

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 29, 2019**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 29, 2019, 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>Irwin G. Burton III</b>	<b>Vice President</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>John L. Rieley</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</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 041 18  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Minutes**

The minutes of January 15, 2019 were approved by consent.

**Corre-  
spondence**

**Correspondence**

**JEFFERSON AWARDS FOUNDATION, WILMINGTON, DELAWARE.  
RE: Letter in appreciation of grant.**

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

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

**HISTORIC LEWES FARMERS MARKET, NASSAU, DELAWARE.**

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

**Public  
Comments**

**Public Comments**

**Paul Reiger commented on the Planning and Zoning Commission Nominee, the political affiliations of the Planning and Zoning Commission members,**

**Public  
Comments  
(continued)**

**and the Delaware Code statute regarding the structure of the Commission.**

**Dan Kramer commented on the structure of the Planning and Zoning Commission (districts) and the Delaware Code statute regarding the structure of the Commission.**

**Donna DePiano commented on the need for an Adequate Public Facilities Ordinance.**

**Ave' Monaghan commented on the need for communications improvements (networks) in the County.**

**Mark  
Isaacs/  
Carvel  
Research  
and  
Education  
Center  
Research  
and  
Extension  
Programs**

**Mark Isaacs, Director, University of Delaware Carvel Research and Education Center, thanked Council for its continued support of the research and extension programs at the Carvel Research and Education Center. Dr. Isaacs gave an overview of how the County's funding is used by the Center in Sussex County: Extension Programs, Family Consumer Sciences, Production Agriculture Programs, Lasher Lab Poultry Research, Crop Programs, and Safety Programs, as well as the Internship Program which was first funded by Sussex County. A video was shown of Sussex County interns thanking Council for their support of the Internship Program and the opportunity they were provided to participate. Also present was Cory Whaley, County Agriculture Extension Agent and Sussex County Extension Director.**

**Public  
Hearing/  
Lakeside  
Expansion  
of the  
SCUSSD/  
Blades  
Area**

**A Public Hearing was held on the Proposed Lakeside Expansion of the Sussex County Unified Sanitary Sewer District (Blades Area).**

**John Ashman, Director of Utility Planning, reported that the request was made by Lakeside Mobile Home Community for Parcel 132-2.00-274.00; three other parcels are included in the proposed expansion to make the project contiguous. The expansion will consist of 31.27 acres. The property owners will be responsible for system connection charges of \$6,360.00.**

**Public comments were heard.**

**Dan Kramer stated that he has no objection to the proposed expansion. Mr. Kramer commented on the wording of the advertisement of this public hearing on the agenda.**

**Donna DePiano raised a question about the mobile home park, which is an existing mobile home park.**

**Debra Gains (representing the Russell L. Gains Trust) questioned when connection will be required.**

**Mr. Ashman and Hans Medlarz, County Engineer, responded to Ms. Gains' questions and explained connection guidelines.**

**Public  
Hearing  
(continued)**

**There were no additional public comments.**

**The Public Hearing and public record were closed.**

**M 042 19  
Adopt  
R 006 19**

**A Motion was made by Mr. Mr. Wilson, seconded by Mr. Burton, to Adopt Resolution No. R 006 19 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCELS 132-2.00-271.05, 272.00, 273.00 AND 274.00 ON THE EAST SIDE OF SUSSEX HIGHWAY. THE PARCELS ARE LOCATED IN BROAD CREEK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Wastewater  
Agreement**

**Mr. Lawson presented a wastewater agreement for the Council’s consideration.**

**M 043 19  
Execute  
Wastewater  
Agreement**

**A Motion was made by Mr. Rieley, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, Agreement No. 1027-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Silverstock WP, LLC for wastewater facilities to be constructed in Batson Creek Estates – Silver Woods – Phase 5A, located in the Miller Creek Sanitary Sewer District.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Public  
Interview**

**The Council conducted a public interview for Planning and Zoning Commission nominee Bruce Mears (District No. 4).**

**M 044 19  
Approve  
Appointment  
of  
Bruce  
Mears/  
Planning  
& Zoning  
Commission**

**A Motion was made by Mr. Hudson, seconded by Mr. Wilson, that the Sussex County Council approves the appointment of Bruce Mears to the Sussex County Planning and Zoning Commission, effective immediately, and until such time as the term expires in June 2020.**

**Motion Adopted: 5 Yeas.**

**M 044 19  
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Appoint-  
ments/  
Advisory  
Committee  
for the  
Aging  
and Adults  
with  
Physical  
Disabilities**

**Mr. Lawson reviewed recommended appointments to the Advisory Committee for the Aging and Adults with Physical Disabilities. He noted that there are members interested in being reappointed and also, there are vacancies to be filled. The Aging Committee consists of 11 members; however, Mr. Lawson noted that, on this date, Council is to consider 9 members:**

