

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 26, 2016**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 26, 2016, 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>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Robert B. Arlett</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 044 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 12, 2016 were approved by consent.**

**Corre-  
spondence**

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

**EAGLES NEST, MILTON, DELAWARE  
RE: Letter in appreciation of food donation.**

**THE HOME OF THE BRAVE FOUNDATION, INC., MILFORD,  
DELAWARE.  
RE: Letter in appreciation of food donation.**

**CATHOLIC CHARITIES, WILMINGTON, DELAWARE.  
RE: Letter in appreciation of grant.**

**NEW HOPE RECREATION AND DEVELOPMENT ORGANIZATION,  
ELLENDALE, DELAWARE.  
RE: Letter in appreciation of grant.**

Corre-  
spondence  
(continued)

**VISION TO LEARN, WILMINGTON, DELAWARE.**

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

**HARRY K. FOUNDATION, REHOBOTH BEACH, DELAWARE.**

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

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

**BOYS & GIRLS CLUB, DAGSBORO, DELAWARE.**

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

**PRIMEROS PASOS, GEORGETOWN, DELAWARE.**

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

**SEAFORD COMMUNITY FOOD CLOSET, SEAFORD, DELAWARE.**

**RE: Letter in appreciation of food donation.**

Public  
Comments

**Public Comments**

**Paul Reiger commented on Council's appointments to the Pension Committee, Board of Adjustment and Planning and Zoning Commission. Mr. Reiger also commented on Code changes that are needed.**

**Dan Kramer stated that there is an error in the January 5, 2016 Council minutes.**

**Consent Agenda**

M 045 16  
Approve  
Consent  
Agenda

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to approve the following items listed under the Consent Agenda:**

**Wastewater Agreement No. 733-8  
Sussex County Project No. 81-04  
Bishop's Landing – Phase 4  
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Wastewater Agreement No. 1001-1  
Sussex County Project No. 81-04  
Redden Farm – AKA Redden Ridge – Phase 2  
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**

Report

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

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

**1. Delaware Solid Waste Authority Reports**

There were 41,725 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of October, November, and December 2015. Attached are reports received for each month.

**2. Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Senators – Phase 2D received Substantial Completion effective January 11<sup>th</sup>.

**3. Sussex County Winter Storm Report**

As you are aware, Sussex County experienced a nor'easter of historic magnitude over the weekend. I want to take a moment to recognize and thank the County personnel who worked during the storm to ensure our residents and visitors remained safe while the storm pounded our coast and left over a foot of snow in some areas and historic flooding in others. The County staff, including our paramedics, environmental services division, buildings and grounds, and those in the Emergency Operations Center worked throughout the weekend to ensure the safety and well-being of the County was maintained, and coordinated our response to the storm's historic impacts.

Now that the storm has passed, the County's emergency managers are asking property owners and residents affected by this weekend's storm to submit information on any damage to homes and businesses so officials can map the reports and gain a clearer sense of what issues the winter nor'easter left in its wake.

Members of the public who experienced any storm-related damage to their properties can report incidents to the Sussex County Emergency Operations Center by calling the EOC at (302) 856-7366. Property owners and residents should be prepared to provide details about the type of damage suffered, what caused it, the location, and whether they have insurance.

Damage must be a result of the storm between Friday, January 22<sup>nd</sup>, and Sunday, January 24<sup>th</sup>. Only businesses and primary residences, not seasonal homes, are eligible. Information collected by the Sussex County EOC will be used for assessment reports that are shared with the Delaware Emergency Management Agency for consideration toward any future federal disaster assistance application.

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

**Actuarial  
Services  
Award**

Mrs. Jennings presented the Actuarial Consulting Services Award recommendation. In December, the Finance Department released a formal request for proposal for Actuarial Services. The actuary performs analytical tests to determine what the County's required contribution should be to its pension funds, what assumptions should be used to calculate the County's pension liability, and what changes the County can make to ensure its pension is sustainable. Mrs. Jennings reported that three complete bids were received; the bids were scored based on experience and reputation, quality of the organization, capacity to perform, credentials and experience, and price.

Mrs. Jennings advised that of the 3 bids, Cheiron is being recommended due to: (1) close proximity to Sussex County; (2) experience, which includes over 80 current public employee retirement systems including the State of Delaware, where 60 percent of the County's pension fund is invested; (3) fifty-nine credentialed actuaries on staff; and (4) professional presentation and co-lead approach to perform services.

