

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 3, 2017**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 3, 2017 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>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Irwin G. Burton III</b>	<b>Councilman</b>
<b>George B. Cole</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>

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 001 17  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the Agenda by deleting “Recognition Of Retiring Clerk of the Peace John Brady”, and to approve the Agenda, as amended.**

**Motion Adopted: 5 Yeas.**

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

**Election of  
Officers**

**Mr. Lawson stated that the County Council must elect officers for 2017.**

**M 002 17  
Nominate  
President**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to nominate Michael H. Vincent to serve as President of the Sussex County Council in 2017.**

**Motion Adopted: 5 Yeas.**

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

**M 003 17  
Nominate  
Vice  
President**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to nominate George B. Cole to serve as Vice President of the Sussex County Council in 2017.**

**Motion Adopted: 5 Yeas.**

**M 003 17  
(continued)**

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

**Council  
Member  
Appoint-  
ments**

**Mr. Vincent commented on Council Member appointments for the calendar year 2017 and he referenced the recommendations included in Council's packets for this meeting, as follows: Michael Vincent to the Delaware League of Local Governments; George Cole as the Council's representative on the National Association of Counties Board of Directors; Samuel Wilson as the Council's representative on the Sussex Conservation District Board of Directors; Robert Arlett as the Council's representative on the Sussex County Airport Committee; George Cole and Irwin G. Burton as the Council's representatives on the Sussex County Land Trust; and Robert Arlett to the Salisbury/Wicomico Metropolitan Planning Organization.**

**M 004 17  
Approve  
Council  
Member  
Appoint-  
ments**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the Council Member appointments, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Appoint-  
ment of  
Legal  
Counsel**

**Mr. Vincent referenced the appointment of Legal Counsel and the recommendation included in Council's packets for this meeting, as follows: County Attorney – J. Everett Moore, Jr.; Assistant County Attorney – Vincent Robertson; Attorney for the Board of Adjustment – Moore & Rutt, P.A.; Attorney for Sussex County Government/Council – Moore & Rutt, P.A.; Attorney for the Planning and Zoning Commission – Parkowski, Guerke and Swayze.**

**M 005 17  
Appoint  
Legal  
Staff**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council appoints legal staff, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Proposed  
Changes to  
Rules of  
Procedure**

**Mr. Lawson reviewed proposed changes to the Rules of Procedure recommended by staff and reviewed by Legal Counsel:**

- **striking any reference to the term "Proclamation" in Rule 11 entitled Resolutions and Proclamations**
- **in Rule 16A.2 relating to appointments to the Planning and Zoning Commission and the Board of Adjustment, strike reference to a time limit ~~(and no later than two (2) weeks from the date the vacancy~~**

**Proposed  
Changes to  
Rules of  
Procedure  
(continued)**

~~occurred~~)

- **in Rule 17.6A relating to Standards of Conduct / Public Comment, amend the third sentence as follows “Each speaker shall be limited to 3 minutes and the time shall be kept by electronic clock and displayed to the speaker.””**

**Mr. Lawson also noted that, previously, Mr. Arlett recommended updating the Public Comment Sign-Up Sheet to note the Rules of Procedure and to note that the Presiding Officer may, but is not required to, respond to a speaker or to a question or an issue raised by a speaker. Mr. Lawson distributed an amended Public Comment Sign-Up Sheet for Council’s consideration.**

**M 006 17  
Adopt  
Rules of  
Procedure  
As Amended**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt the Rules of Procedure (which includes the Public Comment Sign-Up Sheet), 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**

**Approve  
Minutes**

**The minutes of December 6 and 13, 2016 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore read the following correspondence:**

**NEW HOPE RECREATION AND DEVELOPMENT CENTER,  
ELLENDALE, DELAWARE.**

**RE: Letter in appreciation of grant.**

**DELAWARE BREAST CANCER COALITION, LEWES, DELAWARE.**

**RE: Letter in appreciation of grant.**

**UNION UNITED METHODIST CHURCH, BRIDGEVILLE, DELAWARE.**

**RE: Letter in appreciation of the non-perishable food items and canned goods donated to the Food Pantry from the Caroling on The Circle food drive.**