<b>District 1</b>	<b>Cathy Parker (reappointment)</b>
<b>District 1</b>	<b>Helen Smith (reappointment)</b>
<b>District 1</b>	<b>Paul Rosa (new appointment)</b>
<b>District 2</b>	<b>Fran Smith (reappointment)</b>
<b>District 2</b>	<b>Linda Rogers (new appointment)</b>
<b>District 3</b>	<b>Larry Savage (reappointment)</b>
<b>District 3</b>	<b>Francine Shockley (reappointment)</b>
<b>District 4</b>	<b>Jamie Magee (reappointment)</b>
<b>District 5</b>	<b>Scott Phillips (reappointment)</b>

**Mr. Lawson noted that two members of the Committee are fulfilling terms that will expire in 2020 (Antionette Johnson – District 4 and Linda Forte – District 5).**

**M 045 19  
Approve  
Appoint-  
ments/  
Advisory  
Committee  
for the  
Aging and  
Adults with  
Physical  
Disabilities**

**A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the Sussex County Council approves the appointments, as outlined, to the Sussex County Advisory Committee on Aging and Adults with Physical Disabilities, effective immediately, for a term of two years.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Adminis-  
trator'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, Breakwater Beach (Parcels 421-428) and Governors – Phase 1A, 1B & 1C (Construction Record) received Substantial Completion effective January 18<sup>th</sup>.**

**2. Oscar Perez**

**It is with sadness that we note the passing of County pensioner Oscar Perez on Sunday, January 13<sup>th</sup>. Mr. Perez began his career with**

**Administrator's Report (continued)**

**Sussex County in September 1989 and retired from the Public Works Division as Director in March 1999 with over nine years of service. We would like to extend our condolences to the Perez family.**

**Update/ MOU/ Litter Collection**

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

**Mike Costello, Government Affairs Manager, provided an update on the litter collection / clean-up activities that has taken place under the 2018 Memorandum of Understanding for the collection of roadside litter and trash between the Department of Corrections, DeIDOT, and Sussex County.**

**T-Hangar/ Ground Lease**

**Jim Hickin, Airport Manager, reported that the current tenant of Lot C6 at the Airport (Frank Martin) owns the T-Hangar on the lot and he wishes to sell the hangar to Ronald Covais and has requested a ground lease be offered to Mr. Covais. Mr. Hickin reviewed the terms of the proposed lease.**

**M 046 19 Approve Ground Lease Agreement/ T-Hangar/ Lot C6**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council approves the Ground Lease Agreement with Ronald Covais for Lot C6 at Delaware Coastal Airport, as presented.**

**Motion Adopted: 5 Years.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea**

**Sussex County Landfill #3 Buffer Site/ Reforestation and Meadow Creation**

**Hans Medlarz, County Engineer, presented a proposal by the Delaware Center for the Inland Bays to partner with them on the implementation of a project to re-establish forest and meadow on approximately 6.89 acres of land formerly used for crops and owned by Sussex County. The site serves as a buffer property for a landfill site. The proposed reforestation work would address multiple elements of water quality and habitat management plans for the Inland Bays watershed. The total project cost would be \$10,386.07. The project is known as the Sussex County Landfill #3 Buffer Site Project.**

**M 047 19 Approve Reforestation and Meadow Creation/ Sussex County Landfill #3 Buffer Site**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the "Reforestation and Meadow Creation at Sussex County Landfill #3 Buffer Site" proposal between Sussex County and the Delaware Center for Inland Bays to reforest the Angola Landfill Buffer Area, providing measures of environmental protection for land and waterways, in the amount of \$10,386.07.**

**Motion Adopted: 5 Years.**



**M 049 19  
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Ellendale  
Water  
District  
Agreement/  
Artesian**

**Hans Medlarz, County Engineer, presented the proposed Ellendale Water District Agreement with Artesian Water Company. He noted that, as a result of the County Council approving the Water District, a combined State Drinking Water SRF and USDA capital funding package will have to be submitted. The first step in this process was the filing of a Notice of Intent which reflects Artesian Water Company as the supplier of potable water and provider of certain services at rates and terms necessary to meet the referendum approved maximum annual user rate of \$430.00 for the average residential account within the District.**

**M 050 19  
Approve  
Ellendale  
Water  
District  
Agreement  
with  
Artesian**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Ellendale Water District Agreement between Sussex County and Artesian Water Company, as presented.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Delaware  
Coastal  
Airport &  
Business  
Park/  
Bulk  
Wastewater  
Services  
Agreement/  
Artesian**

