the County for the treatment of biosolids at the regional biosolids handling facility at the Inland Bays Regional Wastewater Facility. Currently, four external partners have joined the biosolids regional facility under the standard agreement: Rehoboth, Seaford, Lewes Board of Public Works and Artesian (in addition to the County-owned facilities).**

**M 498 19  
Approve  
Biosolids  
Handling  
Agreement/  
Town of  
Georgetown**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Council approves the Biosolids Handling Agreement with the Town of Georgetown, as presented.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Water  
Inter-  
connection  
Agreement/  
Town of  
Georgetown**

**Hans Medlarz, County Engineer, reported that the Delaware Coastal Business Park receives potable water services as well as separate fire protection services through the County while the entities located at the Coastal Airport along Rudder Lane receive integrated water services from the Town of Georgetown. The potable County system and the Town's integrated water system are not interconnected despite only being separated by the main airport runway. On September 25, 2019, the Town Council of Georgetown approved the design and construction of an interconnection under an equal cost share basis. Mr. Medlarz reported that the Engineering Department requests approval, in principle, of the draft Water**

**(continued) Interconnection Agreement with the Town of Georgetown.**

**M 499 19** A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon  
**Approve** the recommendation of the Sussex County Engineering Department, that  
**Draft** the Council approves the draft Water Interconnection Agreement with the  
**Water** Town of Georgetown, in principle.  
**Inter-**

**connection** Motion Adopted: 5 Yeas.  
**Agreement**

**Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea

**Capacity** Hans Medlarz, County Engineer, reported that the Delaware Coastal  
**Surrender** Business Park, as well as the entities located at the Coastal Airport along  
**Agreement/** Rudder Lane, receive wastewater treatment services from the Town of  
**Wastewater** Georgetown under the April 23, 2018 Agreement, which was last amended  
**Services/** by addendum on August 14, 2018. Given the limited availability of  
**Town of** municipal sewer capacity, the Agreement allows for the surrender of  
**Georgetown** capacity under Article VIII by redirecting it to alternate wastewater service  
providers. This option allows the Town to regain capacity beyond the  
County flows without initial capital contribution, while allowing the County  
to recuperate all capital funds over the life of the investment. Mr. Medlarz  
reported that the Finance and Engineering Departments recommend  
approval of the capacity surrender, as outlined in the Agreement.

**M 500 19** A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the  
**Approve** recommendation of the Sussex County Engineering Department, that Council  
**Capacity** approves the capacity surrender under the Agreement for Wastewater  
**Surrender** Services with the Town of Georgetown.  
**under**

**Agreement** Motion Adopted: 5 Yeas.  
**for Waste-**

**water** **Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea;  
**Services/** Mr. Wilson, Yea; Mr. Burton, Yea;  
**Town of** Mr. Vincent, Yea  
**Georgetown**

**Building** Hans Medlarz, County Engineer, presented the bid results for the Building  
**Demolition** Demolition and Site Restoration Project (Project C20-03) for the new Medic  
**and Site** 110/EMS 200 Station site in Seaford. Five bids were received and Swain  
**Restoration/** Excavating, Inc. submitted the low bid of \$59,948.75. Mr. Medlarz reported  
**Seaford** that this offer constitutes an over 50% reduction over the previous general  
**Paramedic** contractor bid (all bids in August 2019 were rejected and Council authorized  
**Station** the rebid of the work with a modified scope).

**M 501 19** A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the  
**Inter-** recommendation of the Sussex County Engineering Department, that  
**connection** Contract C20-03, Building Demolition and Site Restoration, be awarded to  
**Agreement** Swain Excavating, Inc. for their total bid of \$59,948.75.

**M 501 19**  
**Approve**  
**Agreement**  
**(continued)**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**Mr. Wilson, Yea; Mr. Burton, Yea;**  
**Mr. Vincent, Yea**

**Inland Bays**  
**Environ-**  
**mental**  
**Engineering**  
**Services/**  
**Professional**  
**Environ-**  
**ment**  
**Services**  
**Contract/**  
**Amend-**  
**ments/**  
**RK&K**

Hans Medlarz, County Engineer, presented Amendments 1 through 3 to RK&K's Base Engineering Agreement for additional funding for Inland Bays Environmental Engineering Services, Project 19-05. Amendment No. 1 increase in the amount not to exceed \$78,000.00 will continue the specialized assistance to the Sussex County's Working Group on buffers. The budget revision of Amendment No. 1 will carry the assistance through the development of a draft ordinance. Amendment No. 2 increase in the amount not to exceed \$90,400.00 will provide FAA compliant contract documents for a remediation project in the southern drainage basin associated with the Eli Walls Tax Ditch. Amendment No. 3 in the amount of \$69,300.00 was associated with the Statewide Community Water Quality Improvement project within Delaware's portion of the Chesapeake Bay watershed. The proposed revision to Amendment No. 3 will cover final construction documents for the Bridgeville Branch Project, as well as documenting the water quality credits, in an additional amount not to exceed \$69,300.00 and a transfer from the base contract not to exceed \$28,000.00.

**M 502 19**  
**Approve**  
**Contract**  
**Amend-**  
**ments/**  
**RK&K**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Amendments No. 1 through No. 3 to the Professional Environmental Services Contract with RK&K be increased in the respective amounts of \$78,000.00, \$90,400.00 and \$69,300.00, allowing the expanded and more definitive scopes to provide specialized assistance addressing a wide range of environmental issues.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**Mr. Wilson, Yea; Mr. Burton, Yea;**  
**Mr. Vincent, Yea**

**M 503 19**  
**Approve**  
**Transfer/**  
**RK&K**  
**Contract**  
**to Amend-**  
**ment No. 3**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the transfer of \$28,000.00 from the Base Professional Environmental Services Contract with RK&K to Amendment No. 3.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;**  
**Mr. Wilson, Yea; Mr. Burton, Yea;**  
**Mr. Vincent, Yea**



**Bid Results/  
Herring  
Creek and  
Chapel  
Branch SSD**

Hans Medlarz, County Engineer, presented the bid results for the Herring Creek & Chapel Branch Sanitary Sewer District with Robinsonville Road Development Area Pump Stations (Contract S20-06). The lowest responsive bidder was Chesapeake Turf, LLC at \$5,256,760.00 for the project's base bid.

**M 504 19  
Award  
Bid/  
Contract  
S20-06/  
Herring  
Creek and  
Chapel  
Branch  
SSD**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Contract S20-06, Herring Creek & Chapel Branch Sanitary Sewer Districts with Robinsonville Road Development Area Pump Stations, be awarded to Chesapeake Turf, LLC, for their base bid of \$5,256,760.00, contingent upon USDA concurrence.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Rules**

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

**Public  
Hearing/  
Manu-  
factured  
Homes  
and Housing  
Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, XXV, XXVI, AND XXVII BY AMENDING SECTIONS 115-20, 115-23, 115-187, 115-196 AND 115-210 REGARDING MANUFACTURED HOMES AND MANUFACTURED HOUSING".

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on October 1, 2019 at which time the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated October 1, 2019.)

Janelle Cornwell, Planning and Zoning Director, and Vince Robertson, Assistant County Attorney, were in attendance to present the Proposed Ordinance.

Ms. Cornwell summarized the proposed changes to the Zoning Code; that manufactured homes in the AR-1 Zoning District at present may only be five years old at the time of placement; that it was proposed to increase this to 10 years; that the minimum lot size is 0.75 acres; and that it is proposed to reduce this to allow a manufactured home on an existing parcel even if it is less than 0.75 acres.

Ms. Cornwell reported that there is one recommended amendment to the Proposed Ordinance due to an old Code reference regarding "convalescent homes". Mr. Robertson stated that the reference to "Convalescent homes, nursing homes or homes for the aged" has no relevance to the substance of

**Public Hearing/  
Manu-  
factured  
Homes  
and Housing  
Proposed  
Ordinance  
(continued)**

**this Proposed Ordinance regarding manufactured homes other than to throw off the numbering of the subsections that come after it.**

**Public comments were heard.**

**Dan Kramer raised questions regarding the Proposed Ordinance relating to deed restrictions/recorded covenants. Mr. Kramer highlighted other proposed changes. Mr. Kramer stated that there should be a copy of all Proposed Ordinances highlighting the proposed changes with a “clean” copy also provided.**

**There were no additional public comments.**

**Ms. Cornwell and Mr. Robertson advised that Council cannot enforce deed restrictions. Also discussed was a concern about the placement of manufactured homes in an approved subdivision with no covenants.**

**The Public Hearing and public record were closed.**

**M 505 19  
Amend  
Proposed  
Ordinance**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, that Section 2, regarding Chapter 115, Article IV, §115-23C, at Line 160, be amended to delete “(4) Convalescent homes, nursing homes or homes for the aged.” and renumber the following subsections accordingly.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 506 19  
Adopt  
Ordinance  
No. 2682**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2682 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, XXV, XXVI, AND XXVII BY AMENDING SECTIONS 115-20, 115-23, 115-187, 115-196 AND 115-210 REGARDING MANUFACTURED HOMES AND MANUFACTURED HOUSING”, as amended.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VIII, X, XA, XB, XIB, XIC, XID, XIE, XIF, XIII, XIV, AND XV BY AMENDING SECTIONS 115-21, 115-30, 115-54, 115-70, 115-75.3, 115-75.10, 115-83.12, 115-19, 115-83.27, 115-83.34, 115-83.41, 115-95, 115-103, 115-112 AND TABLE IV REGARDING THE**

**Public Hearing/  
Proposed Ordinance/  
Use of Man-  
ufactured Home-type  
Structures  
as  
Temporary Buildings  
(continued)**

**USE OF MANUFACTURED HOME-TYPE STRUCTURES AS TEMPORARY BUILDINGS INCIDENTAL TO CONSTRUCTION OPERATIONS OR THE SALE OF LOTS”.**

The Planning and Zoning Commission held a Public Hearing on this application on October 1, 2019 at which time the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated October 1, 2019.)

Janelle Cornwell, Planning and Zoning Director, and Vince Robertson, Assistant County Attorney, were in attendance to present the Proposed Ordinance.

Ms. Cornwell summarized the Proposed Ordinance stating that, if approved, requests for use of manufactured home-type structures used for sales and construction trailers would be subject to an administrative approval process; that the Director of Planning and Zoning would be able to administratively approve such requests where the manufactured home-type structure is to be used for a temporary period; that the temporary use could be approved for 2 years and that an extension could be granted for a specified period of time by the Director; and that there would still be a mechanism for a public hearing where the manufactured home-type structure is required for a longer period of time.

Public comments were heard.

Dan Kramer questioned if the Proposed Ordinance affects the use of manufactured homes as special use exceptions for an emergency or hardship situation.

Staff responded to Mr. Kramer, stating “No”.

There were no additional public comments.

The Public Hearing was closed.

**M 507 19  
Adopt  
Ordinance  
No. 2683**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2683 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VIII, X, XA, XB, XIB, XIC, XID, XIE, XIF, XIII, XIV, AND XV BY AMENDING SECTIONS 115-21, 115-30, 115-54, 115-70, 115-75.3, 115-75.10, 115-83.12, 115-19, 115-83.27, 115-83.34, 115-83.41, 115-95, 115-103, 115-112 AND TABLE IV REGARDING THE USE OF MANUFACTURED HOME-TYPE STRUCTURES AS TEMPORARY BUILDINGS INCIDENTAL TO CONSTRUCTION OPERATIONS OR THE SALE OF LOTS”.

**M 507 19  
(continued)**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Report/  
P&Z  
Recom-  
mendation  
and  
Record  
Closing/  
CU 2183  
CU 2184  
and  
CU 2187**

**Janelle Cornwell, Planning and Zoning Director, reported that on September 24, 2019, the Sussex County Council held a Public Hearing on Conditional Use No. 2183 filed on behalf of Brent and Lisa Hershey at which time action was deferred for a recommendation from the Planning and Zoning Commission. On September 26, 2019, the Planning and Zoning Commission made a recommendation of approval with conditions. Per County procedure, the record was left open for five (5) days for comments on that recommendation; no comments were received and on October 1, 2019, the record was closed.**

**Janelle Cornwell, Planning and Zoning Director, reported that on September 24, 2019, the Sussex County Council held a Public Hearing on Conditional Use No. 2184 filed on behalf of Linda Ann Yupco-Connors at which time action was deferred for a recommendation from the Planning and Zoning Commission. On September 26, 2019, the Planning and Zoning Commission made a recommendation of denial. Per County procedure, the record was left open for five (5) days for comments on that recommendation; no comments were received and on October 1, 2019, the record was closed.**

**Janelle Cornwell, Planning and Zoning Director, reported that on September 24, 2019, the Sussex County Council held a Public Hearing on Conditional Use No. 2187 filed on behalf of Daniel Ostinvil at which time action was deferred for a recommendation from the Planning and Zoning Commission. On September 26, 2019, the Planning and Zoning Commission made a recommendation of denial. Per County procedure, the record was left open for five (5) days for comments on that recommendation; no comments were received and on October 1, 2019, the record was closed.**

**Old  
Business/  
CZ 1883**

**Under Old Business, the Council considered Change of Zone No. 1883 filed on behalf of OA-BP Marina Bay-Lakeside, LLC (The Peninsula).**

**The Planning and Zoning Commission held a Public Hearing on this application on June 27, 2019 at which time action was deferred. On July 18, 2019, the Commission recommended approval, with the following condition:**

**Condition No. 1 of Change of Zone No. 1475 and Ordinance No. 1573 should be amended as follows:**

***“The maximum number of units shall not exceed 1,394 units comprised, as follows:***

<b>Old Business/ CZ 1883 (continued)</b>	<i>353 Single Family Lots 388 Single Family Detached Condominiums 270 Single Family Attached Town Houses 378 Multi-Family Units”</i>
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The Council held a Public Hearing on this application on July 30, 2019 at which time action was deferred.

**M 508 19  
Adopt  
Ordinance  
No. 2684/  
CZ 1883**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2684 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 787.787 ACRES, MORE OR LESS” (Change of Zone No. 1883) filed on behalf of OA-BP Marina Bay-Lakeside, LLC (Tax I.D. No. 234-30.00-1.00 through 430.00) (911 Address: None Available), with the following condition:

Condition No. 1 of Change of Zone No. 1475 and Ordinance No. 1573 is hereby amended as follows:

“The maximum number of units shall not exceed 1,394 units comprised, as follows:

<i>353 Single Family Lots 388 Single Family Detached Condominiums 270 Single Family Attached Town Houses 378 Multi-Family Units”</i>
--

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Grant  
Requests**

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

**M 509 19  
Council-  
manic  
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Marine Corps League for Delaware Devil Dogs Detachment #780 for Birthday Ball Fundraiser.

**Motion Adopted: 5 Yeas.**

**M 509 19  
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 510 19  
Council-  
manic  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$2,000.00 (\$1,000.00 each from Mr. Burton's and Mr. Hudson's Councilmanic Grant Accounts) to Delaware Celebration of Jazz for the Rehoboth Beach Jazz Festival.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Introduction  
of Proposed  
Ordinance**

**Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.88 ACRES, MORE OR LESS" (Change of Zone No. 1904) filed on behalf of Dry Acres, LLC (Jill Cicierski) (Tax I.D. No. 235-30.00-15.00) (911 Address: None Available).**

**The Proposed Ordinance will be advertised for Public Hearing.**

**M 511 19  
Adjourn**

**At 11:23 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to adjourn.**

**Motion Adopted: 5 Yeas.**

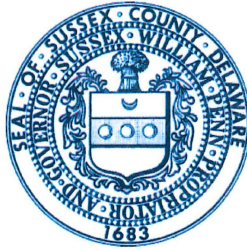
**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Respectfully submitted,**

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

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

TODD F. LAWSON  
COUNTY ADMINISTRATOR  
(302) 855-7742 T  
(302) 855-7749 F  
tlawson@sussexcountype.gov



**Sussex County**  
DELAWARE  
sussexcountype.gov

## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson Jr.

FROM: Todd F. Lawson  
County Administrator

RE: **LODGING TAX ORDINANCE**

DATE: October 18, 2019

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During Tuesday's meeting, we are scheduled to discuss and possibly introduce the ordinance related to a lodging tax in Sussex County.

As you may recall, this initiative started more than a year ago when the Delaware General Assembly approved enabling legislation for New Castle County to enact a lodging tax in that county only. With legislators' support, both Sussex and Kent counties were successful in having the General Assembly pass enabling legislation for the remaining two counties this year. A copy of the legislation, House Bill No. 228, is attached.

Per the legislation, Sussex County may impose up to a 3% tax of the rent for any room or rooms in a hotel, motel, or tourist home, as defined by Delaware Code. The objective in Sussex County is to seek a funding source, in this case predominantly tourists and visitors to our region, for needed improvements to the very things that are directly affected by the guests to our region. The tax only applies to venues within unincorporated Sussex County.

With this in mind, the legislation approved for Sussex County limited the funding categories. The lodging tax funding only can be spent on projects within Sussex County and only on the following: capital and operating costs of beach nourishment, waterway dredging, economic development, tourism programs, recreational activities, and water quality and flood control projects. In addition, Sussex is permitted to use up to 5% of the funding for administration costs.



Memo to Council – Lodging Tax Ordinance

October 18, 2019

Page 2 of 2.

Over the last several months, County staff has taken steps to prepare for this initiative. Staff has had conversations with the State's Finance Department regarding the collection of the funds. For now, the funds will be collected by requiring hotels and motels to submit monthly payment vouchers to the County. However, moving forward the State will be undergoing an update to their tax collection software and it is our hope that the County's lodging tax can be coupled with the State's accommodation tax collection and processed electronically, thereby removing the County from the collection process. We will know more about the State's software upgrades in 2020.

In addition, staff has identified more than 40 qualified venues within unincorporated Sussex County that will be subject to any new lodging tax. The estimated annual revenue for the lodging tax is approximately \$1.3 million.

To implement this new lodging tax, County Council is required to pass an ordinance establishing the levy. County legal staff has prepared the attached draft ordinance for your review and consideration.

As the tax is collected, the funds will be placed in a "lock box" account that is controlled by the County. Any future expenditure of the funds will be decided by County Council and deliberated during the annual budget approval process.

Please let me know if you have any questions.

Attachments

pc: J. Everett Moore Jr., Esq.

Gina A. Jennings, Finance Director/COO





SPONSOR: Rep. Schwartzkopf & Sen. Hocker  
Reps. Dukes, Gray, K. Johnson, Osienski, D. Short; Sens.  
Lopez, Pettyjohn, Poore, Richardson, Sturgeon

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 228

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 81, Title 9 of the Delaware Code by making deletions as shown by strike through,  
2 insertions as shown by underline as follows and redesignating accordingly:

3 § 8112 Lodging tax.

4 (a) Any county with a population greater than 500,000 may impose, by duly enacted ordinance, a local lodging  
5 tax of no more than 3 percent of the rent, in addition to the amount imposed by the State, for any room or rooms in a hotel,  
6 motel or tourist home, as defined in § 6101 of Title 30, which is located within the unincorporated areas of the county.

7 (b) Sussex county may impose, by duly enacted ordinance, a local lodging tax of no more than 3 percent of the  
8 rent, in addition to the amount imposed by the State, for any room or rooms in a hotel, motel or tourist home, as defined in  
9 § 6101 of Title 30, which is located within the unincorporated areas of Sussex County. Any funds realized by Sussex  
10 County pursuant to this subsection shall be expended solely within Sussex County, for the capital and operating costs of  
11 beach nourishment, waterway dredging, economic development, tourism programs, recreational activities, and water quality  
12 and flood control projects. An amount not to exceed 5% of the funds realized from the tax may be used to pay the costs of  
13 administering projects funded under this subsection.

14 (b)(c) Rentals by the Delaware Department of Natural Resources and Environmental Control shall be exempt  
15 from the lodging tax established by this section.

