

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 12, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 12, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Robert B. Arlett	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 015 16
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of January 5, 2016 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

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

RE: Letter in appreciation of grant.

**SUSSEX COMMUNITY CRISIS HOUSING SERVICE, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of grant.

DELAWARE SAFETY COUNCIL, NEW CASTLE, DELAWARE.

RE: Letter in appreciation of grant.

**DAVID HUTT, WILSON, HALBROOK & BAYARD, LLP,
GEORGETOWN, DELAWARE.**

RE: Letter regarding the Board of Adjustment's Public Hearing on the

(continued) **proposed Immanuel Shelter to be located in West Rehoboth.**

**Public
Comments** **Public Comments**

Paul Reiger commented on the Council's appointments to the Board of Adjustment.

Stephen Wilz commented on Paradise Grill in Pot Nets Bayside.

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

M 016 16 **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the**
Execute **recommendation of the Sussex County Engineering Department, for Sussex**
Wastewater **County Project No. 81-04, Agreement No. 866-7, that the Sussex County**
Agreement/ **Council execute a Construction Administration and Construction**
Lewes **Inspection Agreement between Sussex County Council and Lewes Crossing**
Crossing **Capital Partners, LLC, for wastewater facilities to be constructed in Lewes**
 Crossing (AKA Deep Valley Farm) – Phase 5, located in the West Rehoboth
 Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Arlett, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea

Adminis- **Mr. Lawson read the following information in his Administrator's Report:**
trator's
Report

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Americana Bayside – Phase 1, Revision 5, Town Center, received Substantial Completion effective December 28, 2015.

2. Martin Luther King, Jr., Holiday

County offices will be closed on Monday, January 18th, for the Martin Luther King, Jr., holiday. Offices will reopen on Tuesday, January 19th, at 8:30 a.m. Council will not meet on January 19th. The next regularly scheduled Council meeting will be held on Tuesday, January 26th, at 10:00 a.m.

3. Walter Outten

It is with sadness that we note the passing of Walter Outten on Tuesday, January 5th. Mr. Outten began his career with Sussex County in September 2003 and retired from the Emergency Operations Center as a Communication Support Tech II in June 2014

Adminis-
trator's
Report
(continued)

with over 10 years of service. We would like to express our condolences to the Outten family.

4. Proclamation – Sussex County EMS 25th Anniversary

This week, Sussex County will celebrate the 25th Anniversary of the establishment of the Sussex County Emergency Medical Services. The Sussex County EMS was created through a statewide initiative that was approved by the General Assembly in 1990, and subsequently the Sussex County EMS went into service on January 15, 1991. For 25 years, the County's EMS system has provided the highest quality of service to the residents and visitors of Sussex County. Congratulations on living up to the organization's promise of 'Caring People, Quality Service'.

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

Procla-
mation/
EMS
Anniversary

The Council presented a Proclamation entitled "A PROCLAMATION TO HONOR SUSSEX COUNTY EMERGENCY MEDICAL SERVICES UPON ITS 25TH ANNIVERSARY" to Robert Stuart, Director of EMS, and other representatives of Sussex County's EMS.

Hangar
Lease/
King
Energy,
LLC

Jim Hickin, Airport Manager, presented a Proposed Hangar Lease Agreement with King Energy, LLC for Lot A at the Airport. The County terminated the ground lease for Lot A in July 2015 (the Legg-Hudson Hangar) and took possession of the 2,500 square foot hangar on the property. The County solicited and received bids for the lease of the property; the bid from King Energy LLC ranked highest among the two bids received. Mr. Hickin reviewed the terms of the Proposed Lease with King Energy LLC: term of lease would be two years, with two one-year options; proposed rent is \$1,125 per month; no assignment or sublease with County approval; no alterations or improvement without County approval; County to pay utilities; County to maintain exterior of hangar and hangar door; tenant responsible for remainder of care and maintenance; and insurance required in accordance with Airport policies. Permitted uses: aerial marketing (Special Commercial Aeronautical Service); aircraft storage operator, flight training operator, aircraft rental operator, storage of tenant-owned aircraft.