**Hans Medlarz, County Engineer, presented a Bulk Wastewater Services Agreement for the Delaware Coastal Business Park and Airport. He reported that the Coastal Airport along Rudder Lane currently receives wastewater treatment services from the Town of Georgetown. However, given the limited availability of municipal sewer capacity, the Agreement has an allowance for the surrender of capacity by redirecting it to an alternate wastewater service provider with twelve (12) months' notice. Mr. Medlarz reported that the Agreement with Artesian provides alternate transmission and treatment at the same metered user rate as the Town of Georgetown. Mr. Medlarz noted that the Agreement allows for cost effective alternative transmission and treatment while at the same time offering the Town some capacity relief.**

**M 051 19  
Approve  
Bulk  
Wastewater  
Services  
Agreement/  
Delaware  
Coastal  
Business  
Park and  
Airport**

**A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve the Bulk Wastewater Services Agreement for the Delaware Coastal Business Park and Airport between Sussex County and Artesian Wastewater Management, as presented.**

**Motion Adopted: 5 Yeas.**

**M 051 19  
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Delaware  
Coastal  
Airport &  
Business  
Park/Bulk  
Wastewater  
Services  
Agreement  
Addendum/  
Artesian**

**Hans Medlarz, County Engineer, presented Amendment No. 1 to the 2016 Bulk Wastewater Services Agreement with Artesian Wastewater Management Inc. Mr. Medlarz noted that major improvements for the Inland Bays Facility have been budgeted, including treatment upgrades, spray upgrades, and agricultural engagement. He further noted that the proposed amendment allows for a clean effluent diversion to a facility which is under-utilized (Artesian Wastewater Resources facility on Route 5). This Amendment would allow for the exchange of raw wastewater for clean effluent at a 4 to 1 ratio. Mr. Medlarz further noted that this proposed amendment allows the County to do things at the Inland Bays that it currently cannot and it ties to the Master Plan to provide wastewater service at the Inland Bays.**

**M 052 19  
Approve  
Addendum  
to Bulk  
Wastewater  
Services  
Agreement/  
Artesian**

**A Motion was made by Mr. Wilson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Addendum to the Bulk Wastewater Services Agreement between Sussex County and Artesian Wastewater Management, as presented.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Use of  
Existing  
Infra-  
structure  
Agreement  
with  
Suitewater  
LLC for  
Home 2  
Suites  
by Hilton**

**John Ashman, Director of Utility Planning, presented a Use of Existing Infrastructure Agreement with Suitewater, LLC for the Home 2 Suites by Hilton project in the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). It allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County; 41.67 EDUs would be connected to existing infrastructure in exchange for \$28,184.00. The arrangement would not modify the underlying land use decision in any form.**

**M 053 19  
Approve  
Use of  
Existing  
Infra-  
structure  
Agreement  
with  
Suitewater  
LLC**

**A Motion was made by Mr. Rieley, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Suitewater, LLC for capacity allocation in the Regional Transmission System, as presented.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Grant Requests**

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

**M 054 19  
County-wide  
Youth  
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$1,090.00 from Countywide Youth Grants to the Delaware 4-H Association for the Sussex County 4-H Interstate Exchange Program.

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Abstained;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 055 19  
Council-  
manic  
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$100.00 from Mr. Wilson's Councilmanic Grant Account to the Veterans of Foreign Wars of the United States Auxiliary for the Department of DE VFW Auxiliary Convention Year Book.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 056 19  
Council-  
manic  
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Hudson, to give \$750.00 from Mr. Vincent's Councilmanic Grant Account to the Trinity Foundation for the Annual Heart & Sole 5K Fundraiser.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Intro-  
ductions  
of Proposed  
Ordinances**

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A DOG BAKERY WITH STORAGE AND WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.3981 ACRES, MORE OR LESS" (Conditional Use No. 2171) filed on behalf of Lisa St. Clair (Tax I.D. No. 234-21.00-213.00) (911 Address: 24500 Hollyville Road, Millsboro).

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 TRANSITIONAL HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.3028 ACRES, MORE OR LESS" (Conditional

**Introduction of Proposed Zoning Ordinances (continued)** Use No. 2172) filed on behalf of Iris Downing (Tax I.D. No. 230-26.20-18.00) (911 Address: 18366 Wild Cherry Street, Ellendale).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 49.94 ACRES, MORE OR LESS” (Change of Zone No. 1877) filed on behalf of Schiff Land Development Company, LLC (Tax I.D. No. 234-29.00-66.00, 66.01 & 66.02) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

**M 057 19 Go Into Executive Session** At 12:01 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to potential/pending litigation.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea**

**Executive Session** At 12:03 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers for the purpose of discussing matters relating to potential/pending litigation. The Executive Session concluded at 12:10 p.m.

**M 058 19 Reconvene Regular Session** At 12:11 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to come out of Executive Session and to reconvene the Regular Session.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea**

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

**M 059 19 Adjourn** At 12:12 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn.

**Motion Adopted: 5 Yeas.**

**M 059 19  
(continued)**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, 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.}*