SYNOPSIS

This Act allows Sussex County, by duly enacted ordinance, to impose a local lodging tax of no more than 3 percent of rent on rooms in a hotel, motel or tourist home located in the unincorporated areas of the County. Such funds may only be used in Sussex County for the capital and operating costs of beach nourishment, waterway dredging, economic development, tourism programs, recreational activities, and water quality and flood control projects.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 103 (“TAXATION”) OF THE CODE OF SUSSEX COUNTY TO INCLUDE A NEW ARTICLE VI, §§ 103-39 THROUGH 103-42 WHICH SHALL PERMIT THE IMPOSITION OF A LOCAL LODGING TAX OF NO MORE THAN 3% OF THE RENT FOR ANY ROOM IN A HOTEL, MOTEL OR TOURIST HOME IN THE UNINCORPORATED AREAS OF SUSSEX COUNTY.

WHEREAS, on July 1, 2019, the Delaware General Assembly enacted House Bill No. 228, “An Act to Amend Title 9 of the Delaware Code Relating to Taxes”; and

WHEREAS, on July 17, 2019, Governor John Carney signed HB 228 into law; and

WHEREAS, HB 228, as codified in 9 *Del. C.* § 8112(b), authorizes Sussex County to impose, by ordinance, a local lodging tax of up to 3% of the rent, in addition to the tax imposed by the State, for any room or rooms in a hotel, motel, or tourist home, as defined in 30 *Del. C.* § 6101, within the unincorporated areas of the county; and

WHEREAS, 9 *Del. C.* § 8112(c) exempts rentals by the Delaware Department of Natural Resources and Environmental Control; and

WHEREAS, it is the intent of the Sussex County Council to impose and collect the lodging tax in manner similar to the State.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Chapter 103 (“Taxation”) of the Code of Sussex County is hereby amended by adding a new Article VI, §§103-39 through 103-42 entitled “Lodging Tax,” by inserting the underlined language as follows:

“Article VI Lodging Tax

§ 103-39 Definitions.

The definitions in 30 *Del. C.* § 6101 (Lodging Tax Definitions) are hereby incorporated by reference.

**§ 139-40 Levy of Tax; Exemption; Collection; Payment**

- A. A tax is hereby levied at the rate of three percent (3%) of the rent upon every occupancy of a room or rooms in a hotel, motel or tourist home within unincorporated sections of Sussex County. Such tax shall be in addition to the lodging tax imposed by the State pursuant to 30 Del. C. § 6102.**
- B. No lodging tax pursuant to this Article shall be imposed for reservations or contracts paid in full prior to January 1, 2020.**
- C. No lodging tax pursuant to this Article shall be imposed upon rentals by the Delaware Department of Natural Resources and Environmental Control.**
- D. The lodging tax is imposed on the occupant and shall be collected by the operator from the occupant at the time of the payment of the rent for the occupancy.**
- E. The amount of tax collected for each month shall be reported and remitted to the Sussex County Department of Finance, or its designee, not later than the fifteenth (15<sup>th</sup>) day of the month following the month of collection on forms to be prescribed by the Sussex County Department of Finance.**

**§ 139-41 Late penalty; abatement**

- A. A penalty at the rate of one percent (1%) per month, or fraction thereof, shall be charged on payments made after the prescribed due date.**
- B. Upon written application to the Sussex County Department of Finance, along with supporting documentation, the Finance Director hereby is authorized to abate penalty up to and including the requested amount of abatement. The Finance Director is not authorized to abate principal.**

**§ 139-42 Failure to pay tax; determination; redetermination; review; additional penalty**

- A. Determination.**

**If any operator fails to pay any lodging tax for which he or she is liable, the Sussex County Department of Finance may determine the additional tax and penalty due by such person or entity, based upon any information within its possession or that shall come**

into its possession. All such determinations shall be made so that notice thereof shall be mailed to the person or entity against whom the determination was made within three (3) years after the date the lodging tax became due.

**B. Copy of determination to person; petition of redetermination; duty for disposition of petitions; notice of final decision.**

Promptly after the date of such determination, the Sussex County Department of Finance shall send, by certified mail to the physical address of the operator, a copy thereof to the person or entity against whom such determination was made. Within ninety (90) days thereafter, the operator may file with the Sussex County Department of Finance a petition for redetermination of such taxes. The petitioner shall state with specificity the reasons the petitioner believes justify redetermination and shall affirm under penalty of perjury that the petition for redetermination is not made for the purpose of delay and that the facts set forth therein are true. The Sussex County Department of Finance shall make a final decision within six (6) months after the date of receipt of the petition and promptly provide written notice thereof to the petitioner.

**C. Additional Penalty.**

In addition to late penalty, a one-time penalty of ten percent (10%) shall be imposed on any additional tax determined to be due by the Sussex County Department of Finance.”

Section 2. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with County Council's intent. If any provision of this Ordinance is found to be unconstitutional or void, all applicable former ordinances, resolutions or portions thereof shall become applicable and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 3. Effective Date. This Ordinance shall become effective January 1, 2020.

### Synopsis

**This Ordinance amends Chapter 103 (“Taxation”) of the Sussex County Code by adopting a new Article VI, §§ 103-39 through 103-42 which shall permit the imposition of a local lodging tax of no more than 3% of the rent for any room in hotel, motel or tourist home in the unincorporated areas of Sussex County in accordance with 9 *Del. C.* § 8112(b). The effective date for the tax imposed by this ordinance is January 1, 2020. Accordingly, operators of hotels, motels and tourist homes shall remit to the Sussex County Department of Finance, or its designee, the lodging tax imposed herein for January 2020 no later than February 15, 2020.**

**No text has been deleted. All new text is underlined and in quotations.**

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

**TO:** Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson, Jr.

**FROM:** Hans Medlarz, County Engineer

**RE:** *Robinsonville Road Core Infrastructure, Project S19-16*  
*A. Tidewater Utilities, Inc. Financing Agreement*

**DATE:** October 22, 2019

On June 26, 2018, County Council granted permission to post notices for the Robinsonville Road expansion of the Unified Sanitary Sewer District. The subsequent Public Hearing was held on July 31, 2018 and following the hearing, County Council passed a resolution revising the district boundary to include a number of large parcels.

At each presentation, the Department conveyed the intent for a combined core sewer infrastructure approach covering all three (3) proposed projects in this expansion as per County Code § 110-97. The Department has been working with the Engineers and Developers of the projects to construct a common gravity interceptor, a central pump station and forcemain utilizing a single connection point to the existing transmission main. This approach avoids construction of two additional pump stations as well as tapping the main in various locations therefore reducing the County's long term maintenance significantly.

The Department in connection with Counsel had developed "Use of Existing & Proposed Infrastructure Agreements" containing sections pertaining to the use of the existing infrastructure as well as proposed improvements. The three respective development entities executed this type of document and posted the required security. On September 25, 2018, County Council approved the three agreements and affirmed Solutions IPER, Inc. as the Engineer of Record for the project.

This project approach required the acquisition of three off-site easements which were obtained at appraised value. The County's sewer easements are either shared or paralleled by a water



easement for Tidewater Utilities. The largest easement is located on an agricultural property and the owner only granted it under the condition of a one-time interruption of the farming activities with stringent topsoil removal & restoration requirements. This condition, written in both easements, forced a combined water/sewer construction bid which is currently being advertised. With the sewer being the deeper installation, the County had to take the lead, requiring a financing agreement with Tidewater Utilities, Inc. The agreement is structured after other municipal ones previously executed by Council. The Finance Director and the County Engineer recommend approval.

FINANCING AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2019, by and between Tidewater Utilities, Inc., a public utility corporation of the State of Delaware, party of the first part, hereinafter referred to as “TIDEWATER,”

-AND-

SUSSEX COUNTY, a political subdivision of the State of Delaware, party of the second part, hereinafter referred to as “COUNTY.”

WITNESSETH:

WHEREAS, TIDEWATER and COUNTY desire to engage in a financing agreement for the construction of the water and sewer infrastructure as prepared by Solutions IPEM, LLC dated August 20, 2019 to serve the Headwater Cove, Walden, and Walden II developments, hereinafter referred to as the “Improvements”.

WHEREAS, the COUNTY has offered, and TIDEWATER has agreed, to allow this cooperation to proceed where TIDEWATER would reimburse the COUNTY for all of the water bid portion and 50% of the common project expenses incurred by the COUNTY, after the project is completed in full.

NOW, THEREFORE, the parties hereto agree that the COUNTY shall publicly bid to three or more contractors and award the construction of the Improvements to the lowest responsive bidder. The percentage of the water vs. sewer portions of all bids received should be averaged; and the average percentage of each portion shall be applied to the lowest responsive bid. After the bids are reviewed, written approval of the lowest responsive bid must be given by TIDEWATER before proceeding.

BE IT FURTHER AGREED that TIDEWATER shall reimburse the COUNTY for the



construction related expenses associated with the water bid portion and 50% of the common project expenses for the Improvements after the project is completed in full.

BE IT FURTHER AGREED that TIDEWATER grants full authority to the County for the implementation of the Improvements, with the exception that TIDEWATER must approve of the lowest responsive bid and TIDEWATER will perform inspection on the water bid portion of the Improvements.

BE IT FURTHER AGREED that the COUNTY shall send an invoice to TIDEWATER for its portion of the Improvements after (1) TIDEWATER delivers written notice to the COUNTY that it has accepted the water portion of the Improvements and the water portion of the Improvements are used and useful to TIDEWATER and (2) the COUNTY has provided written proof satisfactory to TIDEWATER, that all of the contractors and subcontractors have been paid amounts due and owing to them and the water portion of the Improvements is free and clear of all liens and encumbrances. Payment shall be due within thirty (30) days of the invoice date.

[end of text, signature page follows]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper corporate officers and their respective corporate seals to be hereto affixed, the day and year first above written.

TIDEWATER UTILITIES, INC.

Attest: \_\_\_\_\_  
Assistant Secretary

By: \_\_\_\_\_  
A. Bruce O'Connor, President

SUSSEX COUNTY

Attest: \_\_\_\_\_  
Clerk, Sussex County Council

By: \_\_\_\_\_  
Michael H. Vincent, President

## ENGINEERING DEPARTMENT

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# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

**TO:** Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson, Jr.

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

**RE:** *City of Seaford, Utility Service Agreement*

**DATE:** October 22, 2019

The Emergency Medical Services Department has several capital projects in the five (5) year planning period. The new Medic 110/EMS 200 Station was programmed north of Seaford replacing the current location in Blades. The general location was selected based on historical dispatch data, allowing for an alternate response route into Seaford as well as forecasting of future service requests. As a result, in June of 2018 Council approved the purchase of the new site formerly known as "Old Pet Emporium".

The development required professional services and, after a publicly advertised request for proposal process, Council awarded on July 17, 2018, the EMS Department's - Architectural Consulting Services base contract to the George, Miles and Buhr, Inc. for a five (5) year term. One of the first two task orders covered, was the North Seaford Medic Station 110 with a budget of \$150,000. The intent was to match the Rehoboth/Lewes station design. However, the State's fire prevention code had changed since then, requiring now a fire suppression sprinkler system in the building.

A review of the construction bids received on July 15, 2019 showed the station cost was significantly higher than the last station built, with the main drivers being the on-site fire suppression system and the DelDOT entrance/site improvements. Multiple cost-saving measures were discussed to reduce project costs, including the break out of demolition services as a standalone contract and consideration of access to the nearby municipal water system. On August 20, 2019, Council rejected all bids intending to rebid the work with a modified fire suppression and demolition scope. On the same day, Council authorized the Departments to enter negotiations with the City related to utility extensions.

With all utility services already terminated and asbestos remediated the demolition contract could proceed immediately and on October 8, 2019, Council awarded the standalone demolition contract in the amount of \$59,948.75 at considerable cost savings.



The availability of public water in conjunction with some value engineering design modifications could result in a better overall project with significantly less maintenance responsibility by the County. Therefore, the EMS and Engineering Departments had reached out to the City of Seaford to discuss the possibility of accelerating the extension of public water service to the site in exchange for a \$200,000 one-time capital contribution by the County. In addition to the accelerated capital improvement schedule, the County will receive in-City utility rates. In return, the County agrees to annex into the City if it becomes legally possible as outlined in the City's Charter.

The attached Agreement was developed in conjunction with the Assistant County Attorney, accomplishing all the stated goals while providing capital, as well as maintenance cost savings in comparison to the stand-alone fire protection option. It was reviewed and approved by the City of Seaford and the Engineering Department now requests approval of the Utility Service Agreement with the City of Seaford by County Council.

## UTILITY SERVICE AGREEMENT

THIS UTILITY SERVICE AGREEMENT ("Agreement") is made and entered into this \_\_\_\_ day of October 2019, by and between THE CITY OF SEAFORD, a municipal corporation of the State of Delaware, with an address of 414 High Street, P.O. Box 1100, Seaford, DE 19973 (the "City"),

-AND-

SUSSEX COUNTY, a political subdivision of the State of Delaware, with an address of 2 The Circle, P.O. Box 589, Georgetown, DE 19947 (the "County").

WHEREAS, the County owns property located at 22410 Sussex Highway (Sussex County Tax Parcel No. 331-4.00-145.00) near the City of Seaford ("Property") and is constructing a new Medic 110/EMS 200 Paramedic Station on the Property ("Paramedic Station"); and

WHEREAS, the County desires to obtain municipal water and sewer services, including fire service (collectively "Utility Services"), for the Paramedic Station from the City, and the City desires to provide water and sewer services, including fire suppression service, to the Paramedic Station in return for a capital contribution in the amount of Two Hundred Thousand Dollars (\$200,000.00) and other terms and conditions contained herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Recitals. The Recitals above are incorporated herein by reference.
2. Utility Services Included. At the City's expense, the City shall provide public water and fire suppression services to the Property. The services shall include but not be limited to a fire hydrant at the intersection of Swain Road and RT-13, a 1-inch meter connection and an appropriately sized fire suppression connection.
3. Sewer Service Connection Arrangements. The City grants the County the authority to connect to the City owned sanitary sewer pressure main for sewer service by tapping the force main located adjacent to the Property along Swain Road as shown on Exhibit A which is attached hereto and is incorporated herein by reference. The County shall be financially responsible for the service extensions and all costs incurred from the point of service connection to the Paramedic Station, including the grinder pump system to be located on the Property.
4. Long-term Maintenance of Sanitary Sewer Connection Appurtenances. Once the above-mentioned facilities are installed the County shall be financially responsible for all long-term maintenance and replacement cost associated with the grinder pump and force main interconnection piping facilities located on the property. The point of maintenance responsibility shall be as shown on Exhibit A.
5. Water Service Connection Arrangements. The City grants the County the authority to connect to the service meter and the fire suppression tap adjacent to the Property along

RT-13 as shown on Exhibit A which is attached hereto and is incorporated herein by reference. The County shall be financially responsible for the water and fire suppression service extensions and all costs incurred from the point of service connection to the Paramedic Station including any backflow prevention system to be located on the Property.

6. Long-term Maintenance of Water Connection Appurtenances. Once the above-mentioned facilities are installed the County shall be financially responsible for all long-term maintenance and replacement cost associated with the water service and fire suppression facilities located on the property. The point of maintenance responsibility shall be as shown on Exhibit A.
7. Connection Completion Deadline. The City represents and warrants that it shall accelerate the provision of Utility Services and shall use its best efforts to complete the extension of all Utility Services within eighteen (18) months of the date hereof and in no event later than twenty-four (24) months hereafter. The City acknowledges that the County's access to Utility Services at the Paramedic Station is critical to its ability to commence operations at this location and to provide paramedic services to Sussex County.
8. Consideration. As consideration for the City's accelerated extension of Utility Services to the Property, the County shall pay to the City the amount of Two Hundred Thousand Dollars (\$200,000.00) as a capital contribution to the City's water extension. The County's payment to the City shall be due and payable in full within fifteen (15) days of the date the City enters into a contract for the extension of the Utility Services referenced herein. The City shall provide an invoice to the County at the address set forth in paragraph 14b. prior to the County's obligation to provide the payment referenced herein. The payment by the County herein listed above and the installation of the water and sewer mains by others shall permit the City to forego applicable tap fees for the water and sewer connections of the Paramedic Station. The County shall pay all other applicable impact, downstream and other fees at the time of connection.
9. Utility Fees. Upon connection to the force main and extension of water service to the Property, the City agrees that it shall charge the County applicable in-City utility rates as shown on the approved schedule of fees and rates, as may be amended from time to time, for all Utility Services in perpetuity.
10. Annexation. If the Property becomes contiguous to and eligible for annexation to the City of Seaford in accordance with Section 2, "Annexation of Territory" of the City of Seaford Charter, as may be amended from time to time, the County agrees that it shall seek the Property's annexation to the City.
11. Insurance. The parties shall, at their own cost and expense, maintain commercial general liability insurance, and other insurance coverage, in such coverage amounts as is standard for the activities being performed on the Property. Prior to the effective date of this Agreement, the City shall provide to the County a certificate or certificates of insurance evidencing all insurance coverage in a form that is satisfactory to the County. The City's failure to provide the certificate or certificates shall constitute an act of default under this Agreement.
12. No Termination. The parties each acknowledge that, once executed, this Agreement cannot be terminated and that both parties shall be bound to perform as stated herein.

13. Event of Default. In the event that either party fails or refuses to perform any of its obligations hereunder, that party shall be deemed in default and the non-defaulting party shall be entitled to pursue any and all remedies available to it in law or in equity, including, but not limited to, specific performance. If the non-defaulting party institutes litigation for any default hereunder, the defaulting party shall be liable to the non-defaulting party for all costs incurred in prosecuting such action, including without limitation, attorneys' fees, expenses, and court costs.

14. Miscellaneous.

- a. The parties shall not assign or transfer any interest in this Agreement to any entity(s) or person(s) whatsoever without first receiving the other party's written consent.
- b. Any notice provided for herein, unless otherwise noted, shall be given by hand or registered or certified mail, postage prepaid and addressed to:

If for the County:

Sussex County  
2 The Circle  
P.O. Box 589  
Georgetown, DE 19947  
Attn.: Hans Medlarz, Sussex County Engineer

If for the City:

City of Seaford  
414 High Street  
P.O. Box 1100  
Seaford, DE 19973  
Attn: Charles Anderson, City Manager

The parties must provide advance written notice of any changes to the above-listed addresses. Notices sent to the addresses above or to an updated address properly noticed in writing shall be deemed to be delivered on the third business day after sending to the other party.

- c. No amendments or modifications to this Agreement shall be binding unless in writing and signed by the County and City.
- d. This Agreement shall be binding upon and for the benefit of the heirs, executors, administrators, and successors of the County and City in like manner as upon the original parties, except as provided by mutual written agreement.
- e. This document comprises the entire Agreement between the parties hereto relative to this matter and supersedes any prior agreements or representations, whether verbal or in writing.
- f. The Agreement shall be governed by and construed in accordance with the substantive laws of the State of Delaware without regard to principles of conflict of laws. Any action at law, suit in equity, or judicial proceeding for the enforcement of this Agreement or regarding any provision hereof shall be instituted and maintained only in a court of

competent jurisdiction located in Sussex County, Delaware, or if under federal jurisdiction, in the District Court of the State of Delaware.

- g. Both the County and City represent and warrant that they have the full and complete authority to execute this Agreement on behalf of their respective organizations.
- h. The parties acknowledge that each has had the opportunity to consult with legal counsel of their own choosing concerning the provisions of this Agreement.
- i. Time is of the essence. The term "day" as used herein shall mean calendar day, unless specifically defined as a "business day."
- j. The parties acknowledge that each had the ability to negotiate terms and conditions, and this Agreement shall not be construed against the party who prepared and drafted the Agreement documents. If one or more of the provisions of the Agreement is held to be invalid, illegal or unenforceable in any respect for any reason, such invalidity, illegality, or unenforceability shall not affect any other provision of the Agreement, and the Agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been included.
- k. The headings and subheadings herein are for convenience only and shall not be used to relieve either party of any obligation under this Agreement.
- l. Any forbearance by either party in exercising its rights hereunder shall not be construed as a waiver thereof, unless expressly set forth in writing and signed by the parties. Any waiver by either party of any provision or condition of this Agreement shall not be construed or deemed to be a waiver of any other provision or condition of this Agreement, nor a waiver of a subsequent breach of the same provision or condition.
- m. Neither the provisions of this Agreement nor the performance of the parties hereunder is intended to benefit, nor shall inure to the benefit, of any third party.
- n. This Agreement may be executed in one or more counterparts, any or all of which shall constitute one and the same instrument. Electronic signatures and photocopies or facsimile copies of signatures shall be deemed to have the same force and effect as originals.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the date(s) set forth below.