**Mr. Cole read the following correspondence:**

**REHOBOTH BEACH MUSEUM, REHOBOTH BEACH, DELAWARE.**

**RE: Letter in appreciation of grant.**

**Public  
Comments**

**PUBLIC COMMENTS**

**Dan Kramer commented on the Council’s new Vice President and the newly elected County Councilman.**

**Paul Reiger commented on issues he has raised previously and he asked that they be taken care of, i.e. property rights, rights of properties, etc. Mr.**

- Public Comments (continued)** Vincent questioned Mr. Reiger if he has submitted his questions in writing, as requested. Mr. Reiger responded that he has not; that he is trying to determine which ones are State issues and County issues, i.e. the tire issue is now a State issue.
- Recognition of Retiring P&Z Director** Councilmembers, Mr. Lawson and Mr. Moore recognized retiring Director of Planning and Zoning Lawrence Lank. A Tribute and plaque were presented to Mr. Lank in recognition of his 47 years of service to Sussex County.
- Wastewater Agreement** Mr. Lawson presented a Wastewater Agreement for the Council's consideration.
- M 007 16 Approve Wastewater Agreement/ Windansea, LLC** A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 990-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and "Windansea, LLC" for wastewater facilities to be constructed in Ocean View Beach Club – Amenities Sewer" located in Bethany Beach 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
- Administrator's Report** Mr. Lawson read the following information in his Administrator's Report:
- 1. Projects Receiving Substantial Completion**
- Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: The Estuary – Phase 1A-2 (Construction Record), effective December 14<sup>th</sup>; Swann Cove – Phase 8, effective December 15<sup>th</sup>; and The Woods at Arnell Creek, effective December 16<sup>th</sup>.
- [Attachments to the Administrator's Report are not attachments to the minutes.]
- Bank Resolutions** Mrs. Jennings reported that, since the officers of the Sussex County Council has changed, it is necessary to Adopt new bank resolutions for 2017.
- M 008 16 Adopt R 001 17** A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Resolution R 001 17 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH M & T BANK BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR GINA A. JENNINGS, FINANCE DIRECTOR, PROVIDED CHECK OR WITHDRAWAL IS LESS THAN OR EQUAL

**M 008 16**  
**(continued)**      **TO \$5,000 AND BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR GINA A. JENNINGS, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL GREATER THAN \$5,000”.**

**Motion Adopted:      5 Yeas.**

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

**M 009 16**  
**Adopt**              **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt**  
**R 002 17**              **Resolution No. R 002 17 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE FULTON BANK BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR GINA A. JENNINGS, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.**

**Motion Adopted:      5 Yeas.**

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

**M 010 16**  
**Adopt**              **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt**  
**R 003 17**              **Resolution No. R 003 17 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON SAVINGS FUND SOCIETY, FSB, BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; GEORGE B COLE, VICE PRESIDENT; OR GINA A. JENNINGS, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.**

**Motion Adopted:      5 Yeas.**

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

**M 011 16**  
**Adopt**              **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt**  
**R 004 17**              **Resolution No. R 004 17 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT,**

**M 011 16**      **PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR GINA A.**  
**(continued)**      **JENNINGS, FINANCE DIRECTOR”.**

**Motion Adopted:**      **5 Yeas.**

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

**M 012 17**      **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt**  
**Adopt**      **Resolution No. R 005 17 entitled “AUTHORIZING THE PAYMENT**  
**R 005 17**      **FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT**  
   **WITH THE SUSSEX COUNTY FEDERAL CREDIT UNION BEARING**  
   **THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT,**  
   **PRESIDENT; GEORGE B. COLE, VICE PRESIDENT; OR GINA A.**  
   **JENNINGS, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A**  
   **FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR**  
   **WITHDRAWAL”.**

