

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 21, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 21, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	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 076 17
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend the Agenda by striking "Personnel" and "Job Applicants' Qualifications" under Executive Session, and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of February 14, 2017 were approved by consent.

**Public
Comments**

Public Comments

Dan Kramer commented on an error in the February 7, 2017 Council meeting minutes.

Paul Reiger commented on (1) regulations on assisted living facilities, (2) members of the Board of Appeals, and (3) the Councilmanic District maps versus the Planning and Zoning Commission District maps.

**Delaware
Electric
Cooperative/
Check
Presentation**

Bill Andrew, President and Chief Executive Officer of the Delaware Electric Cooperative (DEC), presented a check in the amount of \$17,064.99 to the Sussex County Council representing a capital credit allocation. Mr. Andrew also provided an update on what is happening in the Cooperative including a fiber optic loop that will be available for public use and lower rates in Sussex and Kent Counties which will become effective March 1st.

Wastewater Agreement	Mr. Lawson presented a wastewater agreement for Council's consideration.
M 077 17 Approve Wastewater Agreement	A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 925-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Alpaco V, LLC for wastewater facilities to be constructed in Deerbrook, located in Long Neck Sanitary Sewer District.
	Motion Adopted: 5 Yeas.
	Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea
Building Code Appeal Board	Mr. Lawson reported on term expirations of three of the current members of the Building Code Appeal Board; each of the three members have expressed a willingness to serve again.
M 078 17 Appoint Members to the Building Code Appeal Board	A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council appoints Mr. Bruce Mears, Mr. Arthur Marvel, and Mr. James Clark to the Sussex County Building Code Board of Adjustments & Appeals (aka Building Code Appeal Board) effective immediately for a term of four years, or until December 2020.
	Motion Adopted: 5 Yeas.
	Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea
Henlopen TID Update and Discussion	DelDOT Secretary Jennifer Cohan and DelDOT Director of Planning Drew Boyce gave a presentation on the establishment of Sussex County's first Transportation Improvement District (TID), the Henlopen TID. The presentation focused on the proposed TID boundary; existing conditions including a traffic analysis and road conditions; service standards; land use projections; and the plan forward including land use projections, establishing a funding mechanism, and a public meeting to be held by the Planning and Zoning Commission. Secretary Cohan discussed the next steps as they relate to DelDOT and the County's respective responsibilities. There was no opposition expressed in response to Mr. Vincent's question regarding proceeding with the establishment of the Henlopen TID.
Comprehensive Land Use Plan Update	Mr. Lawson commented on the Comprehensive Land Use Plan and reported that McCormick Taylor is working on updating all the data that will go into the Plan; i.e. looking at the current statistics and data that is contained in the current Plan and how it will be contained in the updated Plan. Mr. Lawson reported that the Planning and Zoning Commission will

Comprehensive Land Use Plan Update (continued)	<p>host a workshop on March 8th (public will be invited to attend); additionally, the Commission has decided to schedule topics of discussion during their regular meetings for the purpose of gaining feedback from the public and possibly, information and direction from the Consultant (McCormick Taylor). Mr. Lawson stated that updates for the Council will be scheduled on Tuesdays and that joint workshops will continue to be held. Mr. Lawson also reported that public meetings will be scheduled in April in locations selected throughout the County. It is anticipated that in late spring / early summer, the Consultant will start putting words to paper as it relates to the actual elements of the Plan.</p>
Administrator's Report	<p>Mr. Lawson read the following information in his Administrator's Report:</p> <p>1. <u>Council Meeting Schedule</u></p> <p>A reminder that Council will not meet on February 28th. The next regularly scheduled Council meeting will be held on Tuesday, March 7th, at 10:00 a.m.</p>
Time Extension Requests	<p>Janelle Cornwell, Planning and Zoning Director, presented two requests for time extensions.</p>
M 079 17 Grant Extension/ CU 1978	<p>A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council grants a one-time six month time extension for Conditional Use No. 1978, John W. Davidson.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea</p>
M 080 17 Grant Extension/ Subdivision 2005-72	<p>A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council grants a one-time six month time extension for Subdivision No. 2005-72, Baywood, LLC (Bridlewood at Baywood).</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea</p>
Project Design Services	<p>Hans Medlarz, County Engineer, presented proposed amendments to the EJCDC Contract with Pennoni Associates, Inc. for final design services for the maintenance garage at the airport and for HVAC and electrical improvements at the West Complex.</p>
M 081 17	<p>A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Amendment No. 1 to</p>

