

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 6, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 6, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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| Michael H. Vincent | President |
| George B. Cole | Vice President |
| Robert B. Arlett | Councilman |
| Irwin G. Burton III | Councilman |
| Samuel R. Wilson Jr. | Councilman |
| Todd F. Lawson | County Administrator |
| Gina A. Jennings | Finance Director |
| J. Everett Moore Jr. | County Attorney |

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 251 17
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to amend the Agenda by deleting “Consent Agenda” and “Wastewater Agreement No. 259-2, Sussex County Project No. 81-04, The Reserves – Clubhouse, Ocean View Expansion of the Bethany Beach Sanitary Sewer District” and to approve the agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of May 23, 2017 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger commented on a recent Board of Adjustment meeting and matters relating to a dog kennel application.

Dan Kramer commented on the County’s sign ordinance and asked why it is not being enforced.

**Wastewater
Agreement**

Mr. Lawson presented a Wastewater Agreement for the Council’s consideration.

**M 252 17
Execute
Wastewater
Agreement**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Council Project No. 81-04, Agreement No. 597-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Woodlands Development, LLC for wastewater facilities to be constructed in The Woodlands – Phase 2, located in the Miller Creek Sanitary Sewer District.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Second
Quarter
Employee
Recognition
Awards**

Mrs. Jennings reported that the County recognizes employees for exceptional service and that a total of twenty four (24) employees received recognition for the Second Quarter of 2017. Mrs. Jennings announced that three employees received special recognition for the Second Quarter of 2017. Susan Wise, employee at the Airport, was selected to receive the Second Quarter Customer Service Award, and two employees received Honorable Mention: Jennifer Norwood in Planning and Zoning and Will Godwin in Assessment.

**Proclama-
tion/Home
Ownership
Month**

A Proclamation entitled “PROCLAIMING THE MONTH OF JUNE AS “HOME OWNERSHIP MONTH” IN SUSSEX COUNTY” was presented to representatives of the Sussex County Association of Realtors.

**Discussion
Regarding
Special
Events**

Mr. Lawson presented information on the definition of special events within County Code. He noted that this topic was brought up during the May 23rd Council meeting. Vince Robertson, Assistant County Attorney, and Janelle Cornwell, Director of Planning and Zoning, also presented information on the section of the County Code (within Chapter 115) which allows special events. A discussion was held on how the County handles requests for special events, especially in regard to the 3-day time limit and limiting the number of events held. Also discussed was whether or not a draft ordinance needs to be written to clarify areas of concern. Mr. Lawson stated that staff and Legal Counsel will prepare an outline for Council’s review and comment.

**Adminis-
trator’s
Report**

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for April 2017 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 192 troopers assigned to Sussex County for the month of April.

**Administrator's
Report
(continued)**

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Hopkins - Pettyjohn Subdivision (aka Red Mill Pond North) – Phase 5, effective May 19th; Ocean View Beach Club – Amenities Sewer, effective May 22nd; and Park Shore (Henlopen Station), effective May 31st.

3. Linda J. Willey

It is with sadness that we note the passing of County pensioner Linda J. Willey on Sunday, May 28th. Ms. Willey began her career with Sussex County in July 1978 and retired from the Community Development & Housing Division as a Secretary in July 2002 with 24 years of service. We would like to express our condolences to the Willey family.

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

**Discussion/
Amendment
to Code
Regarding
On-Premises
and Off-
Premises
Signs**

Jamie Sharp, Assistant County Attorney, presented a draft ordinance to amend the County Code regarding the separation distance between on-premise signs and off-premise signs. He advised that, currently, the Code prohibits an off-premise sign from being within 50 feet of an on-premise sign and an on-premise sign from being within 50 feet of an off-premise sign. Mr. Sharp stated that the draft ordinance would address the separation requirement and would not preclude the erection of an on-premise sign within 50 feet of an off-premise sign. This would address an issue with businesses wanting to advertise on the same property as the business is located when there currently exists an off-premise billboard nearby. This Ordinance revises the provisions of Chapter 115, Article XXI, Section 159.5(B)(1) of the Sussex County Code related to the placement of signs in Sussex County.

**Introduction
of Proposed
Ordinance/
Signs**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE XXI ("SIGNS"), SECTION 159.5(B)(1)". The Proposed Ordinance will be advertised for Public Hearing.

