

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 10, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 10, 2015, 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

[Mr. Cole arrived during the 10:30 a.m. Public Hearing.]

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 064 15
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting "Approval of Minutes"; by deleting Item #2 under Juel Gibbons, Project Engineer, entitled "Pump Station 33 and Force Main Upgrades, Award of Contract for Design Services"; by deleting "Executive Session – Personnel pursuant to 29 Del. C. § 10004(b); and by deleting "Possible Action on Executive Session Items"; and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Corre-
spondence**

Mr. Moore read the following correspondence:

LEWES PUBLIC LIBRARY, LEWES, DELAWARE.

RE: Letter to Councilwoman Deaver in appreciation of the grant from the surplus of FY14 County funds.

**Public
Comments**

Public Comments

Paul Reiger commented on an article in the Cape Gazette regarding sidewalks in developments.

(continued) **Dan Kramer commented on the Sussex County Code and specifically, graveyards listed as a Conditional Use.**

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

**trator's
Report**

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Subcommittee Meeting

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Conference Planning Subcommittee will meet on Tuesday, February 17th, at 10:00 a.m. at Easter Seals, 22317 DuPont Boulevard, in Georgetown. During the meeting, the Committee will discuss planning for its annual conference in October.

2. Sussex County Emergency Operations Center Call Statistics – January 2015

Attached please find the call statistics for the Fire and Ambulance Callboard for January 2015. There were 13,217 total calls handled for the month of January. Of those 9-1-1 calls in January, 75 percent were made from wireless phones.

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

**Pump
Station 22
Modifi-
cations/
Balancing
Change
Order &
Substantial
Completion**

Juel Gibbons, Project Engineer, presented for Council's consideration a Balancing Change Order and request to grant Substantial Completion for Pump Station 22 Modifications, Contract 14-07. The Change Order request is in the amount of \$6,385.26; with this Change Order, the new contract total would be \$433,725.26. Ms. Gibbons reported that the maintenance items were not part of the initial scope of work; however, during construction, they were identified as being ones that could be updated for the betterment of the pump station, i.e. repair of cracks and leaks in the wet well, additional pump upgrades, and addition of a main breaker panel. Michael Izzo, County Engineer, responded to questions regarding wet wells and dry wells.

**M 065 15
Pump
Station 22
Modifi-
cations/
Balancing
Change
Order &
Substantial
Completion**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Balancing Change Order for Contract #14-07, Pump Station 22 Modifications be approved, which increases the contract amount by \$6,385.26 for a new total of \$433,725.26 and that Substantial Completion be granted effective December 19, 2014 and any held retainage be released in accordance with the contract documents.

Motion Adopted: 4 Yeas, 1 Absent.

M 065 15
(continued)

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

Oak Crest Farms/ Project 14-01/ Substantial Completion and Final Balancing Change Order

Julie Cooper, Project Engineer, presented for Council's consideration a Final Balancing Change Order and request to grant Substantial Completion for the Oak Crest Farms Revised Stormwater Management Project, Phase One (Project 14-01). The Project included the realignment of the existing stormwater management Pond C outfall to eliminate Beaver Dam Road flooding, clearing and regrading of Stormwater Pond A to increase storage volume, replacement of Pond A and Pond B outlet control structures for improved stormwater management, and related work. The project was awarded to Melvin L. Joseph Construction Co., Inc. at the bid amount of \$252,817.00. Substantial Completion was achieved on December 8, 2014. Ms. Cooper reported that, during the course of construction, DelDOT asked for some additional work in the Hopkins Road right-of-way to relieve an adjacent flooding problem and also, upon excavation, two existing pipes in Pond A required the adjustment of two drainage structures and the regrading of one swale. Ms. Cooper noted that it was critical to make these adjustments in order that the pond function correctly and to prevent flooding near the residential properties. The final balancing of work item quantities resulted in a \$133.50 credit balance in the total cost of the work. Ms. Cooper noted that a redeemed Letter of Credit paid for the work.

M 066 15
Grant Substantial Completion and Approve Balancing Change Order

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grant "Substantial Completion" effective December 8, 2014, to Melvin L. Joseph Construction Company, Inc. of Georgetown, Delaware, for Sussex County Project 14-01, "Oak Crest Farms Revised Stormwater Management – Phase 1", and further, that Balancing Change Order No. 1 be approved in the credit amount of \$133.50, thereby decreasing the contract amount from \$252,817.00 to \$252,683.50, and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.

Motion Adopted: 4 Yeas, 1 Absent.

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

Grant Request

Mrs. Jennings presented the following grant request.

M 067 15
Councilmanic Grant

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$888.00 from Mr. Wilson's Councilmanic Grant Account to Coverdale Crossroads Community Council for Afterschool Program facility expenses.

Motion Adopted: 4 Yeas, 1 Absent.