CITY OF SEAFORD, a municipal  
corporation of the State of Delaware

\_\_\_\_\_  
Date

By: \_\_\_\_\_ (SEAL)  
David Genshaw, Mayor

Attest: \_\_\_\_\_  
Charles Anderson, City Manager



SUSSEX COUNTY, a political subdivision of  
the State of Delaware

\_\_\_\_\_

Date

By: \_\_\_\_\_(SEAL)  
Michael H. Vincent, President  
Sussex County Council

Attest: \_\_\_\_\_  
Robin Griffith, Clerk of the  
Sussex County Council

## Exhibit A

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson, Jr.

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

RE: **Materials – Forcemain Consolidation at SCRWF, Project M20-11**  
**a. Recommendation to Award**

DATE: October 22, 2019

On May 14, 2019, the County reaffirmed GHD, Inc. as “Engineer of Record” for the South Coastal Regional Wastewater Facility (SCRWF) and the City of Rehoboth’s Wastewater Treatment Plant. The most recent Amendment No. 19, provided Additional Design Services for SCRWF Treatment Upgrade No. 3 which directed GHD to revise design documents to match a County plan for consolidating thirteen (13) influent forcemains outside of the plant headworks into two (2). This approach eliminated a complex cast-in-place concrete rise box expansion and prolonged bypass pumping requirements previously proposed under SCRWF Treatment Upgrade No. 3, offering overall construction cost savings.

The Engineering Department developed a SCRWF forcemain consolidation design in house to be accomplished under the General Labor & Equipment Contract, with additional construction cost saving efforts through direct purchase of materials associated with the work.

Contract Documents for materials purchasing were assembled by the Engineering Department and advertised as Sussex County Project M20-11 on September 20, 2019. Bids were received, publicly opened and read aloud at 10:00 AM on Monday, October 14, 2019. Three (3) bids were received as summarized below:

Core & Main LP	Milton, DE	\$ 271,438.60
Belair Road Supply Co.	Frankford, DE	\$ 281,523.35
Ferguson Waterworks	Wilmington, DE	\$ 290,752.60

The Engineering Department reviewed each bid package and recommends Council award the materials purchase project to the lowest responsible bidder, Core & Main LP, of Milton, DE, in the amount of \$271,438.60.



## ENGINEERING DEPARTMENT

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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson, Jr.

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

RE: ***KCI Technologies, Inc. – EJCDC Base Engineering Agreement  
a. Amd. No. 1 - Joy Beach Sewer Expansion, Project S20-12  
Recommendation to Award***

DATE: October 22, 2019

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

During the August 13, 2019 Council session the Department explained the terms of State Revolving Fund financing associated with the Joy Beach Sewer Expansion Project. After a public hearing, County Council adopted Ordinance No. 2671 providing for issuance of Sussex County General Obligation Bonds up to \$5,691,821 to finance or reimburse the County for a portion of costs for design, construction and equipping of the Project, with an expectation of principal forgiveness up to \$3,396,000 to reduce the principle amount to \$2,295,821 upon Project completion.

The Engineering Department's procurement process for 5-year Professional Service Contracts began in January 2019 with issuance of RFP 19-22, Miscellaneous Engineering Services. An explanation of the selection process and a Selection Committee recommendation were presented to Council at the May 14, 2019 session. By motion M 243 19, Council approved the selection of three (3) consulting engineering firms to provide professional services: Davis, Bowen & Friedel (DBF); George Miles and Buhr (GMB); and KCI Technologies, Inc. (KCI). Additionally, the motion authorized the Engineering Department to negotiate Base Professional Service Agreements for a five-year period of July 1, 2019 through June 30, 2024. It was noted the award of project-based contract amendments under these base agreements will be brought to Council for authorization.



Over the past several weeks staff from the Engineering Department held meetings with each consulting engineering firm to discuss various capital projects. A request was made for KCI to develop and submit a scope of work with fee estimate for preliminary design, final design, and bidding phase services associated with the Joy Beach Sewer Expansion Project.

As requested, KCI provided Amendment No. 1 to the Base Owner-Engineer Professional Services Agreement dated September 10, 2019, for design and bidding services associated with the Joy Beach Sewer Expansion Project, with an estimated total cost of \$340,300.

The Engineering Department has reviewed the scope of services and estimated fee provide by KCI, and recommends Council authorize award of Amendment No. 1 for professional services at a not-to-exceed value of \$340,300, for design and bidding of the Joy Beach Sewer Expansion, Sussex County Project S20-12.

This is **EXHIBIT K**, consisting of 6 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** Executed 09/10/2019.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT  
Amendment No. 1 – Joy Beach**

**The Effective Date of this Amendment is: 10/22/2019**

Background Data

Effective Date of Owner-Engineer Agreement: 09/10/2019

Owner: Sussex County

Engineer: KCI Technologies

Project: Joy Beach Sewer Expansion

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

Additional Services to be performed by Engineer

Modifications to services of Engineer

~~Modifications to responsibilities of Owner~~

Modifications of payment to Engineer

Modifications to time(s) for rendering services

~~Modifications to other terms and conditions of the Agreement~~

Description of Modifications:

**Project Budget:** This amendment amount, based on a Cost Plus Fixed Fee as a Percentage format as derived throughout this Exhibit K, results in an anticipated budget of \$340,300.00

**Time for Services:** The anticipated schedule for completion of this proposed work is 7 months from Notice to Proceed.

**Project Narrative:**

The proposed Sewer Expansion Project consists of a combination of gravity sewer, force mains and pumping stations to serve Joy Beach and vicinity which includes the Happy Go Lucky community. On the customer end, the scope of work will generally extend to the property line with a cleanout for the respective plumbing connections to be made on the private property. The new sewer collection system will ultimately convey the entirety of the new collection system flows to the existing gravity

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

manhole near the intersection of Camp Arrowhead Road and Angola Road. See attached Concept Plan for the proposed gravity line and pressure pipe sections as well as the proposed pump station locations.

*This Exhibit includes modification to Exhibit A and addition of Exhibits BC-5 and Appendix 1*

*Exhibit "A" – Engineer's Services*

A1.01 *Study and Report Phase* – This phase shall include work previously completed by Owner, including a Preliminary Engineering Report (PER) and EID. Modifications to the project scope will include further development of the selected alternative, but specifically exclude new PER and/or EID.

- Paragraph A.1.a. – modify this paragraph to read:  
Engineer shall: Using the already existing Owner's Preliminary Engineering Report, analyze and evaluate several options for providing public sewer to the proposed Joy Beach expansion area.
- Paragraph A.1.c. – second line, add to end of paragraph: "Assess several options for: 1) Determining which areas are suitable for gravity versus pumping flow, and 2) Provide an additional pumping stations along Bookhammer Landing Rd than originally suggested in order to minimize the amount of gravity pipe depths greater than 10 feet. 3) utilize a low pressure pumping system to serve the Happy Go Lucky community.
- Paragraph A.8. – delete this paragraph in its entirety.
- Paragraph A.10. – delete this paragraph in its entirety.
- Paragraph A.11. – delete this paragraph in its entirety.
- Paragraph A.14 – modify document to read: "Prepare and present three primary options for providing public sewer to the Joy Beach area in the form of Scenario Maps. The maps will show linear footages of gravity and force main pipe, pipe depths and proposed pump station locations. The Owner's selection of their preferred option will be the basis for subsequent design and task work."
- Paragraph A.15 – delete this paragraph in its entirety.
- Paragraph A.16 – delete this paragraph in its entirety.
- Paragraph B. – modify document to read: Engineer's services under the Study and Report Phase will be considered complete once the Owner has chosen a flow scenario in terms of parcels to be serviced and gravity vs pumping options for each area.

A1.02 *Preliminary Design Phase*

- Paragraph A.9. – add the following after the word *deliverables* the first line:
  1. "Survey: Mobilize a survey team to perform a Topographic survey for 2.61 Miles +/- of roadway and 1.08 Acres +/- of topo areas. Topographic survey corridor will be 50' wide centered on the physical centerline of the road. Cross sections will be

performed at 50' stations along the roadway corridors and physical features located between stations will also be surveyed. KCI will initiate Miss Utility tickets for the project area and will locate any marked utilities. Field measurements will be processed, and contours will be shown with 1' intervals on a survey base map for the design team. Survey work will be referenced to DE SPC NAD83 horizontal and NAVD88 vertical datum by RTN GPS control. The survey of existing easements or the creation of new easements or any drafting of plats associated with easements is not included in this scope of work.

Deed and plat research will be performed to establish the Right-of-Way for the roads included in the Topographic survey scope and the surveyed location of side property lines along the corridor for the lots adjacent to the project. Property lines for the adjoining lots that do not coincide with the R.O.W. or terminate at the R.O.W. are not included in this scope (i.e. rear lot lines). No drafting of boundary and R.O.W. plats is included in this scope of work.

2. Geotechnical: Perform subsurface exploration along the proposed alignment and pump station locations; as well as perform borings at 1,000-foot spacing along the alignment and at the proposed pump station wet well locations. A total of 18 borings are assumed. Geotechnical work also includes:
    - a. Groundwater Levels: Monitor short-term water levels with a water-level meter during drilling and after completion of drilling.
    - b. Geotechnical Evaluations & Report: Evaluate the results of the subsurface exploration and laboratory testing, perform geotechnical engineering analyses and prepare a geotechnical engineering report which will contain the following:
      - i. A review of existing site conditions and major features.
      - ii. A review of area and site geologic conditions.
      - iii. A brief review and description of the field and laboratory test procedures conducted and their results.
      - iv. Review and description of subsurface conditions encountered including soil/rock types and physical properties, boring logs, and depth to groundwater (if encountered).
      - v. Identification and discussion of geotechnical issues.
      - vi. Foundation and subgrade recommendations for the submersible pump station and along sewer pipe alignment.
      - vii. Recommendations for the proposed pipe and trenchless installation methods (if required).
      - viii. General construction recommendations including re-use of on-site soils, subgrade preparation, potential excavation difficulties, and temporary groundwater control."
- Paragraph A.10. In third line, change [TBD] to read: "60 days". In the fourth line, change [TBD] to read: "14 days..."
  - Paragraph A.11. Change the first line to read, "...Phase modify...". In the fifth line, change "[TBD] to read "seven (7) days..."



### A1.03 *Final Design Phase*

- Paragraph A.3. Add the following to the end of the paragraph: “The following agency review/approvals are anticipated:
  1. DelDOT Utilities – Utility Permit for installing sewer infrastructure within DelDOT ROW. Maintenance of Traffic is limited to “Standard Cases” associated with utility construction. Traffic Studies or Detailed Traffic Management Plans are specifically excluded from this scope.
  2. Sussex Conservation District – A sediment and stormwater plan will be required for disturbing greater than 5,000 square feet.
  3. DNREC – Construction Permit will be required for the proposed sewer infrastructure
  4. Wetlands – Upon delineation of wetlands, State and Federal permitting processes are anticipated for the proposed work.” See below for additional details.
  
- Paragraph A.9., Add to end of section:
  - Wastewater Design:
    1. Detailed design for pump station & force main systems as well as gravity piping as depicted in the attached service area map:
      - Design in accordance with Ten State Standards and Proposed Sussex County design guidelines.
      - Pump selection based on optimizing hydraulic efficiency
      - Anti-buoyancy calculations to provide sufficient anchoring for the wet wells.
    2. Production of Plan Sheets, Profile Views and Construction Details and Project Specifications for the pump station sites and pipeline alignments.
  - Civil/Site Design
    1. Site design for the proposed pump station locations providing site access and positive drainage from wet wells and key station elements.
  - Public Outreach and Easement Acquisition: Assist the Owner with informing the public on the nature of the upcoming construction and project as it relates to the subject landowners and residents through attendance of a single public meeting. This work includes providing visuals and exhibits for the meeting. KCI will also assist the County with easement acquisition for the proposed pump station locations by providing exhibits for the easement agreement.
  - Wetlands
    1. Delineation and Report

- A field map will be developed illustrating wetlands and waterway(s) locations and associated wetland flags will be located using GPS.
  - Compile the information gathered in the field into a brief Wetland Delineation memo that can be utilized for waterway permitting requirements
2. State and Federal Permitting and Coordination Process
- Prepare an Application for Approval of Subaqueous Lands, Wetlands, Marina, and Water Quality Improvement Projects for DNREC review.
  - Prepare an Application for Department of the Army Permit for US Army Corps of Engineers (USACE) review.
  - Review all agency comments with the client and prepare draft responses based on client input. Upon approval, KCI will resubmit the plans and comment response letter to DNREC and USACE, as necessary;
- Structural Design
1. Design the three (3) wet wells for the Joy Beach Sewer Collection System. Wet wells are assumed to be precast concrete construction. Scope includes the design of a mud slab, if required, to serve as a counter-weight for buoyancy.
  2. Design the generator pads for the permanent generator and portable generator.
- Instrumentation and Control Design: Provide I&C design for internal pump station controls for both generator integration and SCADA feeds to Owner's communication hub. Pumps will operate on alternating cycles based on off/on wet well levels. Alarm levels will be provided and tied into the Owner's SCADA system as well.
- Electrical Design
1. New electrical service for (3) new pumping stations.
  2. On-site utility coordination with Delmarva to determine location of the utility-owned stepdown transformer; properly sized transformer will be ensured per calculated loads for the new facilities.
  3. Design of permanent emergency generator to mitigate outages to normal service from utility.
  4. Portable generator quick connection design.

5. Exterior lighting at each station for maintenance.

6. Electrical conduit/feeder layout

- Paragraph A.10. In the fifth line, change [TBD] to 120 days... In the sixth line, change [TBD] to read, “ 21 days...”
- Paragraph A.11. In the last line, change [TBD] to read, “14 days...”
- Paragraph D. Delete Paragraph.

#### A1.04 *Bidding or Negotiating Phase*

- Paragraph A.9. Delete Paragraph

Delete all verbiage from “Construction Phase” and Post-Construction Phase” Sections. The scope of work for this Amendment is considered complete upon the Engineer’s Bid Recommendation Letter to the Owner.

#### **ASSUMPTIONS**

1. Based on the Owner/Engineer meeting held on 9/24/2019, the Joy Beach Sewer Expansion System will include two (2) centrifugal pumping stations along BookHammer Landing Road and a centralized grinder station for the Happy Go Lucky community.
2. The Client will furnish to KCI electronic copies of the following immediately following contract execution:
  - a. Any recent citations or notices from code enforcement officials.
  - b. Client-specific borders, logos, graphics, etc. to be incorporated into the Deliverables.
  - c. Other relevant documentation the Client has related to this Scope of Services.

#### **EXCLUSIONS**

1. Additional work required by the Owner/Client that is not expressly included in the above Scope of Services.
2. Design is limited to work within the Right of Way. Connection to existing residences and abandonment of existing septic systems is specifically excluded.
3. Any additional processing or studies required to address supplementary information requested above and beyond that which is normally required by the regulatory agencies will require an addendum to this scope of work and fee.
4. Conceptual and Final Wetland Mitigation Plans and Construction Specifications, and a Mitigation Site Performance Plan are not included in this scope of work.
5. Attendance at public hearings or additional agency meetings not noted above.

6. No field surveys for significant natural or cultural/historical resources are included in this Scope of Work. If these services are required based on agency correspondence, KCI will submit a scope and budget modification to cover the additional work.
7. Alternatives analysis or agency coordination other than that identified above.
8. Certifications not specifically called for in the Scope of Services.
9. Changes in policies or regulations during the progress of work that affect any layouts, narrative and/or cost estimates already prepared at the time of the change.
10. Design of concrete cast-in-place wet wells.
11. Construction Administration services.

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Sussex County

By: \_\_\_\_\_

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

ENGINEER:

KCI Technologies

By: **Mehmet Boz** Digitally signed by Mehmet Boz  
DN: cn=Mehmet Boz, o=KCI Technologies, Inc., ou=Water/  
Environmental, email=mehmet.boz@kci.com, c=US  
Date: 2019.10.10 14:01:45 -0400

Print name: **Mehmet Boz, PhD, PE**

Title: **Vice President, Discipline Manager**

Date Signed: **10/10/2019**

This is **EXHIBIT C**, consisting of 4 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** Executed 09/10/2019 (Amendment #1)

**Payments to Engineer for Services and Reimbursable Expenses**  
**COMPENSATION PACKET BC-5: Basic Services – Direct Labor Costs Plus Overhead**  
**Plus a Fixed Fee as a Percentage**

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Article 2 of the Agreement is supplemented to include the following agreement of the parties:

**ARTICLE 2 – OWNER’S RESPONSIBILITIES**

*C2.01 Compensation for Basic Services (other than Resident Project Representative) – Direct Labor Costs Plus Overhead Plus a Fixed Fee Method of Payment*

A. Owner shall pay Engineer for Basic Services set forth in Exhibit A, except for services of Engineer’s Resident Project Representative, if any, as follows:

1. An amount equal to Engineer’s Direct Labor Costs plus overhead for the services of Engineer’s personnel engaged directly on the Project, plus Reimbursable Expenses estimated to be \$16,000. plus Engineer’s Consultant’s charges, if any, estimated to be \$14,740, plus a fixed fee percentage as profit [10%].
2. Engineer’s Reimbursable Expenses Schedule is attached to this Exhibit C as Appendix 1.
3. The total compensation for services under Paragraph C2.01 is estimated to be \$340,300.00 (including Estimated Reimbursable and Consultant Charges) based on the following estimated distribution of compensation:

a. Study and Report Phase	\$0.00
b. Preliminary Design Phase	\$137,900.00
c. Final Design Phase	\$187,800.00
d. Bidding or Negotiating Phase	\$14,600.00
e. Construction Phase	\$0.00
f. Post-Construction Phase	\$0.00
4. Engineer may alter the distribution of compensation between individual phases of the work noted herein to be consistent with services actually rendered, but shall not exceed the total estimated compensation amount unless approved in writing by Owner. See Paragraph C2.03.C.2 below.
5. The total estimated compensation for Engineer’s services, included in the breakdown by phases as noted in Paragraph C2.01.A.3, incorporates all labor, overhead, fixed fees, Reimbursable Expenses, and Engineer’s Consultant’s charges.

6. The portion of the amounts billed for Engineer's services will be based on the applicable Direct Labor Costs for the cumulative hours charged to the Project during the billing period by Engineer's employees plus overhead, Reimbursable Expenses, Engineer's Consultant's charges, and the proportionate portion of the fixed fee.
7. Direct Labor Costs means salaries and wages paid to Engineer's employees but does not include payroll-related costs or benefits.
8. Overhead shall be computed as a percentage of Direct Labor Costs. The Overhead factor to be applied to Direct Labor Costs shall be: 1.4. Such Overhead factor shall include or otherwise account for the cost of customary and statutory benefits including, but not limited to, social security contributions, unemployment, excise and payroll taxes, workers' compensation, health and retirement benefits, bonuses, sick leave, vacation, and holiday pay applicable thereto; the cost of general and administrative overhead which includes salaries and wages of employees engaged in business operations not directly chargeable to projects, plus non-Project operating costs, including but not limited to, business taxes, legal, rent, utilities, office supplies, insurance, and other operating costs. Fixed fee is the lump sum amount paid to Engineer by Owner as margin or profit and will only be adjusted by an amendment to this agreement.
9. Direct Labor Costs and Overhead applied to Direct Labor Costs will be adjusted annually (as of January 1<sup>st</sup>, 2020) to reflect equitable changes in the compensation payable to Engineer.

#### *C2.02 Compensation for Reimbursable Expenses*

- A. Owner shall pay Engineer for all Reimbursable Expenses at the rates set forth in Appendix 1 to this Exhibit C.
- B. Reimbursable Expenses include the expenses identified in Appendix 1 and the following: transportation (including mileage), lodging, and subsistence incidental thereto; providing and maintaining field office facilities including furnishings and utilities; toll telephone calls, mobile phone charges, and courier charges; reproduction of reports, Drawings, Specifications, bidding-related or other procurement documents, Construction Contract Documents, and similar Project-related items; and Consultants' charges. In addition, if authorized in advance by Owner, Reimbursable Expenses will also include expenses incurred for the use of highly specialized equipment.
- C. The amounts payable to Engineer for Reimbursable Expenses will be the Project-related internal expenses actually incurred or allocated by Engineer, plus all invoiced external Reimbursable Expenses allocable to the Project, the latter multiplied by a factor of 1.0.
- D. The Reimbursable Expenses Schedule will be adjusted annually (as of January, 2020) to reflect equitable changes in the compensation payable to Engineer.