Mrs. Jennings reported that Cheiron has guaranteed to keep their cost the same for the next three years for the annual actuarial report, with a cap of 2 percent each additional year. Mrs. Jennings recommended that the County contract with Cheiron to provide multiple actuarial services over the next three years with the option to renew for additional years. Services to be provided include the annual actuarial reports, an experience study, pension sustainability study, and a report to determine the cost or savings of any plan changes.

**M 046 16  
Contract  
with  
Cheiron  
for  
Actuarial  
Services**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council directs the Finance Director to contract with Cheiron to perform various actuarial services for a period of three years with the option to renew the contract annually after the three period.

**Motion Adopted: 5 Yeas.**

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

**Pension  
Committee  
Member  
Recommen-  
dations**

Mrs. Jennings reported that, in accordance with the County Code, Sussex County Council shall appoint two community members, a current County employee, and a retired County employee (who currently receives a County pension) to serve on the County's Pension Committee. Mrs. Jennings reported that the four-year terms of David Baker, Hugh Leahy and Jeffrey James (current members) expire at the end of this month.

Mrs. Jennings reported that, due to their interest, experience on the committee, and financial involvement outside the committee, Administration recommends that David Baker and Hugh Leahy continue to serve on the Pension Committee for another four-year term. Additionally,

**Pension  
Committee  
(continued)**

due to Jeffrey James' recent retirement, a new appointment will need to be made and Administration recommends Kathy Roth, Deputy Finance Director. In addition to her CPA license, Kathy Roth possesses the financial knowledge needed to carry out this responsibility.

**M 047 16  
Approve  
Appoint-  
ments to  
Pension  
Committee**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council approves Mr. David Baker, Mr. Hugh Leahy, and Mrs. Kathy Roth to the Pension Committee for a term of four years.

**Motion Adopted: 5 Yeas.**

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

**Compre-  
hensive  
Annual  
Financial  
Report/  
Fiscal  
Year End  
June 30,  
2015**

Mrs. Jennings presented the Sussex County Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2015.

Mrs. Jennings reported that the County received the Audited Financial Statements for Fiscal Year 2015 from BDO, the County's Auditors.

Keith Hammond of BDO USA, LLP (BDO) presented a brief overview of the status of their audit and summarized the results. Mr. Hammond reported that BDO conducts two audits; one is an audit of the financial statements of the County and one is an audit of the County's compliance with federal programs. Mr. Hammond reported that there was an unmodified, or "clean" opinion on all statements. Mr. Hammond stated that other procedures performed include: internal control over financial reporting, compliance with laws and regulations, and supplementary information accompanying financial statements.

Mrs. Jennings reported that, as in previous years, a full CAFR (Comprehensive Annual Financial Report) has been put together. She noted that there are four sections to the Report and that the financial section is the core of the Report.

Mrs. Jennings reported on the Statement of Revenues, Expenditures and Changes in Fund Balance and the Five-Capital Plan Fund. She reported that the County ended the fiscal year overall with over \$4,000,000 in revenues over expenditures.

Mrs. Jennings reported that revenues are down over last year; there was a decrease in the Sheriff Department's revenues and a decrease in grants received. A lot of the decreases were offset by increases in building related revenues of \$1.5 million. Mrs. Jennings reported that expenditures increased \$1.7 million, which was budgeted in the grant-in-aid portion of the budget.

**Comprehensive Annual Financial Report/ Fiscal Year End June 30, 2015 (continued)**

**Mrs. Jennings reported on General Fund Revenues: Realty Transfer Tax is the largest revenue source at 39% (\$22.2 million); Property Tax at 25% (\$14.5 million); and Charges for Services at 20% (\$11.7 million). Mrs. Jennings noted that the County spends every dollar collected in Realty Transfer Tax (total of \$22,212,913): Public Safety Operating & Capital - \$19,023,232 spent; Infrastructure - \$1,230,473 spent; Economic Development - \$998,521 spent; and Public Works - \$952,550 spent.**

**Mrs. Jennings reported on General Fund expenditures: Paramedics - 24%; General Government - 20%; Grant-in-aid - 17%.**

**Mrs. Jennings reported on the Statement of Revenues, Expenditures and Changes in Fund Balance (Budget and Actual). She reported that \$51,944,586 was budgeted in revenues and \$51,029,622 was spent (expenditures) resulting in being under budget by \$914,000; \$6,212,933 in Realty Transfer Tax revenue was transferred to Capital; resulting in a decrease in Fund Balance in the amount of (\$402,905).**