M 017 16
Execute
Hangar
Lease
Agreement/
King
Energy,
LLC

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Council Present to execute an Airplane Hangar Lease Agreement with King Energy, LLC for Lot A at Delaware Coastal Airport.

Motion Adopted: 5 Yeas.

**M 017 16
(continued)**

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

**Public
Hearing/
Proposed
Ordinance/
Issuance
of Bonds/
Millville
SSD**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,887,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EXPANSION OF THE MILLVILLE SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Synopsis: This Ordinance provides for the issuance of up to \$3,887,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the expansion of the Millville Sanitary Sewer District. The Bonds are backed by the County’s full faith and credit and are expected to be paid back over 40 years through revenues from the expansion of the Millville Sanitary Sewer District.

Public comments were heard.

Dan Kramer questioned why the County doesn’t finance the bonds.

There were no additional public comments and the Public Hearing was closed.

**M 018 17
Adopt
Ordinance
No. 2434**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2434 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,887,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EXPANSION OF THE MILLVILLE SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas.

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

**Consider-
ation of
Requests
for an
Extension
of Time**

Lawrence Lank, Director of Planning and Zoning, presented requests for consideration of an extension of time for land use applications (Subdivisions, Residential Planned Communities, Conditional Uses).

Mr. Moore noted that this is a new procedure for the Council and that recommendations would be given for six month extensions on certain land use projects. Mr. Moore also noted that this group of applications will be the first of two batches that will come before the Council for consideration.

(continued) Per the County's Ordinance No. 2428, applicants seeking extensions were required to submit a letter of request to the Planning and Zoning Department by no later than December 31, 2015; all of the applicants met this requirement.

Confirmation of Projects/ The Arbors at Cottagedale and Sunrise Ventures Mr. Lank reported that the first two applications for consideration are for confirmation; the two projects are known as The Arbors at Cottagedale (Conditional Use No. 1845) and Sunrise Ventures (Conditional Use No. 1642). The Arbors at Cottagedale requested a time extension that was granted by County Council on September 29, 2015, prior to the adoption of Ordinance No. 2428; the extension is valid through July 1, 2016.

Sunrise Ventures requested a time extension that was granted by County Council on October 20, 2015, prior to the adoption of Ordinance No. 2428; the extension is valid through July 1, 2016.

Mr. Lank recommended that these developments also receive a time extension under the authority contained in Ordinance No. 2428 so that they are treated in the same manner, and with the same authority, as all of the other pending extension requests.

M 019 16 Confirm/ Approve Extensions/ The Arbors of Cottagedale and Sunrise Ventures A Motion was made by Mr. Cole, seconded by Mr. Wilson, that based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon the prior extension requests granted by Sussex County Council on September 29, 2015 and October 20, 2015 to the developments known as The Arbors of Cottagedale (Conditional Use No. 1845) and Sunrise Ventures (Conditional Use No. 1642) and based upon compliance with the requirements of the referenced Ordinance, the recommendation of the Director and staff, and previous Council approval, the current zoning approvals for the aforementioned applications shall be extended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

Requests for Extensions Mr. Lank presented eighteen requests for extensions for the Council's consideration. (Information on each request was previously submitted to Council members and was included in the Council packets for the meeting.)

Anthem 2004-53 Anthem – Subdivision No. 2004-53

Recommendation by staff that a time extension of six months be granted.

M 020 16 Grant Extension/ Anthem A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and

M 020 16 staff, that the current zoning approval for the development known as
Grant Anthem shall be extended until July 1, 2016.

**Extension/
Anthem
(continued)**

Motion Adopted: 5 Yeas.

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

**Barron's
Place
2005-40**

Barron's Place –Subdivision No. 2005-40

Recommendation by staff that a time extension of six months be granted.

