

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

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 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
Robert B. Arlett	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

[Councilwoman Deaver was absent.]

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

Call to Order

Mr. Vincent called the meeting to order.

M 072 15 Amend and Approve Agenda

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

Motion Adopted: 4 Yeas, 1 Absent.

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

Approve Minutes

The minutes of February 3 and 10, 2015 were approved by consent.

Corre- spondence

Mr. Moore read correspondence from the following in appreciation of grant funding: Delaware Nature Society, Laurel Public Library, Catholic Charities, Sussex Pregnancy Care Center, Sussex County Habitat for Humanity, Seaford Volunteer Fire Department, Boys & Girls Club of Delaware, and Junior Achievement. Council members commented that other letters of thanks were received from various public libraries.

Public Comments

Public Comments

Dan Kramer commented on the new Greenwood Library. He referenced the noise level in the new library due to the HVAC system and the fact that the contractor was over contract by more than 100 days.

**Tribute/
Peninsula
Home Care** **The Council presented a Tribute to representatives of Peninsula Home Care in recognition of the agency’s 30th anniversary of providing award winning care to patients on the Lower Eastern Shore of Delmarva.**

**Caroling
on The
Circle
Food
Drive
Recognition** **Mr. Lawson announced that over 30,000 food items were collected during the Caroling on The Circle Food Drive for 2014; money was also collected that was used to purchase those food items. The Council thanked and recognized the following participants who helped in this effort:**

Sussex County Association of REALTORS®	\$250.00
Colonial East, L.P.	\$400.00
Fuqua, Yori and Willard, P.A.	\$600.00
First State Manufactured Housing Association of Delaware	\$1,178.00
Long Neck Elementary School	1,205 items
Georgetown Elementary School	1,800 items
Millsboro Middle School	2,515 items
PATS Aircraft Systems LLC	10,000 items
Delaware Manufactured Home Owners Association	3,254 items
Georgetown Middle School	752 items
Little Einstein Preschool	190 items
Seaford High School FFA	100 items
Milton Elementary School	2,102 items
Allen Harim Foods	\$250.00

Mr. Lawson recognized Mark Roethel for donating the pod that is used for storing the food items as they are collected during the month of December.

**Public
Hearing/
CDBG** **A Public Hearing was held on the development of a Community Development Block Grant application, which is to be submitted to the Delaware State Housing Authority. The Community Development Block Grant (CDBG) is a federal grant from the Department of HUD to the Delaware State Housing Authority (DSHA). Kent and Sussex Counties compete for the funding by making application to the DSHA.**

**Public
Hearing/
CDBG
(continued)**

Brad Whaley, Director of Sussex County Community Development & Housing, announced that the purpose of the Public Hearing is to give the citizens the opportunity to participate in the application process. Mr. Whaley stated that Sussex County's application will consist of projects in the County and in the municipalities. He reported that staff has met with all the municipalities who have asked for the County's assistance to make application to the DSHA.

Mr. Whaley reported that, over the past ten years, the County and the communities within the County have received over \$12.7 million in Community Development Block Grant funding and have been able to assist over 1,700 residents. The CDBG program uses funds that Congress allocates to the Department of Housing and Urban Development; these funds are specifically for housing purposes which include safe, affordable housing and living environments. The funds also provide economic opportunities as contractors and their employees are hired to do the work.

Mr. Whaley advised that part of the CDBG requirements is that a status report be given. Mr. Whaley reported where the funding was allocated during 2014; approximately \$1.5 million was received in 2014 and 137 households received assistance. All of the households receiving the funding were low to moderate income.

Eligible applicants are units of general local governments in Sussex and Kent counties, the Kent County Levy Court and the Sussex County Council. Mr. Whaley reported that, this year, there should be approximately \$2 million available for CDBG funding for Sussex County, Kent County, and the municipalities. Eligible projects include housing rehabilitation, demolition and code enforcement, and infrastructure projects, with a priority towards housing rehabilitation. Delaware State Housing Authority scores and reviews each project to see which ones will receive funding.