**Scope of
Work
Related to
Compre-
hensive
Land Use
Plan**

Janelle Cornwell, Director of Planning and Zoning, and Vince Robertson, Assistant County Attorney, presented a recommendation of the Planning and Zoning Commission to expand the scope of work with McCormick Taylor regarding the 2018 Comprehensive Plan. The expanded scope would include an additional 1,337 hours of work for an additional cost not to exceed \$165,087.25. She stated that much of the additional hours are for the meetings with the Planning and Zoning Commission. The scope also includes the additional meetings/interviews requested with the Council and various municipalities.

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| Scope of Work Related to Comprehensive Land Use Plan (continued) | <p>Ms. Cornwell and Council members discussed the process for the development of the Comprehensive Plan. Ms. Cornwell stated that Council will receive a draft (estimated to be in August) and may review and modify it; thereafter, the Council will hold a Public Hearing (early 2018).</p> <p>Ms. Cornwell stated that the expanded scope of work covers the entire Comprehensive Plan from initial meetings through the final plan for total estimated hours of 3,172 and a total cost not to exceed \$435,193.31.</p> |
| M 253 17 Approve Expanded Scope/ Comprehensive Land Use Plan | <p>A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves the expanded scope for the 2018 Comprehensive Land Use Plan, not to exceed \$435,193.31.</p> <p>Motion Adopted: 4 Yeas, 1 Nay.</p> <p>Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Nay; Mr. Cole, Yea; Mr. Vincent, Yea</p> |
| Draft Ordinances/ General Obligation Bonds | <p>Mrs. Jennings presented two draft ordinances authorizing the issuance of General Obligation Bonds of Sussex County for the cost of the design, construction, and equipping of the Route 54 Expansion of the Fenwick Island Area of the Unified Sanitary Sewer District and the Angola North Sewer Project of the Unified Sanitary Sewer District. Both bond issuances are backed by the County's full faith and credit and are within the legal debt limit of the County.</p> |
| Introduction of Proposed Bond Ordinances | <p>Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,048,682 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE ROUTE 54 EXPANSION OF THE FENWICK ISLAND SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".</p> <p>Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".</p> |
| Introduction/ Director of Environmental Services | <p>The Proposed Ordinances will be advertised for Public Hearing.</p> <p>Hans Medlarz, County Engineer, introduced Edwin Teneffoss, the next Director of Environmental Services. Mr. Teneffoss will replace Heather Sheridan, the current Director of Environmental Services, who is retiring.</p> |

**MOU/
Flood
Avoidance
Assessment
and Action
Plan/
CIB**

Mr. Medlarz presented for consideration a Memorandum of Understanding between the County and the Center for the Inland Bays for the purpose of achieving the objectives relating to the Flood Avoidance Assessment and Action Plan for Delaware's Inland Bays. Mr. Medlarz explained that this is an opportunity for an 80% grant / 20% match for the assessment of wastewater infrastructure in the Inland Bays area. Mr. Medlarz presented the terms and conditions of the program and grant funding.

**M 254 17
Approve
Funding
Match and
MOU
with CIB**

A Motion was made by Mr. Cole, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that the Sussex County Council approves a \$20,000 match for the Delaware Center for Inland Bays (CIB) as part of a request for funding under the DNREC Sustainable Communities Program and approves a Memorandum of Understanding with CIB under the terms and conditions as presented at this Council meeting.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Milton
Library
Foundation
Repair/
Design Eng.
Contract**

Mr. Medlarz presented a request for Contract Amendment No. 1 to the Davis Bowen & Friedel Non-USDA Base Contract for the design of the Milton Library Foundation Repair Project. Mr. Medlarz discussed the structural problem of the library building and stated that the root cause of the problem is a compromised bulkhead losing soil during tide cycles.

**M 255 17
Approve
Contract
Amend-
ment/
Milton
Library
Foundation
Repair
Design**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Amendment No. 1 to the Base EJCDC Agreement with Davis, Bowen & Friedel be approved in the amount not to exceed \$25,000.00 for design of the Milton Library Foundation Repair on a time and material basis.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Pump
Station 210
Forcemain/
IBRWF
Contract/
C/O & SC**

Mr. Medlarz presented a Balancing Change Order and request to grant Substantial Completion for the Pump Station 210 Forcemain to Inland Bays Regional Wastewater Facility – Plantation and Kendale Roads – Contract 15-08B. Mr. Medlarz reported that construction began on January 4, 2016 and was declared Substantially Complete on February 18, 2017.