M 021 16
Grant
**Extension/
Barron's
Place**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Barron's Place shall be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

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

**Canaan
Woods
2006-67**

Canaan Woods – Subdivision No. 2006-67

Recommendation by staff that a time extension of six months be granted.

M 022 16
Grant
**Extension/
Canaan
Woods**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Canaan Woods shall be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

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

**Cypress
Creek
Estates/
Cabbage
Pond
2005-16**

Cypress Creek Estates/Cabbage Pond – Subdivision No. 2005-16

Recommendation by staff that a time extension of six months be granted.

**M 023 16
Grant
Extension/
Cypress
Creek
Estates/
Cubbage
Pond**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Cypress Creek Estates/Cubbage Pond shall be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

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

**Deerbrook
2008-16**

Deerbrook – Subdivision No. 2008-16

Recommendation by staff that a time extension of six months be granted.

**M 024 16
Grant
Extension/
Deerbrook**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Deerbrook shall be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

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

**Donovan
Heritage
2005-36**

Donovan Heritage – Subdivision No. 2005-36

Recommendation by staff that a time extension of six months be granted.

**M 025 16
Grant
Extension/
Donovan
Heritage**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Donovan Heritage shall be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

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

**Governors
CU 1772**

Governors – Conditional Use No. 1772

Recommendation by staff that a time extension of six months be granted.

**M 026 16
Grant
Extension/
Governors**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Governors shall be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

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

**JC Village
2006-55**

JC Village – Subdivision No. 2006-55

Recommendation by staff that a time extension of six months be denied.

**M 027 16
Deny
Extension/
JC Village**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon the lack of compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as JC Village shall not be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

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

**Kew
Gardens
2007-7**

Kew Gardens – Subdivision No. 2007-7

Recommendation by staff that a time extension of six months be granted.

**M 028 16
Grant
Extension/
Kew
Gardens**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Kew Gardens shall be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

M 031 16
Deny
Extension/
Nanticoke
View

A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon the lack of compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Nanticoke View shall not be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Red Clover
Walk
2007-5

Red Clover Walk – Subdivision No. 2007-5

Recommendation by staff that a time extension of six months be granted.

M 032 16
Grant
Extension/
Red Clover
Walk

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Red Clover Walk shall be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Rich-Field
Acres
2004-37

Rich-Field Acres – Subdivision No. 2004-37

Recommendation by staff that a time extension of six months be granted.

M 033 16
Grant
Extension/
Rich-Field
Acres

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Rich-Field Acres shall be extended until July 1, 2016.

Motion Adopted: 4 Yeas, 1 Nay.

Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

**River Rock
Glen
2005-90**

River Rock Glen – Subdivision No. 2005-90

Recommendation by staff that a time extension of six months be denied.

**M 034 16
Deny
Extension/
River
Rock Glen**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon the lack of compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as River Rock Glen shall not be extended until July 1, 2016.

Motion Adopted: 3 Yeas, 2 Nays.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Nay; Mr. Wilson, Nay;
Mr. Vincent, Yea**

**Sawmill
Woods
2004-51**

Sawmill Woods – Subdivision No. 2004-51

Recommendation by staff that a time extension of six months be denied.

**M 035 16
Deny
Extension/
Sawmill
Woods**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon the lack of compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as Sawmill Woods shall not be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

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

**The Village
at Evans
Pond
CU 1849**

The Village at Evans Pond – Conditional Use No. 1849

Recommendation by staff that a time extension of six months be granted.

**M 036 16
Grant
Extension/
The Village
at Evans
Pond**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the authority granted to Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director and staff, that the current zoning approval for the development known as The Village at Evans Pond shall be extended until July 1, 2016.

Motion Adopted: 5 Yeas.

**M 043 16
(continued)**

Motion Adopted: 3 Yeas, 2 Absent.

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