Mr. Whaley noted that the public hearing on this date is the 14th public hearing that has been held to collect information to make application for funding. He also noted that in December 2014, a Citizens Participation Forum was held.

Mr. Whaley presented a list of the projects to be submitted to the Delaware State Housing Authority for CDBG funding, as follows:

Municipality Applications:

Blades (Rehab):	\$ 80,000.00
Bridgeville (Rehab):	\$140,000.00
Delmar (Rehab):	\$ 80,000.00
Ellendale (Rehab):	\$ 80,000.00
Greenwood (Rehab):	\$ 80,000.00
Georgetown (Rehab):	\$105,000.00
Laurel (Rehab):	\$140,000.00
Milford (Rehab):	\$105,000.00

M 074 15

(continued)

Vote by Roll Call:

**Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

<p>Public Hearing/ Proposed Bartolotti Expansion to the Long Neck SSD</p>	<p>A Public Hearing was held on the Proposed Bartolotti Expansion to the Long Neck Sanitary Sewer District. Anthony Digiuseppe, Jr., Planning Technician, reported that the proposed expansion includes one parcel; the owner of the parcel requested annexation into the sewer district. The parcel is located along Bay Farm Road and is contiguous to the existing district; the property is currently provided with a sewer lateral. The 1± acre parcel is currently vacant and the existing owner would like to build a house on the property. The owner of the parcel will be responsible for system connection charges of \$4,100 per EDU based on rates from July 1, 2014 through June 30, 2015.</p>
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There were no public comments and the Public Hearing was closed.

M 075 15 **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adopt**
Adopt **Resolution No. R 003 15 entitled “A RESOLUTION TO EXTEND THE**
Resolution **BOUNDARY OF THE LONG NECK SANITARY SEWER DISTRICT**
R 003 15 **(LNSSD) TO INCLUDE PARCEL 234-23.00-116.09 LANDS OF LARRY**
 BARTOLOTTI BEING SITUATE IN INDIAN RIVER HUNDRED,
 SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 4 Yeas, 1 Absent.

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

Roadside Litter Discussion	<p>The Council discussed the problem of roadside litter. Mr. Wilson, who had asked that this matter be placed on the agenda for discussion, stated that the problem is ongoing and no one is stepping up to correct the problem. He stated that areas can get cleaned up but do not stay cleaned up. Mr. Wilson stated that an enforcement program is needed, possibly in conjunction with the State, and that offenders should be fined. Mr. Wilson suggested that the County Constables Office place cameras in areas where people repeatedly throw trash. Mr. Wilson stated that the County needs to do more in regard to this problem.</p>
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Mike Costello, Chief Constable, discussed the camera program, which he helped operate at the State level when he was employed by DNREC. Mr. Costello referenced several State laws and he advised that the provisions of the laws can be enforced by any peace officer and the fine depends on the statute used. Mr. Costello stated that the County only has one law in the Code in regards to trash and dumping and it relates only to private property and “prohibited accumulation”.

- Roadside Litter Discussion (continued)** **Mr. Arlett commented that one idea to help with this problem is to offer the opportunity for community involvement and volunteer work.**
- Mr. Cole stated that, for the Constables Office to work on this problem, new ordinances will be needed as well as additional staff and funding. He noted that additional funding can be considered in the upcoming budget process.**
- Mr. Vincent asked Mr. Costello to work on a proposal to address this issue from a County perspective.**
- Wastewater Agreement** **Mr. Lawson presented a wastewater agreement for the Council's consideration.**
- M 076 15 Approve Wastewater Agreement** **A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 343-8, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Forest Landing Communities for wastewater facilities to be constructed in Forest Landing – Phase 3A, located in the Miller Creek Sanitary Sewer District.**
- Motion Adopted: 4 Yeas, 1 Absent.**
- Vote by Roll Call: Mrs. Deaver, Absent; Mr. Cole, Yea;**
 Mr. Arlett, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea
- Administrator's Report** **Mr. Lawson read the following information in his Administrator's Report:**
- 1. Planning and Zoning Manager – Janelle Cornwell**
- I am pleased to introduce Ms. Janelle Cornwell, the new Planning Manager for Sussex County. Ms. Cornwell started February 9th in the Planning and Zoning office and due to the Council's schedule, this is the first opportunity for her to appear at a meeting.**
- Ms. Cornwell brings a wealth of knowledge to the office, having served as a planner since 2002. She is AICP certified, has significant GIS experience, and is very familiar in working with State agencies. Ms. Cornwell comes to us from the Kent County Levy Court where she was the staff to their Planning Commission.**
- Please join me in welcoming Ms. Cornwell, who will be an asset to the office and our operations.**
- 2. Delaware State Police Activity Report – January 2015**
- Per the attached Delaware State Police activity report for January, there were 3,810 total traffic arrests and 1,213 total criminal arrests. Of that**