**Kathy Roth, Deputy Finance Director, presented information on business type revenues relating to sewer and water funds: operating revenues (mainly service charges) were 53% of the budget (\$19.8 million) and non-operating revenues, which are connection and assessment fees, were 39% of the budget (\$14.1 million). Mrs. Roth noted that a lot of the funds are restricted for debt payments and capital improvements. Capital contributions were 8% of the budget (\$3.2 million); these funds are mainly from Ordinance 38 project funds.**

**Mrs. Roth presented information on the Pension Fund, which is made up of two different funds - the Pension Fund and Other Post-Employment Benefits (OPEB) Fund. This year, the contribution to the Pension Fund was \$9.8 million; expenses were \$5.4 million; resulting in a \$4.4 million increase. Overall, there is \$105,632,882 in these funds as of June 30, 2015. Mrs. Roth also reviewed pension changes: liability is recognized in the government-wide financial statements on the balance sheet; there is a required standardized way to calculate liability; and there is a change of mortality table which increased the life expectancy. Mrs. Roth noted that the Pension Fund is 84.2 percent funded and the OPEB Fund is 73.5 percent funded.**

**Mrs. Roth reported that the County has no long-term General Fund debt. Sewer debt is at \$158 million this year.**

**Mrs. Roth referenced the statistical section of the report and she stated that the section includes economic, demographic, financial and operational information.**

**Mrs. Roth reviewed the Single Audit Supplement which shows the federal funding:**

<b>Comprehensive Annual Financial Report/ Fiscal Year End June 30, 2015 (continued)</b>	• U.S. Department of Agriculture	\$ 386,926
	• U.S. Department of Housing and Urban Development	\$1,374,698
	• U.S. Department of Transportation (airport)	\$ 995,859
	• U.S. Department of Homeland Security	\$ 206,875
	• U.S. Department of Environmental Protection Agency	\$ 59,637

Mrs. Roth noted that the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2015 is available on the County's website ([www.sussexcountyde.gov](http://www.sussexcountyde.gov)).

Mrs. Jennings presented the Financial Report for the Quarter Ending December 31, 2015.

**Pump Station 34 Modifications Contract 16-04**

Joe Wright, Assistant County Engineer, presented a recommendation to award Contract 16-04, Pump Station No. 34 Modifications. Mr. Wright stated that the project was bid and three bids were received. The lowest bid was submitted by Kuhn Construction Co. of Hockessin, Delaware, in the amount of \$434,832.50. The second lowest bid was submitted by Hopkins Construction, Inc. of Bridgeville, Delaware, in the amount of \$489,160.00.

Mr. Wright reported that the contract term is 75 consecutive calendar days in order to complete this project by May 1, 2016, a date that is dictated by DelDOT due to the project's location on Route One in the beach vicinity; work must commence no later than mid-February. In order to avoid problems with long lead times for equipment, Sussex County purchased the major lead item equipment; therefore, this was taken out of the bid.

Mr. Wright discussed the revised engineer's estimate for PS 34 of approximately \$445,000.00.

**M 048 16 Award Contract 16-04 Pump Station 34 Modifications**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 16-04, Pump Station No. 34 Modifications, be awarded to the lowest responsive bidder, Kuhn Construction, of Hockessin, Delaware, at the total base bid amount of \$434,832.50.

**Motion Adopted: 5 Yeas.**

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

**Pinetown Proposed Street-lighting District (SLD)**

Patti Deptula, Director of Special Projects, advised that Streetlighting Districts are implemented through Chapter 95 of the County Code. Mrs. Deptula asked for the Council's approval to circulate a petition form for the Pinetown Proposed Streetlighting District, Tax Map No. 3-34-4, located on Sweetbriar Road (County Road 261) west of Lewes. The proposed district would encompass Parcels 5 - 10 and 12 - 27; there are 25 tax parcels in the district boundary and 24 improvements according to County tax records.

**Pinetown  
Proposed  
SLD  
(continued)**

Six members of the Pinetown Civic Association sent a letter to the County requesting the Engineering Department to provide a petition form to initiate the process to form a district. Mrs. Deptula advised that she has met with representatives of the community and reviewed the existing electric layout with Delaware Electric Cooperative to determine that they do have feasibility to be served. Mrs. Deptula advised that the community meets the definition of a Suburban Community as defined in the Code. Mrs. Deptula stated that she prepared a petition and it has been reviewed and approved by Legal Counsel.