**M 067 15
(continued)**

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

**Introduction
of Proposed
Ordinances**

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING AND SITE WORK BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2594 ACRES, MORE OR LESS” (Conditional Use No. 2014) filed on behalf of Jay Beach (Tax Map 234-5.00-44.06) (911 Address – None Available).

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 9.541 ACRES, MORE OR LESS” (Change of Zone No. 1773) filed on behalf of Ernest and Donna DeAngelis (Tax Map I.D. No. 235-30.00-53.00) (911 Address: None Available).

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 31,200 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1774) filed on behalf of John R. and Susan K. Eisenbrey (Tax Map I.D. No. 235-30.00-58.02 (Part of) (911 Address: 26822 Lewes Georgetown Highway, Harbeson).

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members’
Comments**

Council Members’ Comments

Mrs. Deaver commented on Land Use Maps, the zoning changes to the maps, and where people can view the maps.

Mr. Moore and Mr. Lawson responded that, when a zoning change is approved, the master maps in Planning and Zoning are updated and can be viewed in that department, and that there is an effort currently underway to put all maps online; hopefully, by Spring or Summer 2015.

Mr. Arlett stated that he had the opportunity to attend a Delmarva Poultry Industry luncheon and he commented on how significant and impactful the poultry industry is to the County’s economy.

M 068 15 **At 10:26 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett,**
Recess **to recess for five minutes.**

Motion Adopted: 4 Yeas, 1 Absent

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

M 069 15 **At 10:33 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett,**
Reconvene **to reconvene the Regular Session.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Public **A Public Hearing was held to consider the expansion of the Fenwick Island**
Hearing/ **Sanitary Sewer District to include parcels along Route 54 (Lighthouse**
Proposed **Road) primarily from Zion Church Road to Williamsville Road (Route 54**
Route 54 **Expansion).**

Expansion **John Ashman, Director of Utility Planning, reported that a petition was**
of the **received from approximately 17 landowners, some with multiple parcels.**
Fenwick **He noted that all cannot be served by this expansion at this time; however,**
Island SSD **the remainder may be able to be annexed in the future. The project will**
 install a main trunk line for sewer in Route 54 and serve the parcels on both
 sides. The Engineering Department is currently working to obtain
 financing and grants for the project. The tentative date for the Public
 Hearing is February 10, 2015.

Mr. Ashman reported on the following inquiries: an inquiry received from
a property owner on New Road questioning how far sewer will be extended
on New Road, an inquiry received from the owner of the shopping plaza on
Williamsville Road expressing interest in being included in the sewer
expansion, and an inquiry from a resident on Sand Cove Road expressing
interest in being included in the sewer expansion.

Mr. Ashman reported on estimated user charges: current annual service
charge is \$278.00 per EDU, front foot assessment is \$7.06 per front foot,
system connection charge is \$0.00 or \$5,500 (system connection charges for
existing homes are included in the project financing and new homes
permitted after February 10, 2015 will pay \$5,500.00 or the system
connection charge fee in place at the time of connection), and a \$1,000 to
\$1,500 plumbing cost.

**Public
Hearing/
Proposed
Route 54
Expansion
of the
Fenwick
Island SSD
(continued)**

Mr. Ashman noted that they have coordinated with DNREC to secure grant monies from the State Revolving Fund for the proposed expansion.

Mr. Ashman reported that no historical properties will be impacted; however, the area will be evaluated to avoid impacting any archaeological resources.

Mr. Ashman reported that construction is proposed to commence in January 2016 with the system operational in October 2016. He noted that construction may be impacted by the ability to obtain lane closures on Route 54 from DelDOT.

[Mr. Cole joined the meeting.]

Public comments were heard.

Anita Adkins, Denise Adkins Hearn, and Audrey Serio spoke in support of the proposed expansion.

Walter Johnson (Sand Cove Road), Tim Bowden (Sand Cove Road), and Dino Iacchetta (owner of shopping plaza) spoke in support of the proposed expansion and asked that their properties be included in the expansion.

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

Mr. Ashman and Michael Izzo, County Engineer, discussed the proposed expansion and answered questions raised by the Council in regards to the inclusion of other areas in the expansion (the shopping plaza and lots along Sand Cove Road). Concern was expressed about keeping the rate at \$1,000.00 and including landowners who were never sent notices.

The Council directed the Engineering Department to consider the requested extensions, to contact the property owners that would be affected by extending sewer to the shopping plaza, and to submit a proposal (including pricing options) to the Council at the February 17th meeting.

**M 070 15
Defer
Action
on the
Proposed
Route 54
Expansion
of the
FISSD**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to defer action on the proposed expansion of the Fenwick Island Sanitary Sewer District (Route 54 Expansion) until February 17, 2015.

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 15
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 11:20 a.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**