**M 256 17
Approve
Balancing
Change
Order and
Grant
Substantial
Completion/
Pump
Station 210
Forcemain
Contract**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that the Balancing Change Order for Contract #15-08B, Pump Station #210 Forcemain: Plantation, Robinsonville and Kendale Roads, be approved, which decreases the Contract amount by \$259,344.97, for a new total of \$2,882,995.03, and that Substantial Completion be granted effective February 18, 2017, along with a forty-seven (47) calendar-day time extension, and any held retainage be released in accordance with the contract documents.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Councilman Burton left the meeting.

**Request to
Post Notices/
Route 54/
Williams-
ville
Expansion/
Fenwick
Island
Area**

John Ashman, Director of Utility Planning, and Mr. Medlarz presented a request to prepare and post notices for the Route 54, Williamsville Phase II Expansion of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area). The proposed expansion includes parcels along Route 54 (Lighthouse Road) primarily from West Line Road to Dickerson Road. The Engineering Department received requests from three property owners interested in having the County extend the District boundary. Mr. Ashman noted that this limited extension can be completed at a 5% additional construction cost to the existing Route 54 project; system connection charges will be rolled into the financing for all existing residential customers.

A discussion was held regarding the previous Route 54 Expansion, and this proposed project's impact on the previous project. Also discussed were rates and construction costs for both of the Route 54 Expansion projects.

**M 257 17
Authorize
Prepare
and Post
Notices/
Route 54/
Williams-
ville
Expansion/
Fenwick
Island
Area**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Engineering Department is authorized to prepare and post notices for the Williamsville Phase II Expansion of the Sussex County Unified Sanitary Sewer District to include parcels primarily from West Line Road to Dickerson Road along Route 54 (Lighthouse Road), as presented on June 6, 2017.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Referendum Results/ Mulberry Knoll Area/ SCUSSD Mr. Ashman presented the referendum results for the creation of the Mulberry Knoll Area of the Sussex County Unified Sanitary Sewer District: forty-nine (49) For and seventeen (17) Against the creation of the District. Mr. Ashman presented a Proposed Resolution to establish the District.

M 258 17 Adopt R 011 17 A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Resolution No. R 011 17 entitled “**MULBERRY KNOLL AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65, OF THE DELAWARE CODE”**

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

Grant Requests Mrs. Jennings presented a grant request for the Council’s consideration.

M 259 17 Councilmanic Grant A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$1,500.00 (\$750.00 each from Mr. Cole’s and Mr. Arlett’s Councilmanic Grant Accounts) to Selbyville Middle School for Heart in the Game Health Fair.

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

Introduction of Proposed Ordinances Mr. Wilson introduced the Proposed Ordinance 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 CHANGE OF ZONE NO. 1764 (ORDINANCE NO. 1770) CONDITIONS 17A AND 17D TO EXTEND TIMEFRAME ONE YEAR FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 373 ACRES, MORE OR LESS” (Change of Zone No. 1828) filed on behalf of Coastal Club (a/k/a Marine Farm) (Tax I.D. No. 334-11.00-5.00, 334-11.00-395.00 and 396.00) (911 Address: Not Available).**

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WEDDING VENUE WITHIN AN EXISTING BARN ON APPROXIMATELY 2 ACRES AROUND THE BARN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED,

Introduction of Proposed Ordinances (continued)

SUSSEX COUNTY, CONTAINING 49.12 ACRES, MORE OR LESS” (Conditional Use No. 2099) filed on behalf of Richard and Dawn Jamison (Tax I.D. No. 531-12.00-92.00 (portion of)) (911 Address: 4647 Woodpecker Road, Seaford).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONCRETE FORM BUSINESS AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.6889 ACRE, MORE OR LESS” (Conditional Use No. 2102) filed on behalf of Arturo Granados – Gonzalez (Tax I.D. No. 233-12.00-17.02) (911 Address: 30639 Vines Creek Road, Dagsboro).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RECREATION FACILITY, OFFICE, CARETAKER HOUSE, EQUINE-ASSISTED THERAPY AND STABLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.38 ACRES, MORE OR LESS” (Conditional Use No. 2103) filed on behalf of Southern Delaware Therapeutic and Recreational Horseback Riding, Inc. (Tax I.D. No. 235-26.00-17.14) (911 Address: 17170 Harbeson Road, Milton).

Council Members’ Comments

Council Members’ Comments

Mr. Arlett referenced correspondence he received regarding concerns about House Bill 189 and about affordable housing.

Mr. Arlett asked for weekly legislative updates in June.

M 260 17 Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 12:12 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Yea; Mr. Cole, 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.}