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

1,213, 456 were felony and 757 were misdemeanor criminal arrests. Of the total hours on duty spent, 42 percent were spent on criminal investigations.

3. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet March 16th at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

4. W. Layton Johnson and Estella "Marie" Joseph

It is with sadness that we note the passing of W. Layton Johnson and pensioner Estella "Marie" Joseph on February 12th and February 25th, respectively. Mr. Johnson served on the Sussex County Planning and Zoning Commission from 1999 until 2005. He also served as Mayor of Georgetown from 1962 to 1998, and was known for his role as Town Crier during the Return Day festivities from 1992 to 2012.

Ms. Joseph began her career with Sussex County in June 1969. She retired from the Data Processing Department as a Secretary II in July 1996 with 27 years of service.

We would like to express our condolences to the Johnson and Joseph families.

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

**Draft
Ordinance/
Angola
North
Debt
Authori-
zation
Resolution**

Mrs. Jennings presented a Draft Ordinance to authorize the issuance of \$6,697,774 of General Obligation Bonds for the cost of the design, construction and equipping of the North Expansion of the Angola Sewer District. A grant in the amount of \$1,468,000 is expected to be received to lower the outstanding debt principal to \$5,229,774. The bonds are backed by the County's full faith and credit and are expected to be paid back over 30 years through revenues from the North Expansion of the Angola Sewer District. Mrs. Jennings reported that the Draft Ordinance, if approved, would authorize the sale of bonds to the State of Delaware Water Pollution Control Revolving Fund. The bonds will provide the funding for the boundaries of the area known as Angola North which was adopted by Sussex County Council on October 7, 2014. Council's approval was a result of a public hearing that was held for the residents within the expanded district boundary on September 18, 2014.

Introduction of Proposed Ordinance **Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$6,697,774 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

The Proposed Ordinance will be advertised for Public Hearing.

Proposed Fiber Project **Tom Glenn, Director of Information Technology, presented information on a proposed fiber project. He stated that, to keep up with ever-growing technology needs, the County is in need of a high speed network to connect the Emergency Operations Center, the Administration Building, the West Complex and the Records Facility, and that fiber is the best solution. He reported that the County has outgrown its current infrastructure; that the fiber project will boost the speed and transfer rate of the County’s data networks at these core facilities; and that this will enable the County’s systems to operate at peak performance, allow for bandwidth-intensive technologies, enable faster backup of the massive amount of information the County uses on a daily basis, and help to eliminate bottlenecks of data with current infrastructure. He noted that this will enable employees to better serve the constituents of Sussex County. Mr. Glenn explained that fiber can accommodate faster speeds as technology changes, without having to be replaced and that connecting the fiber in a ring provides for redundancy and high availability. He stated that having a high speed network will allow the County to consolidate centralized systems.**

Mr. Glenn reported that a Request for Proposals (RFP) was issued and that bids were received from three companies: Broad Valley, Crown Castle and Fibertech. The RFP team graded each company; Broad Valley was the low bidder and the RFP team’s selection. Broad Valley presented a vision for constructing fiber throughout the County to provide a robust, high-speed infrastructure for government, businesses and consumers. Mr. Glenn reported that the review team recommends that the Council award Broad Valley the contract to provide leased fiber service to the County.

