

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 12, 2021**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 12, 2021, at 10:00 a.m., in Council Chambers, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Cynthia C. Green</b>	<b>Councilwoman</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>Mark G. Schaeffer</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 022 21  
Approve  
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the Agenda, as posted.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Approve  
Minutes**

The minutes of January 5, 2021 were approved by consent.

**Corre-  
spondence**

Mr. Moore read correspondence received from Bridgeville Volunteer Fire Company regarding an event on September 3, 2020, when Sussex County Emergency Operations assisted (and provided exemplary service) to the Fire Company due to a direct hit from a lightning storm.

**Public  
Comments**

Public comments were heard and the following spoke: (1) Jeanette Akhter regarding recent events in Washington D.C. and concern about possible similar events in Dover on January 20th and (2) Paul Reiger regarding the Board of Adjustment membership.

**Meetings  
Venue  
Change/  
Delaware  
Tech**

Mr. Lawson presented a proposal for the Planning and Zoning Commission and the Sussex County Council to hold meetings at Delaware Tech, Owens Campus, Carter Partnership Center. Mr. Lawson referenced select land use applications that have been held up because of the nature of the applications and restrictions on the Council Chambers due to the Governor's State of Emergency Declaration and due to room capacity limitations. Mr. Lawson advised that Planning and Zoning Commission

<b>Meetings Venue Change/ Delaware Tech (continued)</b>	<p>meetings held at Delaware Tech will begin at 3:00 p.m. and Sussex County Council meetings held at Delaware Tech will begin at 10:00 a.m.; live stream and telephone dial-in will be available.</p> <p>There were no objections from Council members to moving the venue to Delaware Tech, as needed.</p>
<b>Board of Adjustment Nominee</b>	<p>Mr. Lawson referenced the vacancy on the Board of Adjustment (District 5). Mr. Rieley announced his nomination of John Travis Hastings of Laurel. Mr. Hastings will attend the January 26th Council meeting at which time he will be interviewed by the Council.</p>
<b>Administrator's Report</b>	<p>Mr. Lawson read the following information in his Administrator's Report:</p> <ol style="list-style-type: none"><li><b><u>1. Referendum – Blackwater Village Area</u></b><p>The Sussex County Engineering Department will be conducting a Referendum at Grace United Methodist Church, Millsboro, Delaware on Friday, January 22, 2021 from 4:00 p.m. until 8:00 p.m. The purpose of the referendum is to establish the Blackwater Village Area of the Sussex County Unified Sewer District.</p></li><li><b><u>2. Council Meeting Schedule</u></b><p>A reminder that Council will not meet on Tuesday, January 19<sup>th</sup>. The next regularly scheduled Council meeting will be held on January 26<sup>th</sup> at 10:00 a.m.</p></li></ol>
<b>The Cove at Sandy Landing/ Bond Redemption</b>	<p>Hans Medlarz, County Engineer, and Mike Brady, Director of Public Works, presented a request for authorization for a Redemption of Security. Mr. Medlarz and Mr. Brady reported that, in the Spring of 2017, County Council approved major changes as to how subdivisions are to be closed out. In September 2019, in an effort to complete infrastructure for these developments, Council approved the listing and the associated notifications to rectify outstanding issues within specified time periods or be subject to redemption of the security upon separate Council authorization. In October 2019, the notifications were sent out to developers who had open projects that met these specific criteria, including The Cove at Sandy Landing developed by CASL, LLC. Currently, all those developments either have been closed out or are nearing completion; however, The Cove at Sandy Landing has made no progress toward completion. To date, the private road component of the project and its associated improvements remain incomplete. In addition, there are unresolved issues in the State-maintained portion of the project which the Engineering Department does not oversee. However, lot sales appear complete; a CASL, LLC representative has stated that the corporation “turned over all final lots to the lender/bank on the project”; to date, CASL, LLC has not yet provided a completion date. Given the aforementioned lack of response, the Engineering Department requests Council's authorization to redeem CASL,</p>

(continued) **LLC's Performance Bond for completion of all site improvements regulated under County Code, Chapter 99, and stipulated by the approved subdivision plan.**

**M 023 21**  
**Authorize**  
**Bond**  
**Redemption/**  
**The Cove**  
**at Sandy**  
**Landing**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council finds CASL, LLC has failed to perform satisfactory construction of the project known as The Cove at Sandy Landing and authorizes the Sussex County Engineer to call in the bond held by CASL, LLC in order to complete the improvements in accordance with the approved plans and Sussex County Code, Chapter 99, requirements.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**IBRWF**  
**Biosolids &**  
**Septage**  
**Facilities/**  
**Final**  
**Change**  
**Order**

**Hans Medlarz, County Engineer, presented the Final Change Order in the accumulative value of \$241,636.42 for the Inland Bays Regional Wastewater Facility – Biosolids & Septage Facilities, Project 18-19. The Change Order consists of four (4) action items: modification of a weather curtain (\$4,488.00), implementation of an alternate sludge piping system (\$156,164.02), implementation of a lubrication system (\$65,780.40), and installation of a sloped epoxy flooring system (\$15,204.00).**

**M 024 21**  
**Approve**  
**Final**  
**Change**  
**Order/**  
**IBRWF**  
**Biosolids &**  
**Septage**  
**Facilities**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 9 for Contract 18-19, Inland Bays Regional Wastewater Facility – Biosolids & Septage Facilities, be approved, which increases the Contract amount by \$241,636.42, for a new contract total of \$14,312,257.79.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Dewey**  
**Beach**  
**Water**  
**District**  
**Agreement**  
**Amendment**

**Hans Medlarz, County Engineer, presented an Amendment to the Water Agreement between the City of Rehoboth Beach and Sussex County. The County purchases bulk water from the City of Rehoboth Beach for distribution to its customers in the County's Dewey Beach Water District. The Amendment to the Agreement addresses a new term (January 1, 2021 through December 31, 2025), provides for a blended 5-year fixed rate of \$5.05 per 1,000 gallons of all water purchased, and provides for the discontinuation of a peak use summer surcharge.**

**M 025 21  
Approve  
Amendment  
Dewey  
Beach  
Water  
Agreement  
(continued)**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering and Finance Departments, that the Sussex County Council approves Amendment No. 1 to the Dewey Beach Water Agreement between Sussex County and the City of Rehoboth Beach, as presented.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Introduction  
of Proposed  
Ordinance**

**Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 1314 (ORDINANCE NO. 1354) (AS AMENDED BY CONDITIONAL USE NO. 1691 (ORDINANCE NO. 1865) AND CONDITIONAL USE NO. 1962 (ORDINANCE NO. 2311)) TO PERMIT THE PROCESSING AND HANDLING OF POULTRY LITTER TO INCLUDE NUTRIENT RECOVERY FOR NATURAL GAS AND ELECTRICAL GENERATION, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 228.88 ACRES, MORE OR LESS" (Conditional Use No. 2258) filed on behalf of Bioenergy Development Group, LLC (Tax I.D. Nos. 132-6.00-88.01 and 95.00, and 132-11.00-41.00 and 41.02) (911 Address: 28338 Enviro Way, Seaford).**

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

**M 026 21  
Adjourn**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn at 10:55 a.m.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, 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.}*