**M 049 16  
Authorize  
Circulation  
of Petitions/  
Pinetown  
Proposed  
SLD**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that Sussex County Council has determined the subdivision known as Pinetown satisfies the criteria of a Suburban Community, as defined in Chapter 95 of the Sussex County Streetlighting Code, Paragraph 95-1, and authorizes the Sussex County Engineering Department to circulate the petition form for the purpose of establishing a streetlighting district, as required by Chapter 95 of the Sussex County Streetlighting Code.

**Motion Adopted: 5 Yeas.**

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

**Inland  
Bays  
Expansion,  
Phase 2B  
Contract  
12-17/  
Change  
Order and  
Substantial  
Completion**

Juel Gibbons, Project Engineer, and Joe Wright, County Engineer, presented Change Order No. 1 and a request to grant Substantial Completion for Contract 12-17, Inland Bays Regional Wastewater Facility (IBRWF) Expansion Phase 2B. Construction was scheduled to be completed on April 20, 2015; however, the work was not finished until November 10, 2015. This resulted in the assessment of liquidated damages in the amount of \$98,263.82. The Engineering Department requests Council approval of November 10, 2015 as the date of Substantial Completion. Additional costs to the contract totaling \$18,306.65 were recorded for work that, though not part of the original contract, were deemed necessary as construction progressed. A credit to the contract of \$11,700.00 was applied for unused contingent bid items. The Engineering Department requests Council's approval of Change Order No. 1 that results in a final credit to the contract of \$91,657.17; the original contract amount was \$3,017,850.00; the final contract amount is \$2,926,192.83.

Mr. Wright noted that, several months ago, he came to Council with a request for an amendment for Whitman Requardt & Associates (WR&A) to provide additional services (approximately \$90,000) and that the costs (noted above) were to pay for WR&A's services, i.e. the contractor is reimbursing the County.

**M 050 16**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that the Balancing Change Order for Contract No. 12-17, Inland Bays Regional



**M 050 16**  
**Approve**  
**C/O and**  
**Grant**  
**Substantial**  
**Completion/**  
**Inland Bays**  
**RWF Exp.**  
**Phase 2B**  
**(continued)**

**Wastewater Facility Expansion Phase 2B be approved, which decreases the contract amount by \$91,657.17 for a new total of \$2,926,192.83 and that Substantial Completion be granted effective November 10, 2015 and any held retainage be released in accordance with the contract documents.**

**Motion Adopted: 5 Yeas.**

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

**Consideration 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).**

**[Eighteen requests were considered at the January 12, 2016 Council meeting.]**

**Mr. Lank presented seventeen 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.)**

**Avebury**  
**2004-39**

**Avebury – Subdivision No. 2004-39**

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

**M 051 16**  
**Deny**  
**Extension/**  
**Avebury**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, 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 Avebury 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**

**Buchanan**  
**Corp.**  
**CU 1764**

**Buchanan Corp. – Conditional Use No. 1764**

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

**M 052 16**  
**Grant**  
**Extension/**  
**Buchanan**  
**Corp.**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, 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 Anthem shall be extended until July 1, 2016.**

**M 052 16  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Deep  
Branch  
Woods  
2005-27  
2009-11**

**Deep Branch Woods – Subdivision 2005-27 & 2009-11**

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

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, 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 Deep Branch 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**

**M 053 16  
Grant  
Extension/  
Deep  
Branch  
Woods**

**Deer  
Creek  
2005-62**

**Deer Creek – Subdivision 2005-62**

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

**M 054 16  
Deny  
Extension/  
Deer  
Creek**

**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 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 Deer Creek 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**

**Inland  
Bays  
CU 1850**

**Inland Bays – Conditional Use No. 1850**

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

**M 055 16  
Grant  
Extension/  
Inland  
Bays**

**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**

**M 055 16**  
**(continued)**      **Inland Bays 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**

**Johnsonville**  
**2006-39**      **Johnsonville – Subdivision 2006-39**

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

**M 056 16**  
**Grant**  
**Extension/**  
**Johnsonville**      **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 Johnsonville 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**