Pete Aquino of Broad Valley was in attendance to discuss his vision for Sussex County. He presented a proposal for fiber optics in Sussex County and he reported on the many attributes of fiber. He stated that the state-of-the-art fiber network (broadband) would be built in a ring so it is survivable in the event of a cut; that it will be a private secure network; that the network will go way beyond what Sussex County needs for its own use; that they are talking to other potential customers including the electric companies and other utilities, health care facilities, etc.; and that the network will provide faster connection speeds and faster downloads and uploads.

Mr. Aquino stated that fiber is needed throughout the State and that currently, there is a digital divide (broadband v. no broadband) south of

Proposed Fiber Project (continued)	Dover. He stated that Broad Valley’s vision is to start a network in Sussex County and connect into the “pipelines” going north and south.
	Mr. Aquino also stated that Broad Valley Capital, his personal company, is investing in this network; that the project is a platform for the County; and that anchor tenants, such as Sussex County, will help make this rural broadband project work.
	Mr. Glenn reported that, with Council’s approval, the contract would be executed within 30 days and construction would begin as soon as possible. Upon completion of the project, the cost to the County would be \$8,500 per month. Mr. Aquino stated that the permit process could take up to 2 months and construction would take approximately 6 months.
	To put the cost in perspective, the IT department obtained pricing from other service providers and found that, to upgrade current circuits to obtain the speeds that the County requires, it could cost approximately \$40,000 per month.
M 077 15 Approve Lease Agreement with Broad Valley for Fiber Ring Project	A Motion was made by Mr. Cole , seconded by Mr. Arlett , based upon the recommendation of the IT Department that the Sussex County Council approves the Lease Agreement between Sussex County Government and Broad Valley to provide a fiber ring between Sussex County Emergency Operations Center, Sussex County Administration Building, Sussex County West Complex, and Sussex County Records Facility at a cost not to exceed \$8,500 per month, for a term of five years.
	Motion Adopted: 3 Yeas, 1 Abstention, 1 Absent.
	Vote by Roll Call: Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Abstained; Mr. Vincent, Yea
Concord Road/ Blades Design Contract	John Ashman , Director of Utility Planning, presented the Design Contract for the Concord Road Expansion to the Blades Sanitary Sewer District. The area was annexed into the District in September 2013. The parcels are located primarily along County Road 20 (Concord Road). The County has been working through USDA contracts and have a design proposal from Davis Bowen & Friedel, one of the consulting engineers on the County’s miscellaneous consulting list.
M 078 15 Execute Agreement for Design Services/ Concord Road Exp./ Blades SSD	A Motion was made by Mr. Arlett , seconded by Mr. Wilson , based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes its President to execute an Agreement with Davis, Bowen & Friedel, Inc. of Salisbury, Maryland, to provide design services for the Concord Road Expansion of the Blades Sanitary Sewer District at a cost not to exceed \$64,984.62.
	Motion Adopted: 4 Yeas, 1 Absent.

M 078 15

(continued)

Vote by Roll Call:

**Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

<p>Pump Station 33 and Force Main Upgrades Contract</p>	<p>Juel Gibbons, Project Engineer, presented for Council's consideration a contract for design services by KCI Technologies, Inc. of Dover for Pump Station 33 and Force Main Upgrades (Contract 14-21) in the Fenwick Island Sanitary Sewer District. Ms. Gibbons reported that upgrades to the pump station and force main are necessary in order to eliminate potential overflows at the existing force main discharge point on Route 54. She advised that a number of upgrades are necessary at Pump Station 33 to support a new force main alignment. The work will consist of a preliminary design phase and a final design phase. In the preliminary design phase, the scope of work includes a topographic utility survey, hydraulic analysis, pump station modification plan, structural analysis of the wet well, etc. In the final design phase, the work will include a geotechnical evaluation, force main condition assessment, mechanical, electrical, and instrumentation evaluation, and preparation of plans and specifications for bid. The design fee is \$218,181.00.</p>
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M 079 15 Authorize Agreement/ Consulting Services for Pump	A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes its President to execute an agreement with KCI Technologies, Inc. of Dover, Delaware, to provide consulting services for Contract 14-21, Pump Station 33 and Force Main Upgrades; the cost of these services not to exceed \$218,181.00.
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Motion Adopted: 4 Yeas, 1 Absent.