- M 081 17**
Approve
Contract
Amend-
ment/
Mainten-
ance
Building
- the EJCDC Contract for Miscellaneous Engineering Services with Pennoni Associates, Inc. be approved in the amount not to exceed \$70,000 for the Sussex Airport Auto Maintenance Building, Final Design.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**
- M 082 17**
Approve
Contract
Amend-
ment/
West
Complex
HVAC &
Electrical
- A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Amendment No. 2 to the EJCDC Contract for Miscellaneous Engineering Services with Pennoni Associates, Inc. be approved in the amount not to exceed \$30,720 for the final design of the West Complex HVAC, electrical and fire suppression systems.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**
- Grant**
Requests
- Mrs. Jennings presented grant requests for the Council's consideration.**
- M 083 17**
Council-
manic
Grant
- A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$400.00 (\$200.00 each from Mr. Cole's and Mr. Burton's Councilmanic Grant Accounts) to the Lewes – Rehoboth Rotary Club for a Trail Guide publication.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**
- M 084 17**
Countywide
Youth
Grant
- A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00 from Countywide Youth Grants to Delaware Technical & Community College for Science Fair expenses.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**
- Introduction**
of Proposed
Ordinances
- Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT AND**

**Introduction
of Proposed
Ordinances
(continued)**

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 1.16928 ACRES, MORE OR LESS” (Change of Zone No. 1820) filed on behalf of W&B Hudson Family LP & John Floyd Lingo III (Tax I.D. No. 235-30.00-69.00, 235-30.00-70.00 (portion of)) (911 Address: Not Available).

Mr. Arlett 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.50 ACRES, MORE OR LESS” (Change of Zone No. 1821) filed on behalf of Nechay Ventures (Tax I.D. No. 532-6.00-86.00 & 87.00) (911 Address: Not Available).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, STORAGE BUILDING, STORAGE YARD AND CRUSHING OF CONCRETE FOR A CONTRACTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.97 ACRES, MORE OR LESS” (Conditional Use No. 2083) filed on behalf of Richard H. Bell III (Tax I.D. No. 135-15.00-79.03) (911 Address: 22592 Lewes-Georgetown Highway, Georgetown).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RECYCLE CENTER AND WEIGHT SCALE OPERATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 30.89 ACRES, MORE OR LESS” (Conditional Use No. 2084) filed on behalf of Term 2, LLC (Tax I.D. No. 333-14.00-23.00) (911 Address: 20139 Lowes Road, Millsboro).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.16 ACRES, MORE OR LESS” (Conditional Use No. 2085) filed on behalf of Land and Marketing Corporation (Tax I.D. No. 134-9.00-88.00, 80.06, and 80.01 (portion of)) (911 Address: None Available).

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 BEAUTY

Introduction of Proposed Ordinances (continued) **SHOP (WITH TWO CHAIRS AND THREE EMPLOYEES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.012 ACRES, MORE OR LESS” (Conditional Use No. 2086) filed on behalf of Kristin Bryan (Tax I.D. No. 133-10.00-9.07) (911 Address: 26330 Governor Stockley Road, Georgetown).**

The Proposed Ordinances will be advertised for Public Hearing.

M 085 17 Go Into Executive Session **A Motion was made by Mr. Cole, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition.**

Motion Adopted: 5 Yeas.

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

Executive Session **At 12:02 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 12:32 p.m.**

M 086 17 Reconvene **At 12:35 p.m., a Motion was made by Mr. Arlett, 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. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

There was no action on Executive Session matters.

M 087 17 Adjourn **A Motion was made by Mr. Arlett, seconded by Mr. Burton, to adjourn at 12:35 p.m.**

Motion Adopted: 5 Yeas.

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