#### *C2.03 Other Provisions Concerning Payment*

- A. Whenever Engineer is entitled to compensation for the charges of Engineer's Consultants, those charges shall be the amounts billed by Engineer's Consultants to Engineer times a factor of 1.0.

- B. *Factors:* The external Reimbursable Expenses and Engineer's Consultant's factors include Engineer's overhead and profit associated with Engineer's responsibility for the administration of such services and costs.
- C. *Estimated Compensation Amounts:*
1. Engineer's estimate of the amounts that will become payable for specified services are only estimates for planning purposes, are not binding on the parties, and are not the minimum or maximum amounts payable to Engineer under the Agreement.
  2. When estimated compensation amounts have been stated herein and it subsequently becomes apparent to Engineer that the total compensation amount thus estimated will be exceeded, Engineer shall give Owner written notice thereof, allowing Owner to consider its options, including suspension or termination of Engineer's services for Owner's convenience. Upon notice, Owner and Engineer promptly shall review the matter of services remaining to be performed and compensation for such services. Owner shall either exercise its right to suspend or terminate Engineer's services for Owner's convenience, agree to such compensation exceeding said estimated amount, or agree to a reduction in the remaining services to be rendered by Engineer, so that total compensation for such services will not exceed said estimated amount when such services are completed. If Owner decides not to suspend Engineer's services during negotiations and Engineer exceeds the estimated amount before Owner and Engineer have agreed to an increase in the compensation due Engineer or a reduction in the remaining services, then Engineer shall be paid for all services rendered hereunder.
- D. To the extent necessary to verify Engineer's charges and upon Owner's timely request, Engineer shall make copies of such records available to Owner at cost.

This is **Appendix 1 to EXHIBIT C**, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** Executed 09/10/2019

### **Reimbursable Expenses Schedule**

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Reimbursable Expenses are subject to review and adjustment per Exhibit C. Rates and charges for Reimbursable Expenses as of the date of the Agreement are:

8"x11" Copies/Impressions	\$0.10/Black & White page \$0.50/Color page
Copies of Drawings	\$ 0.50/sq. ft.
Mileage (auto)	Current IRS rate
Air Transportation	at cost
Laboratory Testing	at cost
Meals and Lodging	at cost

*See Amendment for current expense schedule.*



## ENGINEERING DEPARTMENT

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# Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson, Jr.

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

RE: ***KCI Technologies, Inc. – EJCDC Base Engineering Agreement  
b. Amd. No. 2 – Mulberry Knoll Sewer Expansion, Project S20-14  
Recommendation to Award***

DATE: October 22, 2019

On February 14, 2017, County Council authorized posting notices for the March 11, 2017 public hearing to review the Mulberry Knoll Area expansion of the Sussex County Unified Sewer District. A referendum was held on May 13, 2017 and the question of creating a sanitary sewer district passed by a vote of 49 “for” to 17 “against.” Referendum results were provided to Council at the June 6, 2017 meeting with a proposed resolution, and Council adopted Resolution R 011 17 establishing the District expansion for the Mulberry Knoll Area.

During the August 13, 2019 Council meeting the Department explained to Council the terms of State Revolving Fund financing associated with the Mulberry Knoll Sewer Expansion Project. After a public hearing, County Council adopted Ordinance No. 2672 providing for issuance of Sussex County General Obligation Bonds up to \$3,135,379 to finance or reimburse the County for a portion of costs for design, construction and equipping of the Project, with an expectation of principal forgiveness up to \$1,941,000 to reduce the principle amount to \$1,194,379 upon Project completion.

The Engineering Department’s procurement process for 5-year Professional Service Contracts began in January 2019 with issuance of RFP 19-22, Miscellaneous Engineering Services. An explanation of the selection process and a Selection Committee recommendation were presented to Council at the May 14, 2019 session. Council approved the selection of three (3) consulting engineering firms to provide professional services: Davis, Bowen & Friedel (DBF); George Miles and Buhr (GMB); and KCI Technologies, Inc. (KCI). Additionally, Council’s motion authorized the Engineering Department to negotiate Base Professional Service Agreements for a five-year period of July 1, 2019 through June 30, 2024. It was noted the award of project-based contract amendments under these base agreements will be brought to Council for authorization.



Over the past several weeks staff from the Engineering Department held meetings with each consulting engineering firm to discuss various capital projects. A request was made for KCI to develop and submit a scope of work with fee estimate for preliminary design, final design, and bidding phase services associated with the Mulberry Knoll Sewer Expansion Project.

As requested, KCI provided Amendment No. 2 to the Base Owner-Engineer Professional Services Agreement dated September 10, 2019, for design and bidding services associated with the Mulberry Knoll Sewer Expansion Project, with an estimated total cost of \$314,700.

The Engineering Department has reviewed the scope of services and estimated fee provide by KCI, and recommends Council authorize award of Amendment No. 2 for professional services at a not-to-exceed value of \$314,700, for design and bidding of the Mulberry Knoll Sewer Expansion, Sussex County Project S20-14.

This is **EXHIBIT K**, consisting of 6 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated Executed 09/10/2019.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT  
Amendment No. 2 – Mulberry Knoll**

The Effective Date of this Amendment is: 10/22/2019

Background Data

Effective Date of Owner-Engineer Agreement: 09/10/2019

Owner: Sussex County

Engineer: KCI Technologies

Project: Mulberry Knoll Sewer Expansion

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

Additional Services to be performed by Engineer

Modifications to services of Engineer

~~Modifications to responsibilities of Owner~~

Modifications of payment to Engineer

Modifications to time(s) for rendering services

~~Modifications to other terms and conditions of the Agreement~~

Description of Modifications:

**Project Budget:** This amendment amount, based on a Cost Plus Fixed Fee as a Percentage format as derived throughout this Exhibit K, results in an anticipated budget of \$314,700.00

**Time for Services:** The anticipated schedule for completion of this proposed work is 7 months from Notice to Proceed.

**Project Narrative:**

Located on the Peninsula of the Rehoboth Bay, this project consists of expanding Sussex County Sewer to the Mulberry Knoll area which is comprised of both the Mulberry Knoll and Bayshore Hills communities. With the implementation of a primarily gravity sewer collection system along with a potential localized grinder pumping system, this new sewer region's flow will be conveyed to a centralized pumping station north on an existing farm property along Mulberry Knoll Road. The new

forcemain will discharge at the existing County Pump Station located along Route 284. In its entirety, the proposed sewer expansion will consist of approximately 2.7 miles of combined gravity and sewer pipelines.

*This amendment includes modification to Exhibit A and addition of Exhibits BC-5 and Appendix 1.*

*Exhibit "A" – Engineer's Services*

A1.01 *Study and Report Phase* – This phase shall include work previously completed by Owner, including a Preliminary Engineering Report (PER) and EID. Modifications to the project scope will include further development of the selected alternative will but specifically exclude new PER and/or EID.

- Paragraph A.1.a. – modify this paragraph to read:  
Engineer shall: Using the already existing Owner's Preliminary Engineering Report, analyze and evaluate several options for providing public sewer to the proposed Mulberry Knoll expansion area.
- Paragraph A.1.c. – second line, add to end of paragraph: "Assess options for determining which areas are suitable for gravity versus pumping flow."
- Paragraph A.8. – delete this paragraph in its entirety.
- Paragraph A.10. – delete this paragraph in its entirety.
- Paragraph A.11. – delete this paragraph in its entirety.
- Paragraph A.14 – modify document to read: "Prepare and present options for providing public sewer to the Mulberry Knoll area in the form of Scenario Maps. The maps will show linear footages of gravity and force main pipe, and pipe depths. The proposed pump station location is based on the direction from the Owner. The Owner's selection of their preferred option will be the basis for subsequent design and task work."
- Paragraph A.15 – delete this paragraph in its entirety.
- Paragraph A.16 – delete this paragraph in its entirety.
- Paragraph B. – modify document to read: Engineer's services under the Study and Report Phase will be considered complete once the Owner has chosen a flow scenario in terms of parcels to be serviced and gravity vs pumping options for each area.

A1.02 *Preliminary Design Phase*

- Paragraph A.9. – add the following after the word *deliverables* the first line:
  1. "KCI's Survey Practice will mobilize a survey team to perform a Topographic survey for 2.66 Miles +/- of roadway and a 0.67 Acre +/- area for a proposed sewer pump station. Topographic survey corridor will be 50' wide centered on the physical centerline of the road. Cross sections will be performed at 50' stations along the roadway corridors and physical features located between stations will also be surveyed. KCI will initiate Miss Utility tickets for the project area and will locate any

marked utilities. Field measurements will be processed, and contours will be shown with 1' intervals on a survey base map for the design team. Survey work will be referenced to DE SPC NAD83 horizontal and NAVD88 vertical datum by RTN GPS control. The survey of existing easements or the creation of new easements or any drafting of plats associated with easements is not included in this scope of work.

Deed and plat research will be performed to establish the Right-of-Way for the roads included in the Topographic survey scope and the surveyed location of side property lines along the corridor for the lots adjacent to the project. Property lines for adjoining lots that do not coincide with the R.O.W. or terminate at the R.O.W. are not included in this scope (i.e. rear lot lines). No drafting of boundary and R.O.W. plats is included in this scope of work.

2. Geotechnical: Perform subsurface exploration along the proposed alignment and pump station locations; as well as perform borings at 1,000-foot spacing along the alignment and at the proposed pump station wet well locations. A total of 17 borings are assumed. Geotechnical work also includes:
    - a. Groundwater Levels: Monitor short-term water levels with a water-level meter during drilling and after completion of drilling.
    - b. Geotechnical Evaluations & Report: Evaluate the results of the subsurface exploration and laboratory testing, perform geotechnical engineering analyses and prepare a geotechnical engineering report which will contain the following:
      - i. A review of existing site conditions and major features.
      - ii. A review of area and site geologic conditions.
      - iii. A brief review and description of the field and laboratory test procedures conducted and their results.
      - iv. Review and description of subsurface conditions encountered including soil/rock types and physical properties, boring logs, and depth to groundwater (if encountered).
      - v. Identification and discussion of geotechnical issues.
      - vi. Foundation and subgrade recommendations for the submersible pump station and along sewer pipe alignment.
      - vii. Recommendations for the proposed pipe and trenchless installation methods (if required).
      - viii. General construction recommendations including re-use of on-site soils, subgrade preparation, potential excavation difficulties, and temporary groundwater control."
- Paragraph A.10. In third line, change [TBD] to read: "60 days". In the fourth line, change [TBD] to read: "14 days..."
  - Paragraph A.11. Change the first line to read, "...Phase modify...". In the fifth line, change "[TBD] to read "seven (7) days..."

### A1.03 Final Design Phase

---

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

- Paragraph A.3. Add the following to the end of the paragraph: “The following agency review/approvals are anticipated:
  1. DeIDOT Utilities – Utility Permit for installing sewer infrastructure within DeIDOT ROW. Maintenance of Traffic is limited to “Standard Cases” associated with utility construction. Traffic Studies or Detailed Traffic Management Plans are specifically excluded from this scope.
  2. Sussex Conservation District – A sediment and stormwater plan will be required for disturbing greater than 5,000 square feet.
  3. DNREC – Construction Permit will be required for the proposed sewer infrastructure
  
- Paragraph A.9., Add to end of section:
  - Wastewater Design:
    1. Detailed design for pump station & force main systems as well as gravity piping for the proposed service area.
      - Design in accordance with Ten State Standards and Proposed Sussex County design guidelines.
      - Pump selection based on optimizing hydraulic efficiency
      - Anti-buoyancy calculations to provide sufficient anchoring for the wet wells.
    2. Production of Plan Sheets, Profile Views and Construction Details and Project Specifications for the pump station sites and pipeline alignments.
  - Civil/Site Design
    1. Site design for the proposed pump station locations providing site access and positive drainage from wet wells and key station elements.
  - Public Outreach and Easement Acquisition: Assist the Owner with informing the public on the nature of the upcoming construction and project as it relates to the subject landowners and residents through attendance of a single public meeting. This work includes providing visuals and exhibits for the meeting. KCI will also assist the County with easement acquisition for the proposed pump station location if required by providing exhibits for the easement agreement.
  - Structural Design
    1. Design the wet well for the Mulberry Knoll Sewer Collection Pumping Station. Wet well is assumed to be precast concrete construction. Scope includes the design of a mud slab, if required, to serve as a counter-weight for buoyancy.
    2. Design the generator pad.

- Instrumentation and Control Design: Provide I&C design for internal pump station controls for both generator integration and SCADA communication to Owner’s hub. Pumps will operate on alternating cycles based on off/on wet well levels. Alarm levels will be provided and tied into the Owner’s SCADA system as well.
- Electrical Design
  1. New electrical service for the new pumping station.
  2. On-site utility coordination with service provider to determine location of the utility-owned stepdown transformer; properly sized transformer will be ensured per calculated loads for the new facilities.
  3. Design of permanent emergency generator to mitigate outages to normal service from utility.
  4. Exterior lighting at each station for maintenance.
  5. Electrical conduit/feeder layout
- Paragraph A.10. In the fifth line, change [TBD] to 120 days... In the sixth line, change [TBD] to read, “ 21 days...”
- Paragraph A.11. In the last line, change [TBD] to read, “14 days...”
- Paragraph D. Delete Paragraph.

#### A1.04 *Bidding or Negotiating Phase*

- Paragraph A.9. Delete Paragraph

Delete all verbiage from “Construction Phase” and Post-Construction Phase” Sections. The scope of work for this Amendment is considered complete upon the Engineer’s Bid Recommendation Letter to the Owner.

#### **ASSUMPTIONS**

1. The Client will furnish to KCI electronic copies of the following immediately following contract execution:
  - a. Any recent citations or notices from code enforcement officials.
  - b. Client-specific borders, logos, graphics, etc. to be incorporated into the Deliverables.
  - c. Other relevant documentation the Client has related to this Scope of Services.

#### **EXCLUSIONS**

1. Additional work required by the Owner/Client that is not expressly included in the above Scope of Services.
2. Design is limited to work within the Right of Way. Connection to existing residences and abandonment of existing septic systems is specifically excluded.

3. Any additional processing or studies required to address supplementary information requested above and beyond that which is normally required by the regulatory agencies will require an addendum to this scope of work and fee.
4. Attendance at public hearings or additional agency meetings not noted above.
5. Alternatives analysis or agency coordination other than that identified above.
6. Certifications not specifically called for in the Scope of Services.
7. Changes in policies or regulations during the progress of work that affect any layouts, narrative and/or cost estimates already prepared at the time of the change.
8. Construction Administration services.

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

Sussex County

By: \_\_\_\_\_  
 Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

ENGINEER:

KCI Technologies

By: **Mehmet Boz**  
 Print name: **Mehmet Boz, PhD, PE**

Title: **Vice President, Discipline Manager**

Date Signed: **10/10/2019**

Digitally signed by Mehmet Boz  
 DN: cn=Mehmet Boz, o=KCI Technologies, Inc., ou=Water/  
 Environmental, email=mehmet.boz@kci.com, c=US  
 Date: 2019.10.10 14:01:21 -0400



This is **EXHIBIT C**, consisting of 4 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** Executed 09/10/2019. (Amendment #2)

**Payments to Engineer for Services and Reimbursable Expenses**  
**COMPENSATION PACKET BC-5: Basic Services – Direct Labor Costs Plus Overhead**  
**Plus a Fixed Fee as a Percentage**

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Article 2 of the Agreement is supplemented to include the following agreement of the parties:

**ARTICLE 2 – OWNER’S RESPONSIBILITIES**

*C2.01 Compensation for Basic Services (other than Resident Project Representative) – Direct Labor Costs Plus Overhead Plus a Fixed Fee Method of Payment*

A. Owner shall pay Engineer for Basic Services set forth in Exhibit A, except for services of Engineer’s Resident Project Representative, if any, as follows:

1. An amount equal to Engineer’s Direct Labor Costs plus overhead for the services of Engineer’s personnel engaged directly on the Project, plus Reimbursable Expenses estimated to be \$15,000, plus Engineer’s Consultant’s charges, if any, estimated to be \$13,895, plus a fixed fee percentage as profit [10%].
2. Engineer’s Reimbursable Expenses Schedule is attached to this Exhibit C as Appendix 1.
3. The total compensation for services under Paragraph C2.01 is estimated to be \$314,700.00 (including Estimated Reimbursable and Consultant Charges) based on the following estimated distribution of compensation:

a. Study and Report Phase	\$0.00
b. Preliminary Design Phase	\$135,500.00
c. Final Design Phase	\$164,600.00
d. Bidding or Negotiating Phase	\$14,600.00
e. Construction Phase	\$0.00
f. Post-Construction Phase	\$0.00
4. Engineer may alter the distribution of compensation between individual phases of the work noted herein to be consistent with services actually rendered, but shall not exceed the total estimated compensation amount unless approved in writing by Owner. See Paragraph C2.03.C.2 below.
5. The total estimated compensation for Engineer’s services, included in the breakdown by phases as noted in Paragraph C2.01.A.3, incorporates all labor, overhead, fixed fees, Reimbursable Expenses, and Engineer’s Consultant’s charges.

6. The portion of the amounts billed for Engineer's services will be based on the applicable Direct Labor Costs for the cumulative hours charged to the Project during the billing period by Engineer's employees plus overhead, Reimbursable Expenses, Engineer's Consultant's charges, and the proportionate portion of the fixed fee.
7. Direct Labor Costs means salaries and wages paid to Engineer's employees but does not include payroll-related costs or benefits.
8. Overhead shall be computed as a percentage of Direct Labor Costs. The Overhead factor to be applied to Direct Labor Costs shall be: 1.4. Such Overhead factor shall include or otherwise account for the cost of customary and statutory benefits including, but not limited to, social security contributions, unemployment, excise and payroll taxes, workers' compensation, health and retirement benefits, bonuses, sick leave, vacation, and holiday pay applicable thereto; the cost of general and administrative overhead which includes salaries and wages of employees engaged in business operations not directly chargeable to projects, plus non-Project operating costs, including but not limited to, business taxes, legal, rent, utilities, office supplies, insurance, and other operating costs. Fixed fee is the lump sum amount paid to Engineer by Owner as margin or profit and will only be adjusted by an amendment to this agreement.
9. Direct Labor Costs and Overhead applied to Direct Labor Costs will be adjusted annually (as of January 1<sup>st</sup>, 2020) to reflect equitable changes in the compensation payable to Engineer.

#### *C2.02 Compensation for Reimbursable Expenses*

- A. Owner shall pay Engineer for all Reimbursable Expenses at the rates set forth in Appendix 1 to this Exhibit C.
- B. Reimbursable Expenses include the expenses identified in Appendix 1 and the following: transportation (including mileage), lodging, and subsistence incidental thereto; providing and maintaining field office facilities including furnishings and utilities; toll telephone calls, mobile phone charges, and courier charges; reproduction of reports, Drawings, Specifications, bidding-related or other procurement documents, Construction Contract Documents, and similar Project-related items; and Consultants' charges. In addition, if authorized in advance by Owner, Reimbursable Expenses will also include expenses incurred for the use of highly specialized equipment.
- C. The amounts payable to Engineer for Reimbursable Expenses will be the Project-related internal expenses actually incurred or allocated by Engineer, plus all invoiced external Reimbursable Expenses allocable to the Project, the latter multiplied by a factor of 1.0.
- D. The Reimbursable Expenses Schedule will be adjusted annually (as of January 1<sup>st</sup>, 2020) to reflect equitable changes in the compensation payable to Engineer.

#### *C2.03 Other Provisions Concerning Payment*

- A. Whenever Engineer is entitled to compensation for the charges of Engineer's Consultants, those charges shall be the amounts billed by Engineer's Consultants to Engineer times a factor of 1.0.