**Lewes**  
**Shores**  
**Estates**  
**2005-30**      **Lewes Shores Estates – Subdivision 2005-30**

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

**M 057 16**  
**Deny**  
**Extension/**  
**Lewes**  
**Shores**  
**Estates**      **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 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 Lewes Shores Estates 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**

**Langrell's**  
**Best**  
**2006-70**      **Langrell's Best – Subdivision 2006-70**

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

**M 058 16**  
**Deny**  
**Extension/**      **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 the lack of compliance with the requirements of the referenced**

**M 058 16**            **Ordinance, supporting documentation, and the recommendation of the**  
**Deny**                **Director and staff, that the current zoning approval for the development**  
**Extension/**        **known as Langrell's Best shall not be extended until July 1, 2016.**  
**Langrell's**  
**Best**                **Motion Adopted:        5 Yeas.**

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

**Mission**            **Mission Estates – Subdivision No. 2005-53**  
**Estates**  
**2005-53**            **Recommendation by staff that a time extension of six months be granted.**

**M 059 16**            **A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon**  
**Grant**                **the authority granted to Sussex County Council by Ordinance No. 2428 and**  
**Extension/**        **based upon compliance with the requirements of the referenced Ordinance,**  
**Mission**            **supporting documentation, and the recommendation of the Director and**  
**Estates**            **staff, that the current zoning approval for the development known as**  
**Mission Estates 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**

**Norwood**            **Norwood Farms – Subdivision 2004-21**  
**Farms/**  
**2004-21**            **Recommendation by staff that a time extension of six months be denied.**

**M 060 16**            **A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon**  
**Deny**                **the authority granted to Sussex County Council by Ordinance No. 2428 and**  
**Extension/**        **based upon the lack of compliance with the requirements of the referenced**  
**Norwood**            **Ordinance, supporting documentation, and the recommendation of the**  
**Farms**                **Director and staff, that the current zoning approval for the development**  
**known as Norwood Farms 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**

**Oak**                 **Oak Landing – Subdivision 2004-46**  
**Landing**  
**2004-46**            **Recommendation by staff that a time extension of six months be denied.**

**M 061 16  
Deny  
Extension/  
Oak  
Landing**

**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 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 Oak Landing 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**

**Solitudes  
on White's  
Creek  
2005-59**

**Solitudes on White's Creek – Subdivision 2005-59**

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

**M 062 16  
Grant  
Extension/  
Solitudes  
on White's  
Creek**

**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 Solitudes at White's Creek 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**

**The  
Common-  
wealth  
Group  
CU 1705**

**The Commonwealth Group – Conditional Use No. 1705**

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

**M 063 16  
Grant  
Extension/  
The  
Common-  
wealth  
Group**

**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 The Commonwealth Group 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**

**The Woods  
at Burton  
Pond  
2007-29**

**The Woods at Burton Pond – Subdivision 2007-29**

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

**M 064 16  
Grant  
Extension/  
The Woods  
at Burton  
Pond**

**A Motion was made by Mrs. Deaver, 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 The Woods at Burton 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**

**Twin  
Oaks  
2007-16**

**Twin Oaks – Subdivision 2007-16**

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

**M 065 16  
Deny  
Extension/  
Twin Oaks**

**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 Twin Oaks 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**

**Woodridge  
2005-42**

**Woodridge – Subdivision 2005-42**

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

**M 066 16  
Grant  
Extension/  
Woodridge**

**A Motion was made by Mrs. Deaver, 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 Woodridge shall be extended until July 1, 2016.**

**Motion Adopted: 5 Yeas.**

**M 066 16  
(continued)**

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

**Wetherby  
2004-38**

**Wetherby – Subdivision 2004-38**

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

**M 067 16  
Grant  
Extension/  
Wetherby**

**A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, 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 Wetherby 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**

**Grant  
Requests**

**Mrs. Jennings presented grant requests for the Council's consideration.**

**M 068 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$250.00 from Mr. Cole's Councilmanic Grant Account to the Town of Ocean View for the 2016 Homecoming Event.**

**Motion Adopted: 5 Yeas.**

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

**M 069 16  
Motion  
Withdrawn**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from Countywide Youth Grants to the Liberty Day Institute to provide educational resources for students and teachers, contingent on the participation of all three counties.**

**Mr. Arlett requested additional information regarding the grant request and he stated that Sussex County Council should make decisions independently and not based on what Kent and New Castle Counties choose to do.**