**Motion Adopted:**      **5 Yeas.**

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

**Millville**      **Hans Medlarz, County Engineer, presented the bid results for the Millville**  
**SSD**      **Sanitary Sewer District Northwest Expansion II, Iron Lane and Pump**  
**Northwest**      **Station #311 (Project #15-10). This expansion will serve 91 new customers.**  
**Expansion/**      **There were a total of five bids received; the lowest responsive bidder was**  
**Bid Results**      **George & Lynch, Inc. of Dover, with a total bid of \$1,167,258.00. Mr.**  
   **Medlarz reported that USDA-Rural Development funding is in place and**  
   **the bid is within budget.**

**M 013 17**      **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the**  
**Award**      **recommendation of the Sussex County Engineering Department, that**  
**Bid/**      **Sussex County Project #15-10, Millville Sanitary Sewer District, Northwest**  
**Millville**      **Expansion II - Irons Lane and Pump Station #311 be awarded to George**  
**SSD**      **and Lynch, Inc. at the base bid amount of \$1,167,258.00 contingent upon**  
**Northwest**      **funding agency approval.**  
**Expansion**

**Motion Adopted:**      **5 Yeas.**

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

**Introduction**      **Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE**  
**of Proposed**      **TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM**  
**Zoning**      **DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (100**  
**Ordinances**      **DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (100**

**Introduction  
of Proposed  
Ordinances  
(continued)**

**TOWNHOUSE UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.95 ACRES, MORE OR LESS” (Conditional Use No. 2075) filed on behalf of Burton’s Pond, LLC (Burton’s Pond Section II) (Tax I.D. No. 234-17.00-29.00 (portion of) (911 Address: None Available).**

**Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (20 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS” (Conditional Use No. 2072) filed on behalf of KHM Ventures, DE, LLC. (Tax I.D. No. 334-13.00-27.00) (911 Address: 18834 Munchy Branch Road, Rehoboth Beach).**

**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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.18 ACRES, MORE OR LESS” (Change of Zone No. 1818) filed on behalf of Ocean Highway, LLC (Tax I.D. No. 334-6.00-497.08 (portion of) (911 Address: 34130 Citizens Drive, Lewes).**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMPOSTING, INCLUDING POULTRY BY-PRODUCTS; GREENHOUSES; MIXING, BLENDING AND BAGGING COMPOST AND POTTING SOIL PRODUCTS; TRUCKING PRODUCTS; ALL WHOLESALE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 31.9478 ACRES, MORE OR LESS” (Conditional Use No. 2071) filed on behalf of Blessing Greenhouses and Compost (Tax I.D. No. 334-6.00-496.00-497.00) (911 Address: 18200 Coastal Highway).**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC UTILITY FOR AN EXPANSION TO AN EXISTING ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.493 ACRES, MORE OR LESS” (Conditional Use No. 2073) filed on behalf of Delmarva Power & Light Company (Tax I.D. No. 334-6.00-496.00-497.00) (911 Address: 18200 Coastal Highway, Lewes).**

**Introduced  
of Proposed  
Ordinances  
(continued)**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL USE AS A THERAPY AND FITNESS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.113 ACRES, MORE OR LESS” (Conditional Use No. 2074) filed on behalf of Quail Valley 1525, LLC (Tax I.D. No. 335-12.06-1.00) (911 Address: 1523 Savannah Road, Lewes).**

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

**Council  
Members’  
Comments**

**Council Members’ Comments**

**Mr. Arlett commented on this being the new Council’s first meeting in 2017; that the same is taking place in Washington D.C. on this date; and that the State legislators will be sworn in next week. Mr. Arlett commented on the County, the State, and the Country working together for the common good of the people.**

**M 014 17  
Go Into  
Executive  
Session**

**At 10:42 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to go into Executive Session to discuss matters relating to personnel and land acquisition.**

**Motion Adopted: 5 Yeas.**

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

**Executive  
Session**

**At 10:46 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to personnel and land acquisition. The Executive Session concluded at 11:42 a.m.**

**M 015 17  
Reconvene  
Regular  
Session**

**At 11:46 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to come out of Executive Session and reconvene the Regular Session.**

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**E/S Action**

**There was no action on Executive Session matters.**

**M 016 17  
Adjourn**

**At 11:47 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn.**

**M 016 17  
(continued)**

**Motion Adopted: 4 Yeas, 1 Absent.**

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