- B. *Factors:* The external Reimbursable Expenses and Engineer's Consultant's factors include Engineer's overhead and profit associated with Engineer's responsibility for the administration of such services and costs.
- C. *Estimated Compensation Amounts:*
1. Engineer's estimate of the amounts that will become payable for specified services are only estimates for planning purposes, are not binding on the parties, and are not the minimum or maximum amounts payable to Engineer under the Agreement.
  2. When estimated compensation amounts have been stated herein and it subsequently becomes apparent to Engineer that the total compensation amount thus estimated will be exceeded, Engineer shall give Owner written notice thereof, allowing Owner to consider its options, including suspension or termination of Engineer's services for Owner's convenience. Upon notice, Owner and Engineer promptly shall review the matter of services remaining to be performed and compensation for such services. Owner shall either exercise its right to suspend or terminate Engineer's services for Owner's convenience, agree to such compensation exceeding said estimated amount, or agree to a reduction in the remaining services to be rendered by Engineer, so that total compensation for such services will not exceed said estimated amount when such services are completed. If Owner decides not to suspend Engineer's services during negotiations and Engineer exceeds the estimated amount before Owner and Engineer have agreed to an increase in the compensation due Engineer or a reduction in the remaining services, then Engineer shall be paid for all services rendered hereunder.
- D. To the extent necessary to verify Engineer's charges and upon Owner's timely request, Engineer shall make copies of such records available to Owner at cost.

This is **Appendix 1 to EXHIBIT C**, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** Executed 09/10/2019

### **Reimbursable Expenses Schedule**

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Reimbursable Expenses are subject to review and adjustment per Exhibit C. Rates and charges for Reimbursable Expenses as of the date of the Agreement are:


8"x11" Copies/Impressions	\$0.10/Black & White page \$0.50/Color page
Copies of Drawings	\$ 0.50/sq. ft.
Mileage (auto)	Current IRS rate
Air Transportation	at cost
Laboratory Testing	at cost
Meals and Lodging	at cost

*See Amendment for current expense schedule.*

## **Milo's Haven Expansion Facts**

- Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area).
- Requested by DBF (Davis Bowen & Friedel) on behalf of their clients Norman Stephen Price Revocable Trust for parcels 134-19.00-13.03 & 134-18.00-38.00.
- The project is proposed at 179 EDUs and wishes to connect to existing infrastructure installed by the County. An Infrastructure Use Agreement will be required.
- The expansion will consist of 93.00 acres more or less.
- The property owner(s) will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.
- A tentative Public Hearing is currently scheduled for November 19, 2019 at the regular County Council meeting.

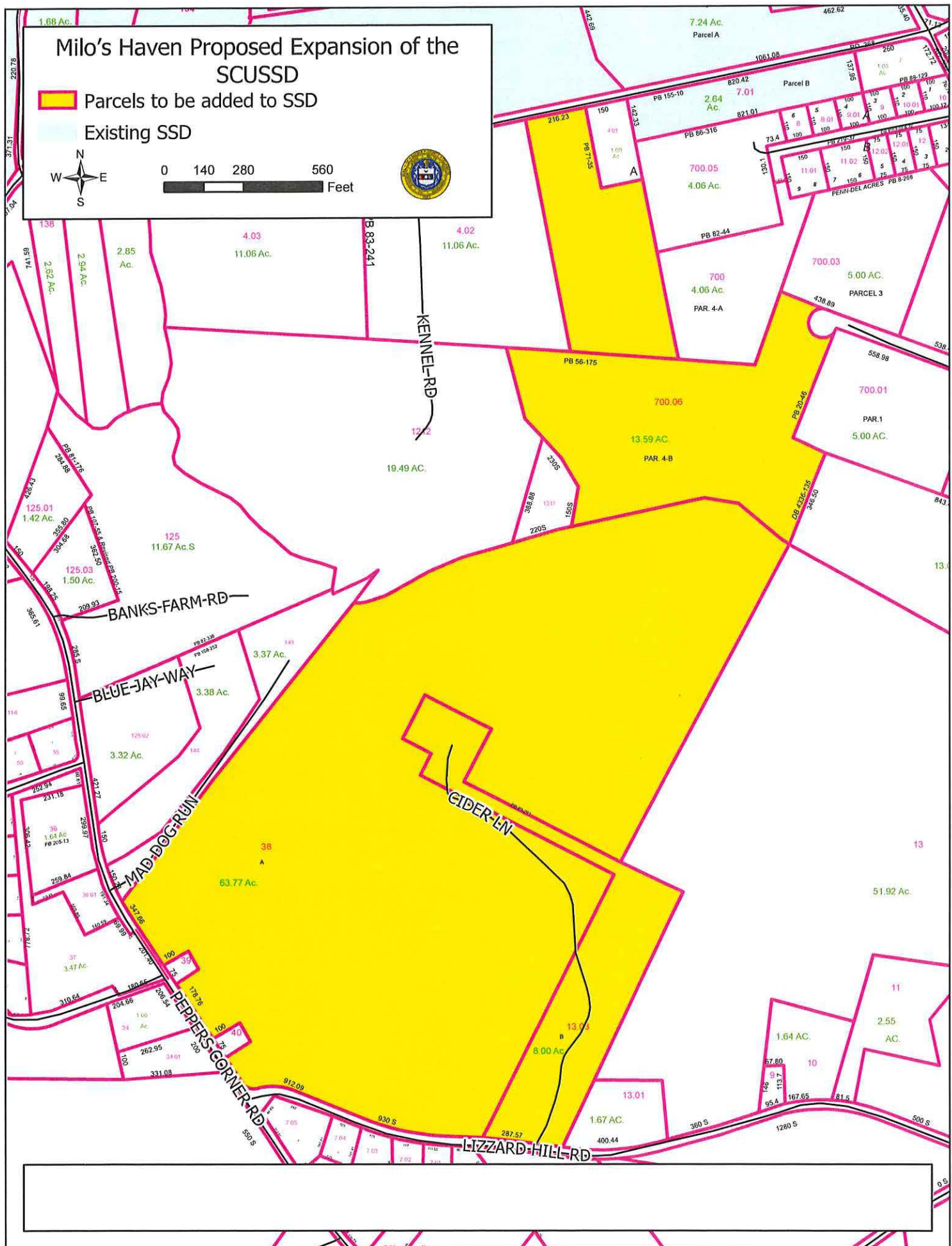
# Milo's Haven Proposed Expansion of the SCUSSD

 Parcels to be added to SSD

 Existing SSD




0 140 280 560 Feet



## **Chase Oaks Expansion Facts**

- Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area).
- Requested by Solutions IPEM on behalf of their clients Charter Oaks Investment, LLC for parcels 234-6.00-96.00, 97.00 & 98.00.
- The project is proposed at 254 EDUs and wishes to connect to existing infrastructure installed by the County. An Infrastructure Use Agreement will be required.
- The expansion will consist of 175.34 acres more or less.
- The property owner(s) will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.
- A tentative Public Hearing is currently scheduled for November 19, 2019 at the regular County Council meeting.

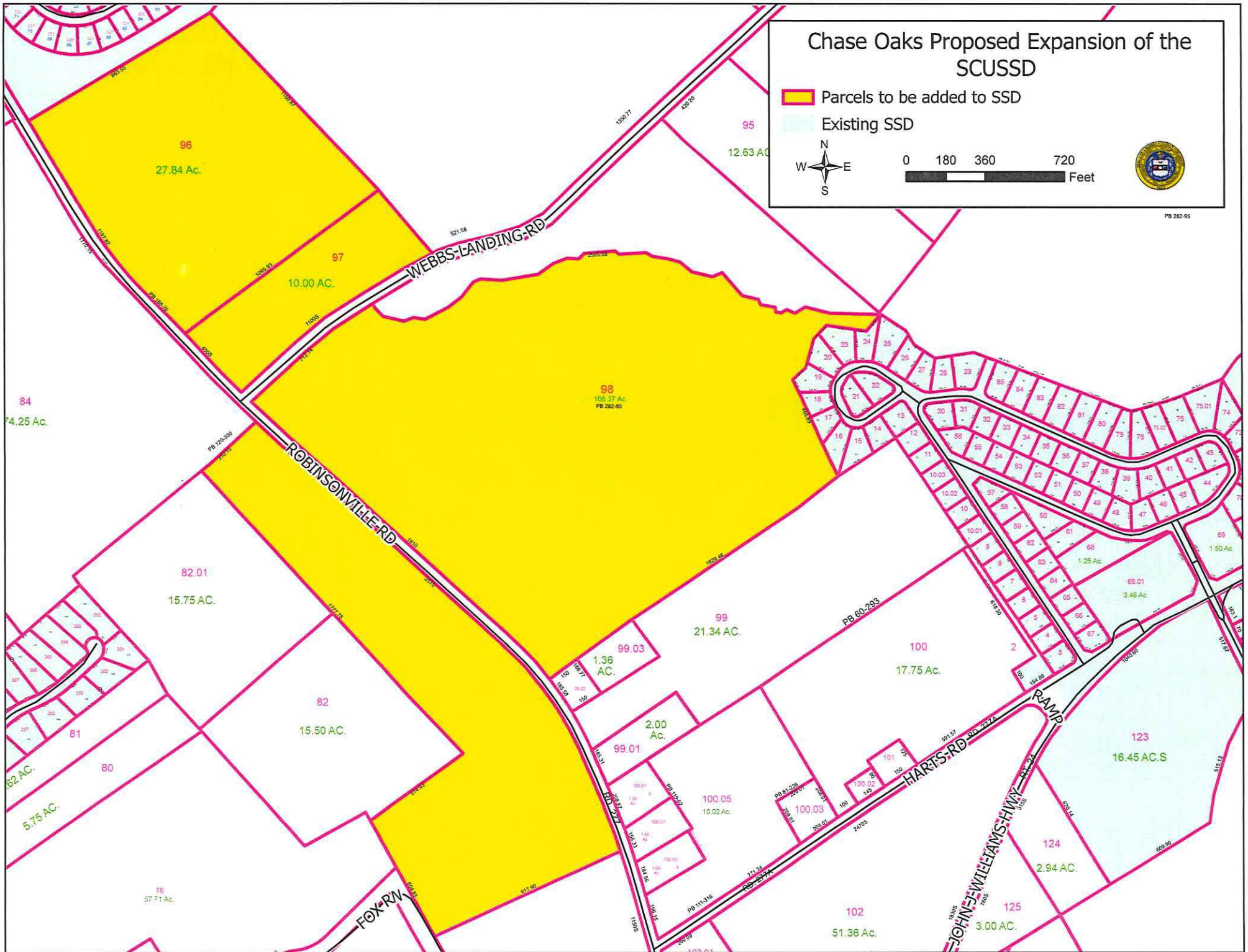
# Chase Oaks Proposed Expansion of the SCUSSD

 Parcels to be added to SSD

 Existing SSD



PB 282-95





JANELLE M. CORNWELL, AICP  
PLANNING & ZONING DIRECTOR  
(302) 855-7878 T  
(302) 854-5079 F  
janelle.cornwell@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 18, 2019

RE: County Council Report for Ord. 19-9 Administrative Approval of Manufactured Home-Types Structures

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The Planning and Zoning Commission held a public hearing on September 26, 2019 to amend the Zoning Code. The following are the draft minutes for the Ordinance from the Planning and Zoning Commission meeting.

### Ord. 19-9 Administrative Approval of Manufactured Home Type Structures

**AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, VII, VIII, IX, X, XA, XB, XI, XIA, XIB, XIC, XID, XIE, XIF, XII, XIII, XIV, XV AND XXVII BY AMENDING SECTIONS 115-20, 115-23, 115-29, 115-32, 115-40 115-48, 115-53, 115-56, 115-64, 115-69, 115-72, 115-75.2, 115-75.4, 115-75.9, 115-75.11, 115-80, 115-83.6, 115-83.11, 115-83.13, 115-83.18, 115-83.20, 115-83.26, 115-83.28, 115-83.33, 115-83.35, 115-83.40, 115-83.42, 115-88, 115-94, 115-97, 115-105, 115-114, 115-210 AND TABLE IV TO ESTABLISH ADMINISTRATIVE APPROVAL PROCESSES FOR THE USE OF A MANUFACTURED HOME-TYPE STRUCTURE FOR A BUSINESS, COMMERCIAL OR INDUSTRIAL USE, FOR GARAGE/STUDIO APARTMENTS AND MANUFACTURED HOME-TYPE STRUCTURES IN AN EMERGENCY OR HARDSHIP SITUATION.**

Ms. Cornwell stated that currently the Code for manufactured home type structures, to be used as offices, garage/studio apartments, portable class rooms, and other similar uses requires an application for a Special Use Exception to be made to the Board of Adjustment; that the garage/studio apartments also require a Special Use Exception to the Board of Adjustment as do medical hardship applications; that a medical hardship is where a medical need to have a manufactured home on the property exists, and would allow two homes on the property until the second home is no longer needed; that Staff are looking to create an Administrative process that is similar to the existing Administrative Variance process; that it would allow for an Applicant to submit an application to the office of Planning and Zoning; that Planning and Zoning staff would notify the adjacent property owners of the application's



receipt; that if the Planning and Zoning office does not receive any letters of opposition then the Planning and Zoning Office would be able to approve the application for those three specific uses; that if there is a letter in opposition to the application, the Applicant can pay the remaining fee and go before the Board of Adjustment for a full public hearing; that staff are trying to reduce the time needed to process applications that a typically less contentious; that Chairman Wheatley stated that if the application is not granted through an Administrative Process, an Applicant can still can solicit a public hearing before the Board of Adjustment; that Mr. Robertson stated that there is already an Administrative Process in place for Variances and this is designed to take some of the load off of the Board of Adjustment for applications that are minor or routine; and that Mr. Robertson clarified that the proposed Ordinance had an unusually long short title was because the same exact language has to appear in every Zoning District which requires multiple changes in different places of the Zoning Code.

Ms. Stevenson asked for clarification in relation to need for changes to Table V which relates to the new C-2, C-3, C-4, and C-5 Commercial Districts; that since the proposed Ordinance is adding changes into those Zoning Districts, that Table V does need to be amended to allow this use to be permitted in the Commercial Zoning Districts; and that the other existing Tables did not change except to add the proposed Administrative Variance process for those Zoning Districts that would be affected.

The Commission found that no one wished to speak in favor or in opposition to this application.

At the conclusion of the public hearing, the Commission discussed this application.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to forward this application to the Sussex County Council with a recommendation the ordinance be approved. Motion carried 5-0.

1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**  
2 **CHAPTER 115, ARTICLES IV, V, VI, VII, VIII, IX, X, XA, XB, XI, XIA, XIB,**  
3 **XIC, XID, XIE, XIF, XII, XIII, XIV, XV AND XXVII BY AMENDING**  
4 **SECTIONS 115-20, 115-23, 115-29, 115-32, 115-40 115-48, 115-53, 115-56, 115-**  
5 **64, 115-69, 115-72, 115-75.2, 115-75.4, 115-75.9, 115-75.11, 115-80, 115-83.6,**  
6 **115-83.11, 115-83.13, 115-83.18, 115-83.20, 115-83.26, 115-83.28, 115-83.33,**  
7 **115-83.35, 115-83.40, 115-83.42, 115-88, 115-94, 115-97, 115-105, 115-114, 115-**  
8 **210 AND TABLE IV TO ESTABLISH ADMINISTRATIVE APPROVAL**  
9 **PROCESSES FOR THE USE OF A MANUFACTURED HOME-TYPE**  
10 **STRUCTURE FOR A BUSINESS, COMMERCIAL OR INDUSTRIAL USE,**  
11 **FOR GARAGE/STUDIO APARTMENTS AND MANUFACTURED HOME-**  
12 **TYPE STRUCTURES IN AN EMERGENCY OR HARDSHIP SITUATION**

13  
14 WHEREAS, The Zoning Code of Sussex County currently requires an applicant to  
15 obtain a special use exception for the use of a manufactured home in an emergency  
16 or hardship situation, and this current approval process can be unnecessarily  
17 burdensome and time consuming; and

18  
19 WHEREAS, garage/studio apartments are often sought within an existing structure  
20 or lot to create housing for family members or alternatively to provide affordable  
21 housing alternatives to Sussex County residents which require approvals from the  
22 Board of Adjustment that can also be unnecessarily burdensome and time  
23 consuming; and

24  
25 WHEREAS, there are frequent applications to the Board of Adjustment to permit  
26 the use of manufactured home-type structures for business, commercial or industrial  
27 uses which require approvals from the Board of Adjustment that can also be  
28 unnecessarily burdensome and time consuming; and

29  
30 WHEREAS, it is the recommendation of the Sussex County Planning & Zoning  
31 Department to establish a process whereby these types of uses can be approved  
32 administratively without the need for a special use exception, while keeping that  
33 approval process available from the Board of Adjustment if an administrative  
34 approval is not granted; and

35  
36 WHEREAS, these amendments promote the health, safety and welfare of Sussex  
37 County and its residents; and

39 WHEREAS, The Sussex County Planning & Zoning Department recommends the  
40 approval of this amendments to the Zoning Code.

41  
42 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDNAINS:**

43  
44 **Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-20**  
45 **“Permitted Uses” is hereby amended by inserting the italicized and underlined**  
46 **language:**

47  
48 **§ 115-20 Permitted Uses.**

49  
50 A. A building or land shall be used only for the following purposes:

51  
52 . . .

53  
54 (14) Use of a manufactured home as a single-family dwelling to meet an  
55 emergency or hardship situation that is administratively approved by the Director  
56 or his or her designee and subject to the following:

57  
58 (a) The applicant must provide an affidavit from a doctor confirming the  
59 existence of the emergency or hardship situation.

60  
61 (b) There shall be a fee of \$50 to request the administrative approval which  
62 shall be credited towards a Board of Adjustment application fee should  
63 consideration by the Board become necessary.

64  
65 (c) The applicant shall submit a survey signed and sealed by a surveyor  
66 licensed in the State of Delaware to the Director showing the location of the  
67 proposed manufactured home.

68  
69 (d) The Director shall give written notice to adjacent property owners of  
70 the requested manufactured home and accept written statements within 10 working  
71 days from the date of mailing. If any objection is received, the Director shall refer  
72 the application to the Board of Adjustment for a Special Use Exception.

73  
74 (e) The Director shall consider factors including whether the  
75 manufactured home will have a substantially adverse effect on neighboring  
76 properties.

77 (f) Within 30 working days after the request is submitted, the Director or  
78 his or her designee may approve the manufactured home or advise the applicant  
79 that an application must be submitted to the Board of Adjustment for a Special Use  
80 Exception.

81  
82 (g) Such an approval shall not exceed two years. The Director may grant  
83 an extension for an emergency or hardship situation upon receipt of a subsequent  
84 affidavit from a doctor stating that the emergency or hardship situation still exists.  
85 Such an extension may be granted annually as long as the emergency or hardship  
86 still exists.

87  
88 (15) Garage/studio apartment with at least one parking space for the exclusive use  
89 of the tenant included on the premises that is administratively approved by the  
90 Director or his or her designee, and subject to the following:

91  
92 (a) There shall be a fee of \$50 to request the administrative approval which  
93 shall be credited towards a Board of Adjustment application fee should  
94 consideration by the Board become necessary.

95  
96 (b) The applicant shall submit a survey signed and sealed by a surveyor  
97 licensed in the State of Delaware to the Director showing the location of the  
98 garage/studio apartment.

99  
100 (c) The Director shall give written notice to adjacent property owners of  
101 the requested garage/studio apartment and accept written statements within 10  
102 working days from the date of mailing. If any objection is received, the Director  
103 shall refer the application to the Board of Adjustment for a Special Use Exception.

104  
105 (d) The Director shall consider factors including whether the  
106 garage/studio apartment will have a substantially adverse effect on neighboring  
107 properties.

108  
109 (e) Within 30 working days after the request is submitted, the Director or  
110 his or her designee may approve the garage/studio apartment or advise the  
111 applicant that an application must be submitted to the Board of Adjustment for a  
112 Special Use Exception.

114 (16) Use of a manufactured-home-type structure for any business, commercial or  
115 industrial use that is administratively approved by the Director or his or her  
116 designee, and subject to the following:

117  
118 (a) There shall be a fee of \$50 to request the administrative approval which  
119 shall be credited towards a Board of Adjustment application fee should  
120 consideration by the Board become necessary.