**Councilmembers discussed the grant request and raised questions.**

**Mr. Cole and Mrs. Deaver withdrew their Motion and Second.**

**M 070 16**            **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to defer action on the grant request from the Liberty Day Institute for the purpose of obtaining additional information.**

**Defer  
Action on  
Grant  
Request**

**Motion Adopted:     5 Yeas.**

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

**M 071 16**            **A Motion was made by Mr. Cole to give \$250.00 from Countywide Youth Grants to Bayside Breeze Fastpitch Youth Softball for tournament expenses.**

**Motion  
Failed**

**There was no Second to the Motion and the Motion failed.**

**M 072 16**            **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action on the grant request from the Indian River Soccer Club.**

**Defer  
Action on  
Grant  
Request**

**Motion Adopted:     5 Yeas.**

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

**Introduction of Proposed Ordinances**     **Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CONDITION NO. 19 OF CONDITIONAL USE NO. 1431 (ORDINANCE NO. 1530) TO ALLOW ADDITIONAL TIME TO COMPLETE THE EXISTING BORROW PIT OPERATION LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 200.5 ACRES, MORE OR LESS” (Conditional Use No. 2043) filed on behalf of Edward J. Kaye (Tax Map I.D. No. 331-4.00-49.00) (911 Address: 22223 Eskridge Road, Seaford).**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF AN EXISTING BORROW PIT OPERATION LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 7.85 ACRES, MORE OR LESS” (Conditional Use No. 2044) filed on behalf of Edward J. Kaye (Tax I.D. No. 430-23.00-42.00 (Part of) (911 Address: 20956 Coverdale Road, Bridgeville).**

**Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN**



**Introduction  
of Proposed  
Ordinances  
(continued)**

**PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.34 ACRES, MORE OR LESS” (Conditional Use No. 2045) filed on behalf of Robert and Deborah Reed RE/MAX Realty Group (Tax I.D. No. 234-29.00-69.01 and 69.08 – 69.11) (911 Address: None Available).**

**Mr. Wilson 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.06 ACRES, MORE OR LESS” (Change of Zone No. 1793) filed on behalf of Church of God of Prophecy (Tax Map I.D. No. 135-23.00-18.01, 18.02 & Part of 18.03) (911 Address: 21950 Zoar Road, Georgetown).**

**Mrs. Deaver 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.9192 ACRES, MORE OR LESS” (Change of Zone No. 1794) filed on behalf of JCBB, LLC (Tax Map I.D. No. 235-30.00-63.00) (911 Address: 26526 Lewes Georgetown Highway, Harbeson).**

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

**Council  
Members’  
Comments**

**Council Members’ Comments**

**Mrs. Deaver questioned if there is a way for people to know what might happen around them, i.e. zoning changes. Mrs. Deaver also commented on poorly planned developments.**

**Mr. Wilson commented on agricultural land and property rights.**

**Mr. Arlett and Mr. Lawson commented on the County’s new improved website and the additional information available on it. Mr. Cole suggested that a short explanation could be placed on the website explaining the zoning process and how requests can come in to modify zoning classifications.**

**Mrs. Deaver commented on storm damage in Slaughter Beach.**

**Mr. Arlett reported that he rode with the Sheriff and his Deputy delivering papers in the County and he commented on the importance of what they do.**

**Mr. Arlett commented on the importance of the Emergency Operations Center’s role during the recent Nor’easter.**

**Comments (continued)**      **Mr. Arlett commented on the importance of public safety and he noted that a public safety forum was held at the South Coastal Library.**

**M 073 16**      **At 11:48 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to personnel and pending litigation.**  
**Go Into**  
**Executive**  
**Session**

**Motion Adopted:      5 Yeas.**

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

**Executive**      **At 11:55 a.m., an Executive Session of the Sussex County Council was held**  
**Session**      **in the Basement Caucus Room to discuss matters relating to personnel and pending litigation. The Executive Session concluded at 12:28 p.m.**

**M 074 16**      **At 12:30 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to**  
**Reconvene**      **come out of Executive Session and to reconvene the Regular Session.**  
**Regular**  
**Session**

**Motion Adopted:      5 Yeas.**

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

**E/S Action**      **There was no action on Executive Session matters.**

**M 075 16**      **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at**  
**Adjourn**      **12:30 p.m.**

**Motion Adopted:      5 Yeas.**

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