121  
122 (b) The applicant shall submit a survey signed and sealed by a surveyor  
123 licensed in the State of Delaware to the Director showing the location of the  
124 manufactured-home-type structure.

125  
126 (c) The Director shall give written notice to adjacent property owners of  
127 the requested manufactured-home-type structure and accept written statements  
128 within 10 working days from the date of mailing. If any objection is received, the  
129 Director shall refer the application to the Board of Adjustment for a Special Use  
130 Exception.

131  
132 (d) The Director shall consider factors including whether the  
133 manufactured-home-type structure will have a substantially adverse effect on  
134 neighboring properties.

135  
136 (e) Within 30 working days after the request is submitted, the Director or  
137 his or her designee may approve the manufactured-home-type structure or advise  
138 the applicant that an application must be submitted to the Board of Adjustment for  
139 a Special Use Exception.

140  
141 **Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-23**  
142 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
143 **underlined language:**

144  
145 **§ 115-23 Special Use Exceptions.**

146  
147 Special use exceptions may be permitted by the Board of Adjustment in accordance  
148 with the provisions of Article XXVII of this chapter and may include:

149  
150 A. Temporary and conditional permits for a period not to exceed five years, such  
151 period to be determined by the Board, for the following uses:

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...

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation when not approved administratively by the Director or his or her designee, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

(5) Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

....

**Section 3. The Code of Sussex County, Chapter 115, Article V, §115-29 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:**

**§ 115-29 Permitted Uses.**

A building or land shall be used only for the following purposes:

...

189 (J) Use of a manufactured home or garage/studio apartment as a single-family  
190 dwelling to meet an emergency or hardship situation that is administratively  
191 approved by the Director or his or her designee, and subject to the requirements set  
192 forth in Article IV, Section 115-20A.(14).

193  
194 (K) Garage/studio apartment with at least one parking space for the exclusive use  
195 of the tenant included on the premises that is administratively approved by the  
196 Director or his or her designee, and subject to the the requirements set forth in  
197 Article IV, Section 115-20A.(15).

198  
199 (L) Use of a manufactured-home-type structure for any business, commercial or  
200 industrial use that is administratively approved by the Director or his or her  
201 designee, and subject to the the requirements set forth in Article IV, Section 115-  
202 20A.(16).

203  
204 **Section 4. The Code of Sussex County, Chapter 115, Article V, §115-32**  
205 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
206 **underlined language:**

207  
208 **§ 115-32 Special Use Exceptions.**

209  
210 Special use exceptions may be permitted by the Board of Adjustment in accordance  
211 with the provisions of Article XXVII of this chapter and may include:

212  
213 A. Temporary and conditional permits for a period not to exceed five years, such  
214 period to be determined by the Board, for the following uses:

215  
216 . . .

217  
218 Use of a manufactured home as a single-family dwelling in any district to meet an  
219 emergency or hardship situation when not approved administratively by the  
220 Director or his or her designee, such permit not to exceed two years. The Director  
221 may, without requiring an application for a special use exception, grant an extension  
222 for an emergency or hardship situation previously approved by the County Board of  
223 Adjustment upon receipt of an affidavit from a doctor stating that the emergency or  
224 hardship situation still exists. Such extension may be granted annually as long as the  
225 emergency or hardship still exists.

226



227 . . .

228

229 Use of a manufactured-home-type structure for any business, commercial or  
230 industrial use when not approved administratively by the Director or his or her  
231 designee.

232

233 . . .

234

235 C. Other special use exceptions as follows:

236

237 . . .

238

239 Garage/studio apartments, when not approved administratively by the Director or  
240 his or her designee, provided that at least one parking space for the exclusive use of  
241 the tenant is included on the premises.

242 **Section 5. The Code of Sussex County, Chapter 115, Article VI, §115-40**  
243 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
244 **underlined language:**

245

246 **§ 115-40 Special Use Exceptions.**

247

248 Special use exceptions may be permitted by the Board of Adjustment in accordance  
249 with the provisions of Article XXVII of this chapter and may include:

250

251 A. Temporary and conditional permits for a period not to exceed five years, such  
252 period to be determined by the Board, for the following uses:

253

254 . . .

255

256 Use of a manufactured home as a single-family dwelling in any district to meet an  
257 emergency or hardship situation when not approved administratively by the Director  
258 or his or her designee, such permit not to exceed two years. The Director may,  
259 without requiring an application for a special use exception, grant an extension for  
260 an emergency or hardship situation previously approved by the County Board of  
261 Adjustment upon receipt of an affidavit from a doctor stating that the emergency or  
262 hardship situation still exists. Such extension may be granted annually as long as the  
263 emergency or hardship still exists.

264

265 Use of a manufactured-home-type structure for any business, commercial or  
266 industrial use when not approved administratively by the Director or his or her  
267 designee.

268  
269 . . .

271 C. Other special use exceptions as follows:

272  
273 . . .

274  
275 Garage/studio apartments, when not approved administratively by the Director or  
276 his or her designee, provided that at least one parking space for the exclusive use of  
277 the tenant is included on the premises.

278  
279 . . . .

280 **Section 6. The Code of Sussex County, Chapter 115, Article VII, §115-48**  
281 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
282 **underlined language:**

283  
284 **§ 115-48 Special Use Exceptions.**

285  
286 Special use exceptions may be permitted by the Board of Adjustment in accordance  
287 with the provisions of Article XXVII of this chapter and may include:

288  
289 A. Temporary and conditional permits for a period not to exceed five years, such  
290 period to be determined by the Board, for the following uses:

291  
292 . . .

293  
294 Use of a manufactured home as a single-family dwelling in any district to meet an  
295 emergency or hardship situation when not approved administratively by the  
296 Director or his or her designee, such permit not to exceed two years. The Director  
297 may, without requiring an application for a special use exception, grant an extension  
298 for an emergency or hardship situation previously approved by the County Board of  
299 Adjustment upon receipt of an affidavit from a doctor stating that the emergency or  
300 hardship situation still exists. Such extension may be granted annually as long as the  
301 emergency or hardship still exists.

302

303 Use of a manufactured-home-type structure for any business, commercial or  
304 industrial use when not approved administratively by the Director or his or her  
305 designee.

306  
307 . . .

308  
309 C. Other special use exceptions as follows:

310  
311 . . .

312  
313 Garage/studio apartments, when not approved administratively by the Director or  
314 his or her designee, provided that at least one parking space for the exclusive use  
315 of the tenant is included on the premises.

316  
317 **Section 7. The Code of Sussex County, Chapter 115, Article VIII, §115-53**  
318 **“Permitted Uses” is hereby amended by inserting the italicized and underlined**  
319 **language:**

320  
321 **§ 115-53 Permitted Uses.**

322  
323 A. A building or land shall be used only for the following purposes:

324 . . .

325  
326 (G) Use of a manufactured home as a single-family dwelling to meet an  
327 emergency or hardship situation that is administratively approved by the Director  
328 or his or her designee the requirements set forth in Article IV, Section 115-20A.(14).

329  
330 (H) Garage/studio apartment with at least one parking space for the exclusive use  
331 of the tenant included on the premises that is administratively approved by the  
332 Director or his or her designee, and subject to the requirements set forth in Article  
333 IV, Section 115-20A.(15).

334  
335 (I) Use of a manufactured-home-type structure for any business, commercial or  
336 industrial use that is administratively approved by the Director or his or her  
337 designee, and subject to the the requirements set forth in Article IV, Section 115-  
338 20A.(16).

339  
340

341 **Section 8. The Code of Sussex County, Chapter 115, Article VIII, §115-56**  
342 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
343 **underlined language:**

344  
345 **§ 115-56 Special Use Exceptions.**

346  
347 Special use exceptions may be permitted by the Board of Adjustment in accordance  
348 with the provisions of Article XXVII of this chapter and may include:

349  
350 A. Temporary and conditional permits for a period not to exceed five years, such  
351 period to be determined by the Board, for the following uses:

352  
353 . . .

354  
355 Use of a manufactured home as a single-family dwelling in any district to meet an  
356 emergency or hardship situation when not approved administratively by the Director  
357 or his or her designee, such permit not to exceed two years. The Director may,  
358 without requiring an application for a special use exception, grant an extension for  
359 an emergency or hardship situation previously approved by the County Board of  
360 Adjustment upon receipt of an affidavit from a doctor stating that the emergency or  
361 hardship situation still exists. Such extension may be granted annually as long as the  
362 emergency or hardship still exists.

363  
364 Use of a manufactured-home-type structure for any business, commercial or  
365 industrial use when not approved administratively by the Director or his or her  
366 designee.

367  
368 . . .

369  
370 C. Other special use exceptions as follows:

371  
372 . . .

373  
374 Garage/studio apartments, when not approved administratively by the Director or  
375 his or her designee, provided that at least one parking space for the exclusive use  
376 of the tenant is included on the premises.

377 . . . .

378

379 **Section 9. The Code of Sussex County, Chapter 115, Article IX, §115-64**  
380 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
381 **underlined language:**

382  
383 **§ 115-64 Special Use Exceptions.**

384  
385 Special use exceptions may be permitted by the Board of Adjustment in accordance  
386 with the provisions of Article XXVII of this chapter and may include:

387  
388 A. Temporary and conditional permits for a period not to exceed five years, such  
389 period to be determined by the Board, for the following uses:

390  
391 . . .

392  
393 Use of a manufactured home as a single-family dwelling in any district to meet an  
394 emergency or hardship situation when not approved administratively by the Director  
395 or his or her designee, such permit not to exceed two years. The Director may,  
396 without requiring an application for a special use exception, grant an extension for  
397 an emergency or hardship situation previously approved by the County Board of  
398 Adjustment upon receipt of an affidavit from a doctor stating that the emergency or  
399 hardship situation still exists. Such extension may be granted annually as long as the  
400 emergency or hardship still exists.

401  
402 Use of a manufactured-home-type structure for any business, commercial or  
403 industrial use when not approved administratively by the Director or his or her  
404 designee.

405  
406 . . .

407  
408 C. Other special use exceptions as follows:

409  
410 . . .

411  
412 Garage/studio apartments, when not approved administratively by the Director or  
413 his or her designee, provided that at least one parking space for the exclusive use  
414 of the tenant is included on the premises.

415 . . . .

416

417 **Section 10. The Code of Sussex County, Chapter 115, Article X, §115-69**  
418 **“Permitted Uses” is hereby amended by inserting the italicized and underlined**  
419 **language:**

420

421 **§ 115-69 Permitted Uses.**

422 A. A building or land shall be used only for the following purposes:

423

424 . . .

425

426 *(16) Use of a manufactured-home-type structure for any business, commercial or*  
427 *industrial use that is administratively approved by the Director or his or her*  
428 *designee, and subject to the requirements set forth in Article IV, Section 115-*  
429 *20A.(16).*

430

431 *(17)*[(16)] Offices, general business or professional.

432

433 *(18)*[(17)] Private clubs, lodges or meeting halls.

434

435 *(19)*[(18)] Radio and television broadcasting stations or studios.

436

437 *(20)*[(19)]Restaurants, drive-in or otherwise.

438

439 *(21)*[(20)]Shoe-repairing shops.

440

441 *(22)*[(21)]Shops for the sale, service or repair of home appliances, office machines,  
442 electrical and television and radio equipment.

443

444 *(23)*[(22)]Stores and shops for the conduct of retail business, including sale of  
445 accessories, antiques, apparel, appliances, beverages, books, carpets, drugs, fabrics,  
446 food, furniture, general merchandise, hardware and lumber and building material,  
447 garden supplies, hobby supplies, jewelry, office supplies, paint, sporting goods and  
448 stationery, and similar stores and shops.

449

450 *(24)*[(23)]Telephone stations or booths, including drive-in or talk-from-car  
451 stations, and telephone central offices, provided that all storage of materials, all  
452 repair facilities and all housing of repair crews are within a completely enclosed  
453 area.

454

455 ~~(25)~~[(24)]Temporary removable vendor stands, including but not limited to food  
456 trucks and similar vehicles or trailers, located on the premises between March 15  
457 and November 15 for the sale of food, agricultural products or other food-related  
458 goods. Such temporary removable vendor stands must comply with all of the  
459 following requirements:

460  
461 (a) No temporary removable vendor stand shall be permanently affixed to  
462 the premises. All temporary removable vendor stands shall be fully transportable  
463 and moveable within 24 hours.

464  
465 (b) There shall be no more than one temporary removable vendor stand  
466 on a parcel at any one time.

467  
468 (c) No temporary removable vendor stand shall be wider than eight feet  
469 six inches nor longer than 45 feet.

470  
471 (d) No temporary removable vendor stand shall be permanently  
472 connected to any utilities, including water, sewer, electric or gas.

473  
474 (e) No temporary removable vendor stand shall interfere with vehicular  
475 or pedestrian movement on a parcel or adjacent rights-of-way.

476  
477 (f) The owner of a proposed temporary removable stand shall present the  
478 Director of Planning and Zoning with written approval of the existence and  
479 location of the stand by the property owner and a drawing showing the location of  
480 the stand upon the property. Upon presentation of this information, the Director  
481 may preliminarily approve the stand or require the owner to apply for a special use  
482 exception from the Board of Adjustment if there are concerns about the location,  
483 the size of the property, the effect(s) upon on-site parking, neighboring properties  
484 or roadways, or other good cause.

485  
486 (g) If preliminarily approved, the owner of a proposed temporary  
487 removable stand shall present the Director of Planning and Zoning with evidence  
488 of a current State of Delaware business license.

489  
490 (h) Upon approval by the Director, a Sussex County Vendor Stand sticker  
491 shall be issued in a form established by the Director. This sticker shall be visible  
492 on the stand at all times.

493

494 (i) The approval of the temporary removable vendor stand shall be valid  
495 for one year.

496

497 (j) The application for a temporary removable vendor stand shall be in a  
498 form established by the Director. The fee for filing the application shall be \$100.

499

500 ~~(26)~~[(25)]Undertaking businesses or establishments or funeral homes.

501

502 ~~(27)~~[(26)] Studios for artists, photographers, teachers, sculptors and musicians.

503

504 ~~(28)~~[(27)]Special events.

505

506 (a) Special events held outdoors or within a temporary structure for a  
507 purpose different from the permitted use and usual occupancy of a premises or  
508 site that are administratively approved by the Director or his or her designee,  
509 when the event: will not impair the purpose and intent of the Zoning  
510 Ordinance; is not so recurring in nature as to constitute a permanent use not  
511 otherwise permitted in the district; and will not significantly affect the  
512 surrounding properties. Events that are consistent with the permitted use and  
513 usual occupancy of a site or that occur on land owned by the United States of  
514 America, the State of Delaware, Sussex County, municipalities and  
515 educational institutions are permitted. "Special events" include circuses,  
516 carnivals, midways, promotional and tent sales events, fairs, festivals,  
517 concerts, rodeos, shows, races/walks or any other event or mass gathering.

518

519 (b) No more than three special events shall be approved for the same  
520 property or premises during a calendar year. Each special event shall be  
521 counted as one calendar day, not including reasonable set up and removal time  
522 when the event is not otherwise underway.

523

524 (c) In determining whether to administratively approve a special event,  
525 the Director or his or her designee shall consider the following:

526

527 [1] The estimated number of attendees;

528 [2] The size of the parcel where the special event is to be located;

529 [3] The parking requirements of the special event;

530 [4] Roads and traffic patterns providing access to the special event;

531 [5] Prior events conducted by the applicant;

532 [6] Noise, light, odor, and dust generated by the special event;



533 [7] Proposed hours of operation and number of consecutive days; and  
534 [8] Such other considerations that may be applicable to the requested  
535 event.

536  
537 (d) The Director or his or her designee may impose conditions upon an  
538 administrative approval.

539 (e) All special events, regardless of size, location, use or duration, shall be  
540 subject to the requirements of the Sussex County Special Event and Public  
541 Safety Services Policies and Procedures. Failure to abide by the Sussex County  
542 Special Event and Public Safety Services Policies and Procedures may result in  
543 the termination of the special event's administrative approval.

544 (f) Special events that do not meet these requirements or which are not  
545 administratively approved shall require a conditional use.

546  
547 **Section 11. The Code of Sussex County, Chapter 115, Article X, §115-72**  
548 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
549 **underlined language:**

550  
551 **§ 115-72 Special Use Exceptions.**

552  
553 Special use exceptions may be permitted by the Board of Adjustment in accordance  
554 with the provisions of Article XXVII of this chapter and may include:

555  
556 A. Temporary and conditional permits for a period not to exceed five years, such  
557 period to be determined by the Board, for the following uses:

558  
559 . . .

560  
561 Use of a manufactured-home-type structure for any business, commercial or  
562 industrial use when not approved administratively by the Director or his or her  
563 designee.

564  
565 . . .

566  
567 **Section 12. The Code of Sussex County, Chapter 115, Article XA, §115-75.2**  
568 **“Permitted Uses” is hereby amended by inserting the italicized and underlined**  
569 **language:**

570  
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**§ 115-75.2 Permitted Uses.**

A. A building or land shall be used only for the following purposes:

...

(11) Not grouped elsewhere.

...

(e) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

**Section 13. The Code of Sussex County, Chapter 115, Article XA, §115-75.4 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:**

**§ 115-75.4 Special Use Exceptions.**

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

...

B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

606 **Section 14. The Code of Sussex County, Chapter 115, Article XB, §115-75.9**  
607 **“Permitted Uses” is hereby amended by inserting the italicized and underlined**  
608 **language:**

609  
610 **§ 115-75.9 Permitted Uses.**

611  
612 A. A building or land shall be used only for the following purposes:

613  
614 . . .

615  
616 (8) Not grouped elsewhere.

617  
618 . . .

619  
620 (c) Use of a manufactured-home-type structure for any business, commercial or  
621 industrial use that is administratively approved by the Director or his or her  
622 designee, and subject to the requirements set forth in Article IV, Section 115-  
623 20A.(16).

624  
625  
626 **Section 15. The Code of Sussex County, Chapter 115, Article XB, §115-75.11**  
627 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
628 **underlined language:**

629  
630 **§ 115-75.11 Special Use Exceptions.**

631  
632 Special use exceptions may be permitted by the Board of Adjustment in accordance  
633 with the provisions of Article XXVII of this chapter and may include:

634  
635 . . .

636  
637 B. Temporary and conditional permits for a period not to exceed five years, such  
638 period to be determined by the Board, for the following uses:

639  
640 Use of a manufactured-home-type structure for any business, commercial or  
641 industrial use when not approved administratively by the Director or his or her  
642 designee.

643

644 . . .

645

646 **Section 16. The Code of Sussex County, Chapter 115, Article XI, §115-80**  
647 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
648 **underlined language:**

649

650 **§ 115-80 Special Use Exceptions.**

651

652 Special use exceptions may be permitted by the Board of Adjustment in accordance  
653 with the provisions of Article XXVII of this chapter and may include:

654

655 A. Temporary and conditional permits for a period not to exceed five years, such  
656 period to be determined by the Board, for the following uses:

657

658 . . .

659

660 Use of a manufactured-home-type structure for any business, commercial or  
661 industrial use when not approved administratively by the Director or his or her  
662 designee.

663

664 . . .

665

666 **Section 17. The Code of Sussex County, Chapter 115, Article XIA, §115-83.6**  
667 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
668 **underlined language:**

669

670 **§ 115-83.6 Special Use Exceptions.**

671

672 Special use exceptions may be permitted by the Board of Adjustment in accordance  
673 with the provisions of Article XXVII of this chapter and may include:

674

675 A. Temporary and conditional permits for a period not to exceed five years, such  
676 period to be determined by the Board, for the following uses:

677

678 . . .

679

680 Use of a manufactured-home-type structure for any business, commercial or  
681 industrial use when not approved administratively by the Director or his or her  
682 designee.

683  
684 . . .

685  
686 **Section 18. The Code of Sussex County, Chapter 115, Article XIB, §115-83.11**  
687 **“Permitted Uses” is hereby amended by inserting the italicized and underlined**  
688 **language:**

689  
690 **§ 115-83.11 Permitted Uses.**

691  
692 A. A building or land shall be used only for the following purposes:

693  
694 . . .

695  
696 (10) Not grouped elsewhere.

697  
698 . . .

699  
700 (c) Use of a manufactured-home-type structure for any business, commercial or  
701 industrial use that is administratively approved by the Director or his or her  
702 designee, and subject to the requirements set forth in Article IV, Section 115-  
703 20A.(16).

704  
705 **Section 19. The Code of Sussex County, Chapter 115, Article XIB, §115-83.13**  
706 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
707 **underlined language:**

708  
709 **§ 115-83.11 Special Use Exceptions.**

710  
711 Special use exceptions may be permitted by the Board of Adjustment in accordance  
712 with the provisions of Article XXVII of this chapter and may include:

713  
714 . . .

715  
716 B. Temporary and conditional permits for a period not to exceed five years, such  
717 period to be determined by the Board, for the following uses:

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Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

**Section 20. The Code of Sussex County, Chapter 115, Article XIC, §115-83.18 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:**

**§ 115-83.18 Permitted Uses.**

A. A building or land shall be used only for the following purposes:

...

(11) Not grouped elsewhere.

...

(d) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

**Section 21. The Code of Sussex County, Chapter 115, Article XIC, §115-83.20 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:**

**§ 115-83.20 Special Use Exceptions.**

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

...

756 B. Temporary and conditional permits for a period not to exceed five years, such  
757 period to be determined by the Board, for the following uses:

758  
759 Use of a manufactured-home-type structure for any business, commercial or  
760 industrial use when not approved administratively by the Director or his or her  
761 designee.

762  
763 . . .

764  
765 **Section 22. The Code of Sussex County, Chapter 115, Article XIX, §115-83.26**  
766 **“Permitted Uses” is hereby amended by inserting the italicized and underlined**  
767 **language:**

768  
769 **§ 115-83.26 Permitted Uses.**

770  
771 A. A building or land shall be used only for the following purposes:

772  
773 . . .

774  
775 (11) Not grouped elsewhere.

776  
777 . . .

778  
779 (c) Use of a manufactured-home-type structure for any business, commercial or  
780 industrial use that is administratively approved by the Director or his or her  
781 designee, and subject to the requirements set forth in Article IV, Section 115-  
782 20A.(16).

783  
784 **Section 23. The Code of Sussex County, Chapter 115, Article XIX, §115-83.28**  
785 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
786 **underlined language:**

787  
788 **§ 115-83.28 Special Use Exceptions.**

789  
790 Special use exceptions may be permitted by the Board of Adjustment in accordance  
791 with the provisions of Article XXVII of this chapter and may include:

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*B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:*

*Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.*

**Section 24. The Code of Sussex County, Chapter 115, Article XIE, §115-83.33 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:**

**§ 115-83.33 Permitted Uses.**

A. A building or land shall be used only for the following purposes:

...

(9) Not grouped elsewhere.

...

*(d) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).*

**Section 25. The Code of Sussex County, Chapter 115, Article XIE, §115-83.35 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:**

**§ 115-83.35 Special Use Exceptions.**

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

...



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*C. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:*

*Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.*

...

**Section 26. The Code of Sussex County, Chapter 115, Article XIF, §115-83.40 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:**

**§ 115-83.40 Permitted Uses.**

A. A building or land shall be used only for the following purposes:

...

*(33) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).*

**Section 27. The Code of Sussex County, Chapter 115, Article XIF, §115-83.42 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:**

**§ 115-83.42 Special Use Exceptions.**

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

...

869 *B. Temporary and conditional permits for a period not to exceed five years, such*  
870 *period to be determined by the Board, for the following uses:*

871

872 *Use of a manufactured-home-type structure for any business, commercial or*  
873 *industrial use when not approved administratively by the Director or his or her*  
874 *designee.*

875

876 . . .

877

878 **Section 28. The Code of Sussex County, Chapter 115, Article XII, §115-88**  
879 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
880 **underlined language:**

881

882 **§ 115-88 Special Use Exceptions.**

883

884 Special use exceptions may be permitted by the Board of Adjustment in accordance  
885 with the provisions of Article XXVII of this chapter and may include:

886

887 A. Temporary and conditional permits for a period not to exceed five years, such  
888 period to be determined by the Board, for the following uses:

889

890 . . .

891

892 Use of a manufactured-home-type structure for any business, commercial or  
893 industrial use *when not approved administratively by the Director or his or her*  
894 *designee.*

895

896 . . .

897

898 **Section 29. The Code of Sussex County, Chapter 115, Article XIII, §115-94**  
899 **“Permitted Uses” is hereby amended by inserting the italicized and underlined**  
900 **language:**

901

902 **§ 115-94 Permitted Uses.**

903

904 A. A building or land shall be used only for the following purposes:

905

906 . . .

907  
908 (T) Use of a manufactured-home-type structure for any business, commercial or  
909 industrial use that is administratively approved by the Director or his or her  
910 designee, and subject to the the requirements set forth in Article IV, Section 115-  
911 20A.(16).

912  
913  
914 **Section 30. The Code of Sussex County, Chapter 115, Article XIII, §115-97**  
915 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
916 **underlined language:**

917  
918 **§ 115-97 Special Use Exceptions.**

919  
920 Special use exceptions may be permitted by the Board of Adjustment in accordance  
921 with the provisions of Article XXVII of this chapter and may include:

922  
923 A. Temporary and conditional permits for a period not to exceed five years, such  
924 period to be determined by the Board, for the following uses:

925  
926 . . .

927  
928 Use of a manufactured-home-type structure for any business, commercial or  
929 industrial use when not approved administratively by the Director or his or her  
930 designee.

931  
932 **Section 31. The Code of Sussex County, Chapter 115, Article XIV, §115-105**  
933 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
934 **underlined language:**

935  
936 **§ 115-105 Special Use Exceptions.**

937  
938 Special use exceptions may be permitted by the Board of Adjustment in accordance  
939 with the provisions of Article XXVII of this chapter and may include:

940  
941 A. Temporary and conditional permits for a period not to exceed five years, such  
942 period to be determined by the Board, for the following uses:

943  
944 . . .

945  
946 Use of a manufactured-home-type structure for any business, commercial or  
947 industrial use or residence for a caretaker or watchman when not approved  
948 administratively by the Director or his or her designee.

949  
950 **Section 32. The Code of Sussex County, Chapter 115, Article XIV, §115-114**  
951 **“Special Use Exceptions” is hereby amended by inserting the italicized and**  
952 **underlined language:**

953  
954 **§ 115-114 Special Use Exceptions.**

955  
956 Special use exceptions may be permitted by the Board of Adjustment in accordance  
957 with the provisions of Article XXVII of this chapter and may include:

958  
959 A. Temporary and conditional permits for a period not to exceed five years, such  
960 period to be determined by the Board, for the following uses:

961  
962 . . .

963  
964 Use of a manufactured-home-type structure for any business, commercial or  
965 industrial use or residence for a caretaker or watchman when not approved  
966 administratively by the Director or his or her designee.

967  
968 **Section 33. The Code of Sussex County, Chapter 115, Article XVII, §115-210**  
969 **“Special Exceptions” is hereby amended by inserting the italicized and**  
970 **underlined language:**

971  
972 **§ 115-210 Special Exceptions.**

973  
974 In order to provide for adjustments in the relative location of uses and buildings, to  
975 promote the usefulness of these regulations and to supply the necessary elasticity to  
976 their efficient operation, special use exceptions, limited as to locations described in  
977 this Article, and special yard and height, exceptions are permitted by the terms of  
978 these regulations. The following buildings and uses are permitted as special  
979 exceptions if the Board finds that, in its opinion, as a matter of fact, such exceptions  
980 will not substantially affect adversely the uses of adjacent and neighboring property:

981  
982 A. Special use exceptions:

983 (1) Temporary and conditional permits for a period not to exceed five years,  
984 such period to be determined by the Board, for the following uses, which are  
985 specified in each district:

986  
987 . . .

988  
989 Use of a manufactured home as a single-family dwelling in any district to meet an  
990 emergency or hardship situation when not approved administratively by the Director  
991 or his or her designee, such permit not to exceed two years. The Director may,  
992 without requiring an application for a special use exception, grant an extension for  
993 an emergency or hardship situation previously approved by the County Board of  
994 Adjustment upon receipt of an affidavit from a doctor stating that the emergency or  
995 hardship situation still exists. Such extension may be granted annually as long as the  
996 emergency or hardship still exists.

997  
998 Use of a manufactured-home-type structure for any business, commercial or  
999 industrial use when not approved administratively by the Director or his or her  
1000 designee.

1001  
1002 . . .

1003  
1004 (3) Other special use exceptions as follows, which are specified in each  
1005 district:

1006  
1007 . . .

1008  
1009 (r) Garage/studio apartments, when not approved administratively by the  
1010 Director or his or her designee, provided that at least one parking space for the  
1011 exclusive use of the tenant is included on the premises.

1012 . . . .

1013  
1014 **Section 34. Effective Date.**

1015  
1016 This Ordinance shall take effect immediately upon adoption by Sussex County  
1017 Council.



**SUSSEX COUNTY GOVERNMENT**  
GRANT APPLICATION

Payable to: Optimist International Foundation

**SECTION 1 APPLICANT INFORMATION**

ORGANIZATION NAME:	Optimist Club of Sussex Co.-Opt. Int. Foundation		
PROJECT NAME:	Essay & Oratorical & Youth Appreciation Day		
FEDERAL TAX ID:	23-7102928	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO *IF YES, FILL OUT SECTION 3B.			
ORGANIZATION'S MISSION:	Promoting hope and positive vision. Optimists bring out the best in youth, our communities and ourselves.		
ADDRESS:	32834 Ocean Reach Drive		
	Lewes	DE	19958
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Cathy Hartman		
TITLE:	President		
PHONE:	4437564754	EMAIL:	Sussexoptimist@gmail.com

TOTAL FUNDING REQUEST:	\$3,305.00
Has your organization received other grant funds from Sussex County Government in the last year?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If YES, how much was received in the last 12 months?	\$2100.00
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you seeking other sources of funding other than Sussex County Council?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If YES, approximately what percentage of the project's funding does the Council grant represent?	91%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

\_\_\_\_\_

## SECTION 3: PROGRAM SCOPE

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

We sponsor our Essay Contest to all students in Sussex County High Schools. The topic is chosen by Optimist International. The essay length is 700-800 words. A rubric is used to judge the essays. Our club awards \$500.00, \$250.00 and \$100.00 to the top three essay contestants. We invite the three essay contestants to read their essays at our general meeting and we provide dinner for them and their parents. Last year our top winner won third in the district level.

We sponsor an Oratorical Contest to all students in Sussex County High Schools. The topic is chosen by the Optimist International and this is the longest running program sponsored by the Optimist International. Students present their prepared speech to a panel of judges. A rubric is used for judging. We again give awards of \$500.00, \$250.00 and \$100.00 to our top three contestants. We again invite the top three contestants to our general meeting and provide dinner to them and their parents. Last year our top winner won FIRST PLACE in zone and then district level and went on to compete in regionals in St. Louis, Missouri.

We sponsor Youth Appreciation Day to all students in Sussex County High Schools. We invite two students from each high school to participate and see their local government in action. They visit the County Council and the Court of Common Pleas. We provide lunch and a gift to them at the Counting House.

This is a great opportunity to our youth in Sussex County.

We are sponsoring our first golf tournament on September 12, 2019 at Mulligan's Pointe to raise funds. Since this is our first year, we are not sure how much money we will be able to raise.

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

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

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

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



## SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	<b>320.00</b>
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Awards-3 for each contest-Essay and Oratorical	-\$ 1,750.00
Dinner for top three contestants in each contest & parents	-\$ 400.00
Lunch for Oratorical Contestants and parents	-\$ 75.00
Optimist International medallions for winners and small gift	-\$ 300.00
Entry fee for District Competition	-\$ 200.00
Youth Appreciation lunches	-\$ 400.00
Youth Appreciation gifts	-\$ 400.00
Miscellaneous expenses ( cost may exceed expenses )	-\$ 100.00
<b>TOTAL EXPENDITURES</b>	<b>-\$ 3,625.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>-\$ 3,305.00</b>


## SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Optimist of Sussex County agrees that:  
(Name of Organization)

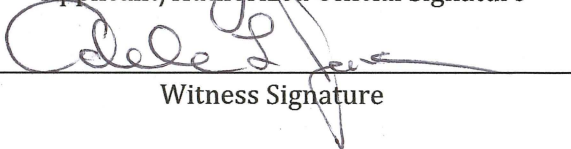
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

  
\_\_\_\_\_  
Applicant/Authorized Official Signature

Date 8/20/19

  
\_\_\_\_\_  
Witness Signature

Date 8/20/19

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947

Place on Oct. 22<sup>nd</sup> Agenda

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

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

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

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

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

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

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

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

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

Cathy Hartman  
Applicant/Authorized Official Signature

8/20/19  
Title

Adelle L. [Signature]  
Witness Signature

8/20/19  
Date

Burton  
8-21-19



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Fraternal Order of Police, Sussex County Lodge # 2

PROJECT NAME: Community Outreach Initiative for Sussex County

FEDERAL TAX ID: 510255625 NON-PROFIT:  YES  NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?  
 YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: To inspire and motivate members of Lodge # 2 to extend the hands of friendship to the Sussex County Community at large with disabilities, personal hardships, and target populations in need of community outreach.

ADDRESS: 33 Autumnwood Way

Lewes Delaware 19958  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Robert J. (Bob) Schappert III

TITLE: President - FOP Lodge # 2

PHONE: 410-544-4997 EMAIL: rschappert@verizon.net

TOTAL FUNDING REQUEST: \$2,000

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 90%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- |  |  |                                      |
|--|--|--------------------------------------|
| <input type="checkbox"/> Fair Housing                | <input checked="" type="checkbox"/> Health and Human Services  | <input type="checkbox"/> Cultural    |
| <input type="checkbox"/> Infrastructure <sup>1</sup> | <input checked="" type="checkbox"/> Other <small>Needy and disadvantage families with disabilities</small> | <input type="checkbox"/> Educational |

### BENEFICIARY CATEGORY

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Disability & Special Needs | <input checked="" type="checkbox"/> Victims of Domestic Violence  | <input checked="" type="checkbox"/> Homeless |
| <input checked="" type="checkbox"/> Elderly Persons            | <input checked="" type="checkbox"/> Low to Moderate Income <sup>2</sup>                                     | <input checked="" type="checkbox"/> Youth    |
| <input checked="" type="checkbox"/> Minority                   | <input checked="" type="checkbox"/> Other <small>needy and disadvantaged families with disabilities</small> |  |

### BENEFICIARY NUMBER

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

First grant request submitted but anticipate app

## SECTION 3: PROGRAM SCOPE

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

FOP Sussex County Lodge # 2 has experienced a renaissance this past year with an infusion of new members from the ranks of active and retired law enforcement communities from a five state area. As the newly elected President for 2019, several of my priorities involve community outreach to needy and disadvantaged families, and citizens with disabilities that our lodge can assist. During 2018, we sponsored a hospice family for Thanksgiving, working with Delaware Hospice to bring a family together for the last time. The mother's favorite holiday was Thanksgiving and she passed away after dinner that afternoon.

Our lodge also identified a very needy family with disabilities for our "Share Your Christmas" project. This involved participation of Troop 4, Lewes and Millsboro Fire Departments, Dagsboro Police Department, Cape Gazette, Jimmy Hoppa of WBOC, and the Country Kitchen Restaurant. A caravan of 12 vehicles arrived with Santa Clause, presents for five family members, and wonderful media coverage. This event was showcased in the Cape Gazette.

We look forward in 2019 to extend our hands of friendship to sponsoring some homeless citizens for Thanksgiving and Christmas, and sponsoring Community Outreach initiatives to showcase the goals of our lodge, co-partnering with county/state service entities identifying where we can have the greatest impact within our service area that encompasses Lewes, Rehoboth, Millsboro, Milton, Long Neck, Georgetown, Dagsboro, and Millville. We will also co-partner with the law enforcement communities and support the "Concerns of Police Survivors (C.O.P.S.) organization and our Health and Welfare fund, with special emphasis on the growing hispanic communities within our service area that would benefit from a friendly law enforcement entity attempting to help their communities. This grant request will enable us to meet our goals and priorities at the county and state lodge levels.

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

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

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

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

N/A

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	\$4,900 derived from our first annual Charity Golf Tournament and membership dues of \$7 per member.
<b>TOTAL REVENUES</b>	
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
<small>We are in the process of sponsoring our 2nd Annual Charity Golf Tournament which is the primary fund raiser to support our 2019 priorities.</small>	
Projected gross revenue from this event is anticipated at \$9,100	
Projected net revenue from dues collection is \$700	
Projected net revenue from this event is \$5,000	
NOTE: I had trouble populating the expenditures and deficit columns	
Total expenditures will be \$4,100 for the golf tournament	
Total expenditures for outreach initiatives is \$5,000	
<b>TOTAL EXPENDITURES</b>	\$ 0.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$ 0.00

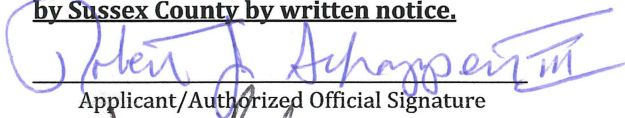
### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the FOP Sussex County Lodge # 2 agrees that:  
 (Name of Organization)

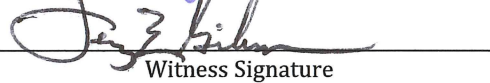
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

  
Applicant/Authorized Official Signature

2-22-19  
Date

  
Witness Signature

2-22-19  
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947



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

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

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

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

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

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

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

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

Applicant/Authorized Official Signature

Witness Signature

**President**

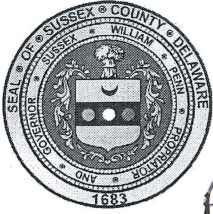
Title

**2-22-19**

Date

Rev. 02/2019

Hudson  
10-02-19



SUSSEX COUNTY GOVERNMENT  
GRANT APPLICATION

Payable to: *Sussex Community Crisis Housing Services*

*AG*

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Sussex Community Housing Services, Inc

PROJECT NAME: Housing Mitigation Fund (Housing Locator Program)

FEDERAL TAX ID: 51-0257434 NON-PROFIT:  YES  NO

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

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

ORGANIZATION'S MISSION: The mission of SCCHS,inc is to provide safe and secure temporary and transitional housing to the homeless and to facilitate the transition from homelessness to financial and housing independence.

ADDRESS: 204 E. North Street

Georgetown DE 19971

(CITY) (STATE) (ZIP)

CONTACT PERSON: Marie T. Morole

TITLE: Executive Director

PHONE: 302-856-7524 EMAIL: scchs@comcast.net

TOTAL FUNDING REQUEST: \$20,000 or any amount

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

If YES, how much was received in the last 12 months? \$35,000

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 26%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

100

## SECTION 3: PROGRAM SCOPE

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

SCCHS was awarded funds through the Home4Good Grant administered by the Delaware State Housing Authority and a grant from Sussex County Council to establish a Housing Locator Program in Sussex County for calendar year 2019. The initial phase of the Housing Locator program has seen the foundation laid to create a successful program that will help bridge the affordable housing gap in Sussex County. Steps that have been taken and that are continuing to be taken include:

- Search for affordable rental units throughout all of Sussex County
- Contact potential landlords, property managers, and apartment associations that have rentals available or may have rentals available in the future
- Create marketing materials to spread word of the program
- Complete unit inspections to ensure habitability
- Reach out to media sources and utilize social media to increase exposure to potential landlords
- Regularly follow up with landlords and continue to build relationships
- Host information sessions with case managers and build relationships with them

#### Targeted Population:

The targeted population of the Housing Locator program is renters that are considered extremely low income (ELI) which is defined as income of 30% of the area median income. These clients will be identified through Delaware's centralized intake, rapid re-housing programs, and the other various agencies serving homeless and low-income individuals and families.

The Housing Locator program is an essential element of the Continuum of Care action plan to reduce homelessness. One of the core components of this is rapid re-housing; an expedited, low-barrier form of housing that requires a substantial inventory of available units. The ability of the housing locator to recruit landlords into the program is vital to the success of this housing strategy. Landlord concessions may be needed in order to house high-risk tenants and the housing locator must "sell" the landlord on the program and ensure him that there is support and resources available to him if necessary. This program truly relies on a team approach including the housing locator, the landlord, and supporting agencies.

Through Discussion and meetings with various landlords, we have determined the addition of a risk-mitigation fund would increase the participation of landlords in renting to high risk populations. This component will be added to our proposal for calendar year 2020.

#### Risk-Mitigation Fund

An essential tool needed by the housing locator that will allow him more success in recruiting and retaining landlords is the creation of a landlord risk-mitigation fund. The creation of this fund is critical to the success of the Housing Locator program in that it provides a guarantee to the reluctant landlord for at least some of his monies. There is a perceived risk when renting to the homeless or low-income tenants that the unit will be damaged, or the rent won't be paid. Further actions, such as evictions or judgments, are also concerns of many of the landlords our housing locator has encountered. A mitigation fund will help to alleviate many of the concerns that these landlords have. Funds of this nature have proven a valuable tool for other municipalities throughout the country and must become a part of the Housing Locator program here in Sussex County.

In our model of the mitigation fund, the landlord can be reimbursed for any one of the following:

- Damages in excess of the security deposit
- Rent monies due from the tenant upon vacating the unit
- Court costs/eviction costs incurred in the first year of occupancy

Proper documentation will be required for all claims and will be capped at the amount of \$1,000. Claims made by landlords will be processed and monies administered from the fund by Sussex Community Crisis Housing Services. We have adopted this model of our mitigation fund from various other programs already in place in such municipalities as Denver, Colorado, Orlando, Florida, and Seattle, Washington.

Funding for the Housing locator program for 2020 has been identified through coordinating agencies, we are requesting funds for the Mitigation Fund to be funded by Sussex County Council.

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

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

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

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

N/A

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	55,000.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Salaries, benefits, payroll tax	-\$ 47,615.00
Insurance, Professional Acct fees	-\$ 2,200.00
Supplies, Postage, Printing, Occupancy	-\$ 1,745.00
Staff Mileage, Staff Training,	-\$ 940.00
Promotional events, Landlord and Agency events	-\$ 2,500.00
Landlord Mitigation Fund	-\$ 20,000.00
<b>TOTAL EXPENDITURES</b>	<b>-\$ 75,000.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>-\$ 20,000.00</b>

### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the SCCHS, Inc agrees that:  
(Name of Organization)

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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

  
\_\_\_\_\_  
Applicant/Authorized Official Signature

8/2/2019  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Witness Signature

8/2/2019  
\_\_\_\_\_  
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947

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

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

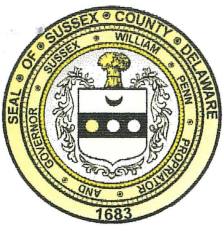
Maria V. Morole  
Applicant/Authorized Official Signature

[Handwritten Signature]  
Witness Signature

Executive Director  
Title

8/2/2019  
Date

Wilson  
10/8/19



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Western Sussex Chamber of Commerce		
PROJECT NAME:	Annual Seaford Christmas Parade		
FEDERAL TAX ID:	51-0109649	NON-PROFIT:	<input checked="" type="checkbox"/> YES    NO
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?			
	YES <input checked="" type="checkbox"/> NO	*IF YES, FILL OUT SECTION 3B.	
ORGANIZATION'S MISSION:	The Western Sussex Chamber of Commerce works with businesses and organizations in Western Sussex County. Our organization acts as an advocate and offers resources to offer support in our area.		
ADDRESS:	PO Box 26		
	26673 Sussex Highway		
	Seaford	De	19973
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Terry Carson		
TITLE:	Executive Director		
PHONE:	302-841-2744 302-629-9690	EMAIL:	twc63@ymail.com www.westernsussexcoc.com

**TOTAL FUNDING REQUEST:** \$500.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent?      25%



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

Fair Housing  
Infrastructure<sup>1</sup>

Health and Human Services  
 Other Parade

Cultural  
Educational

### BENEFICIARY CATEGORY

Disability & Special Needs  
Elderly Persons  
Minority

Victims of Domestic Violence  
 Low to Moderate Income<sup>2</sup>  
Other

Homeless  
Youth

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:  
2000

## SECTION 3: PROGRAM SCOPE

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

The Western Sussex Chamber of Commerce Partners with the Downtown Seaford Association to promote and orchestrate the Christmas Parade in downtown Seaford. This parade brings people into downtown Seaford. The parade routinely has over 100 parade entires, including marching bands, car clubs, fire units and floats. The parade is a well attended entertainment event for our citizens and visitors. It also supports an annual tradition in Western Sussex.

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

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

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

N/A

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	2,000.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Reimburse Expenses of Marching Bands	-\$1,250.00
Event Insurance	-\$600.00
Candy for hand out by parade Elves	-\$50.00
<b>TOTAL EXPENDITURES</b>	\$1,900.00      \$ 0.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 0.00</b>

### SECTION 5: STATEMENT OF ASSURANCES

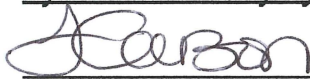
If this grant application is awarded funding, the Western Sussex Chamber of Commerce agrees that:

(Name of Organization)

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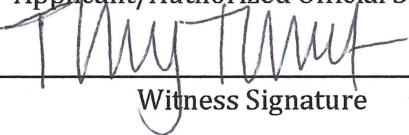
**SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
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- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

  
\_\_\_\_\_  
Applicant/Authorized Official Signature

October 4, 2019

Date

  
\_\_\_\_\_  
Witness Signature

October 4, 2019

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947

*[Handwritten initials]*

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

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

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

*[Handwritten Signature]*

Applicant/Authorized Official Signature

*[Handwritten Signature]*  
Witness Signature

Executive Director Western  
Title Sussex Chamber of Commerce

10-2-19  
Date

*Vincent*  
10-14-19  
Rev. 02/2019

To Be Introduced 10/22/19

Council District No. 4 – Hudson  
Tax I.D. No. 134-13.00-1843.00  
911 Address: 698 Bethany Loop, Bethany Beach

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO AMEND A CONDITION OF APPROVAL TO ALLOW FOR A MIXED USE BUILDING FOR CHANGE OF ZONE NO. 1005, ORDINANCE NO. 600, FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.22 ACRE, MORE OR LESS**

**WHEREAS, on the 8th day of October 2019, a zoning application, denominated Change of Zone No. 1905, was filed on behalf of George Cole Jr. and Charles Cole; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1905 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [MR-RPC Medium Density Residential District – Residential Planned Community] and adding in lieu thereof the designation of MR-RPC Medium Density Residential District – Residential Planned Community to amend a condition of approval for Change of Zone No. 1005, Ordinance No. 600, as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Bethany Loop, approximately 80 feet west of Cedar Neck Road, and being more particularly**

described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 0.22 acre, more or less.

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

TO BE INTRODUCED

**To Be Introduced 10/22/19**

**Council District No. 5 – Rieley  
Tax I.D. No. 233-5.00-172.00  
911 Address: 27436 Dagsboro Road, Dagsboro**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.6 ACRES, MORE OR LESS**

**WHEREAS, on the 9th day of October 2019, a zoning application, denominated Change of Zone No. 1906, was filed on behalf of Eliud Samuel Ramirez-Mejia; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1906 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

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

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the west side of Dagsboro Road, approximately 0.24 mile south of Crickett Street, and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 2.6 acres, more or less.**

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



JANELLE M. CORNWELL, AICP  
PLANNING & ZONING DIRECTOR  
(302) 855-7878 T  
(302) 854-5079 F  
janelle.cornwell@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Samuel R. Wilson, Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 18, 2019

RE: County Council Report for CZ 1899 Harbeson Farm Revex, LLC

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The Planning and Zoning Department received an application (CZ 1899 Harbeson Farm Revex, LLC) for a Change of Zone for a portion of parcel 235-30.00-131.01 to allow for a change from an AR-1 Agricultural Residential District to a B-2 Business Community District to be located at 11125 National Blvd. The Planning and Zoning Commission held a public hearing on October 1, 2019. 18865 Harbeson Rd. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were the results from the DelDOT Service Level Evaluation which did not require a Traffic Impact Study ("TIS"), an Exhibit Booklet, staff analysis, comments from the Sussex County Engineering Department of Utility Planning Division, and the Sussex Conservation District.

That the Commission found that Mr. David Hutt, and Attorney with Morris James, LLC and Ms. Kay Dukes a Principal with Harbeson Farm Revex, LLC were present on behalf of the application; that Mr. Hutt stated the application is proposed Change in Zone for 35,000 square feet; that the property is currently split-zoned; that majority of the property is zoned MR (Medium Density Residential District) and the last piece of the property is zoned AR-1 (Agricultural Residential District); that the proposed Change of Zone application is for the MR zoning part of the property; that the property is located ½ mile south of the intersection of Harbeson Road (Route 5) and Lewes-Georgetown Highway (Route 9); that the intersection has had improvements and this have had a positive effect; that a Royal Farms has recently been built; that prior to the construction of Royal Farms the structures that were previously there were demolished; that those buildings included a gas station, a convenience store, a small deli, a Tupperware store, and the United States Parcel Service; that the Harbeson Post Office is looking for a new site; that the Change of Zone application is to change the zoning the zoning classification to C-3 (Heavy Commercial District); that the Service Level Evaluation ("SLER") application that was filed was for a change of Zone to C-3; that after looking at the response from



DelDOT regarding the SLER, it was decided that the B-2 (Business Community District) was the most appropriate Zoning District; that the proposed application, if approved, would meet the intended use of the property and would be in keeping with the area where the lot is located; that the purpose is to provide for office, retail shopping, personal service uses to be developed either as a unit or an individual parcel to serve the needs of a relatively small area – primarily being nearby rural, low-density or medium-density residential neighborhoods; that the proposed Change in Zone seems to fit the exact purpose of a Post Office in the Harbeson area; that the Post Office use would be similar to a permitted use that is an office or personal service; that a Governmental facility is also permitted in the B-2 Zoning District; that the Harbeson area is rural in character; that there are other zoning classifications in the area; that the Land Use Classification per the 2019 Comprehensive Plan for the MR portion of land is in the Existing Development Area and the AR-1 portion is within a Rural Area; that the parcel is located in the State Spending Strategies Level 3; that the property fronts on to Route 5 which is a major collector road; that the property, if approved would have shoulders and an approved entrance to be agreed with DelDOT; that the proposed plan is for on-site water and septic; that water and wastewater could possibly be provided by Artesian Water Company; and that only a portion of the parcel is being rezoned.

That the Commission found that Ms. Corine Elliott spoke in favor to the application; that Ms. Elliott stated she misses the Post Office being in the neighborhood; that originally the Post Office wanted to place a small trailer on Route 9; and that the traffic patterns have changed along Route 9 and therefore she is in support of the Post Office being brought back in Harbeson and in a safe area.

That the Commission found that no one spoke in opposition to the application.

At the conclusion of the public hearing, the Commission discussed this application.

Motion carried Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting on October 10, 2019, the Planning Commission discussed the application which has been deferred since October 1, 2019.

Ms. Stevenson moved that the Planning Commission recommend approval of Change in Zone # 1899 for HARBESON FARM REVEX, LLC for a change in zone from AR-1 to B-2 “Business Community” District based upon the record made during the public hearing and for the following reasons:

1. The B-2 Business Community Zoning is designed to allow office, retail shopping and personal service uses that serve a relatively small area, including low density and medium density neighborhoods.
2. The applicant has stated that the purpose of this rezoning is to allow the United States Post Office serving Harbeson to be relocated to this property. The Post Office was previously discontinued at its prior site due to the redevelopment of that property and the improvements to the Route 9 and Route 5 intersection. B-2 zoning supports this use as a Post Office.
3. The site is located along Route 5 in Harbeson in an area where there is a mix of small businesses and residential uses. There is also a large industrially-zoned property nearby. This location is appropriate for B-2 zoning.
4. The B-2 zoning will not adversely affect the area roadways, public facilities or nearby properties.

5. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
6. No parties appeared in opposition to the application, and several people appeared in favor of it.
7. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated in the motion. Motion carried 5-0.

## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

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(302) 854-5079 F



# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 5, 2019  
RE: Staff Analysis for CZ 1899 Harbeson Farm Revex, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1899 Harbeson Farm Revex, LLC to be reviewed during the September 12, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for a portion of parcel 235-30.00-131.01 to allow for a change from AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District) to B-2 (Business Community District) to be located at 18865 Harbeson Rd. (Rt. 5). The size of the portion of the property to be rezoned is 0.801 ac. +/-.

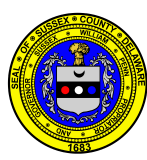
The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the property has the land use designation of Existing Development and Low Density.

The surrounding land uses to the north and south are Existing Development and Low Density. The land use to the east is Low Density. The land uses to the west are Existing Development, Industrial and Low Density. Existing Development Area recognizes that a range of housing types and uses in the neighborhood business and commercial districts are permitted. The Low Density area recognizes agricultural activities and homes with convenience goods and services to nearby residents. It also recognizes that commercial uses should be limited in location, size, and hours of operation and intense uses should be avoided. The B-2 zoning district is a zoning that may be considered in the Low Density land use.

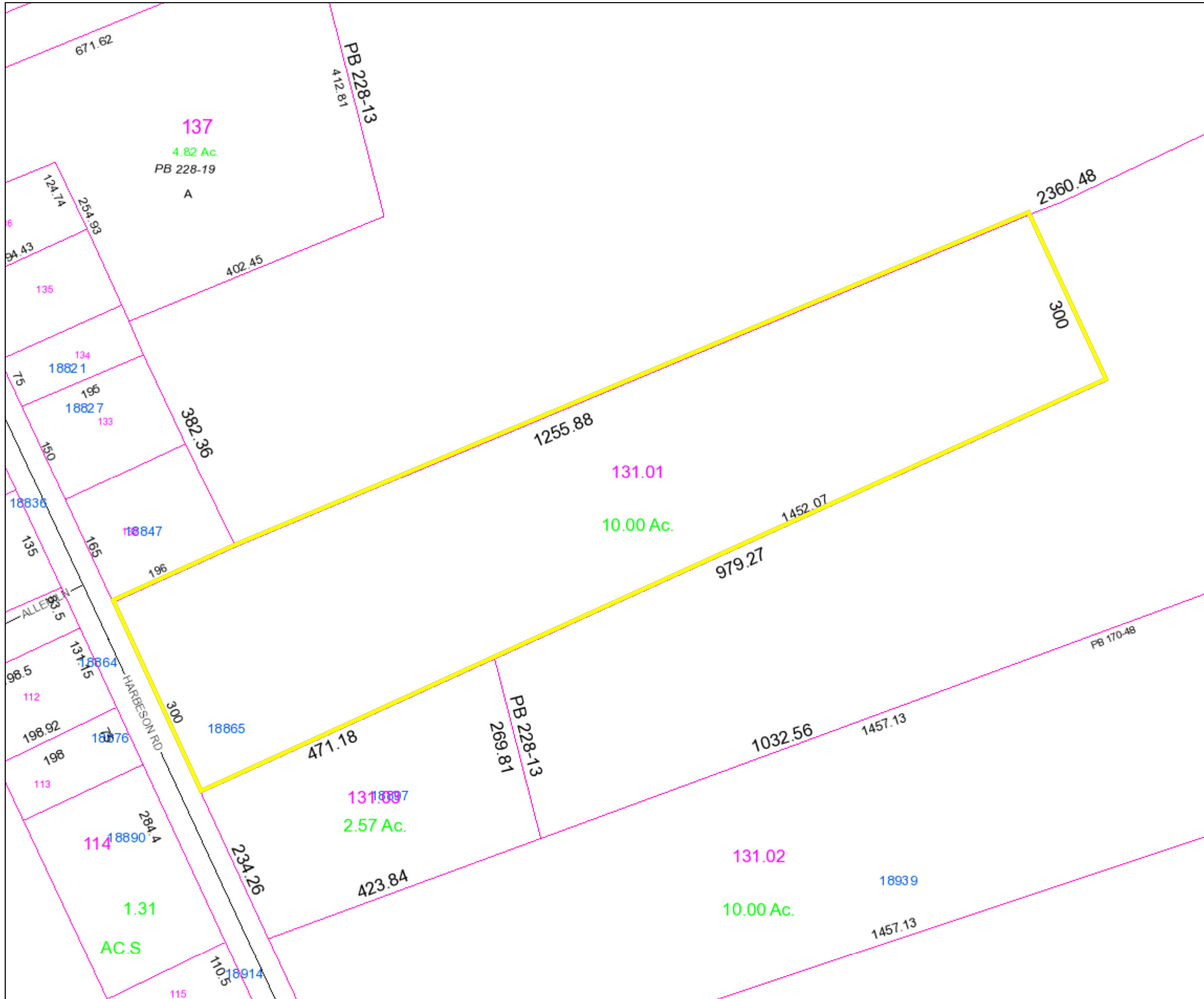
The property is zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The properties to the north and south are zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The properties to the east area zoned AR-1 (Agricultural Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District) and HI-1 (Heavy Industrial District). There are Conditional Uses in the area (manufactured home installer and landscape business).

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District) to B-2 (Business Community District) could be considered consistent with the land use, area zoning and uses.



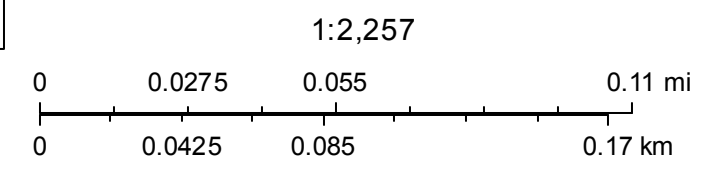


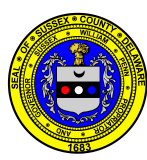
# Sussex County



<b>PIN:</b>	235-30.00-131.01	
<b>Owner Name</b>	HARBESON	FARM
	REVEX LLC	
<b>Book</b>	4543	
<b>Mailing Address</b>	27113 CARPENTER FARM	
<b>City</b>	MILTON	
<b>State</b>	DE	
<b>Description</b>	E/RT 5	
<b>Description 2</b>	934'N/RD 293	
<b>Description 3</b>	TR 24032	
<b>Land Code</b>		

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





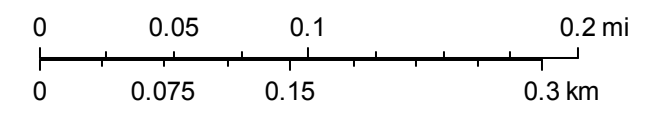
# Sussex County

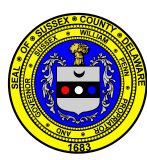


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- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
  - Tax Parcels
  - Streets
- Zoning**
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Medium Residential - MR
  - General Residential - GR
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Vacation, Retire, Resident - VRP
  - Neighborhood Business - B-1
  - General Commercial - C-1
  - Commercial Residential - CR-1
  - Marine - M
  - Limited Industrial - LI-1
  - Limited Industrial - LI-2
  - Heavy Industrial - HI-1

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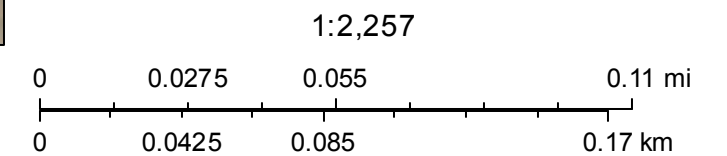


# Sussex County



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<b>Owner Name</b>	HARBESON	FARM
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- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries



**Introduced 08/13/19**

**Council District No. 3 - Burton  
Tax I.D. No. 235-30.00-131.01 (portion of)  
911 Address: 18865 Harbeson Road, Harbeson**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.8016 ACRES, MORE OR LESS**

**WHEREAS, on the 26th day of July 2019, a zoning application, denominated Change of Zone No. 1899, was filed on behalf of Harbeson Farm Revex, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1899 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

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

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the east side of Harbeson Road (Route 5) approximately 0.44 miles south of Lewes-Georgetown Highway (Route 9) and being more particularly described in the attached legal description prepared by Adam-Kemp Associates, Inc., said parcel containing 0.8016 acres, more or less.**



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

PROPOSED