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

<p>SCRWF Septage Acceptance Plant/ Bid Award</p>	<p>Julie Cooper, Project Engineer, presented for Council’s consideration the South Coastal Regional Wastewater Facility (SCRWF) Septage Acceptance Plant project. She explained that the plant is a piece of equipment used to transfer sewage from waste hauler trucks to the wastewater treatment plant. Currently, at SCRWF, the waste haulers pump the septage onto a grated pump station. This grate is open to the atmosphere, allowing odors to escape. The grate also frequently clogs, necessitating a minimum of a weekly cleaning with a vacuum truck and three operators. The septage acceptance plant will transfer the septage without exposure to the atmosphere, because it pumps directly from the trucks to the treatment facilities. This reduces the chance of odors drifting to neighboring communities. The unit also has internal mechanisms which filter out debris and dispose of it to an enclosed container, reducing the extensive maintenance required with the current process. Ms. Cooper reported that the cost is \$116,775.00 for the equipment and \$19,775 for insulation, for a total cost of \$136,550.</p>
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(continued) **Michael Izzo, County Engineer, and Loran George, South Coastal District Manager, responded to questions raised regarding the acceptance of septage from waste haulers at SCRWF and at the Inland Bays facilities.**

M 080 15 **A Motion was made by Mr. Cole, second by Mr. Arlett, based upon the**
Award **recommendation of the Sussex County Engineering Department that Sussex**
Bid for **County Project 14-20, SCRWF Septage Acceptance Plant, be awarded to**
SCRWF **the lowest responsive bidder, Lakeside Equipment Corporation, of Barlett,**
Septage **Illinois, at the total bid amount of \$136,550.00.**
Acceptance

Plant **Motion Adopted: 4 Yeas, 1 Absent.**

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

Greenwood **Julie Cooper, Project Engineer, presented for Council's consideration the**
Library/ **Final Balancing Change Order and request for Substantial Completion for**
Substantial **the Greenwood Library Project. The construction contract for the project**
Completion **was awarded to Richard Y. Johnson & Son, Inc. of Lincoln at the bid**
and Final **amount of \$2,768,572.00. Ms. Cooper reported that construction began in**
Balancing **November 2012; that the library reopened in June 2014; and that punch list**
Change **items remain and are currently being resolved. The final balancing of work**
Order **item quantities resulted in a \$57,024.01 credit (Balancing Change Order**
 #6).

In regard to construction time overrun (201 days), Ms. Cooper confirmed
that liquidated damages have been charged to the contractor. Liquidated
damages are for additional consultant costs, building rental, storage rental,
and builders risk insurance.

Michael Izzo, County Engineer, reported on the continual problems with
the HVAC system and he stated that the system is still in the one year
warranty period and that the contractor is being responsive; however, the
contractor has been unable to find a long-term fix. Mr. Izzo also reported
that retainage in the amount of \$136,000 is being held pending the
correction of the HVAC problem. In response to questions, Joe Wright,
Assistant County Engineer, stated that there has been a host of issues and
that the County is holding the general contractor (Richard Y. Johnson)
responsible; that the retainage will not be released without some assurance;
and that there have been discussions regarding extending the warranty
period if resolution is not realized within this one year period.

M 081 15 **A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the**
Greenwood **recommendation of the Sussex County Engineering Department, that Sussex**
Library/ **County Council grant Substantial Completion, effective May 21, 2014, to**
Substantial **Richard Y. Johnson & Son, Inc., of Lincoln, Delaware, for Sussex County**
Completion **Project 07-05, Greenwood Public Library, and, further, that Balancing**
 Change Order No. 6 be approved in the credit amount of \$57,024.01, thereby

M 081 15 decreasing the contract amount from \$2,780,953.26 to \$2,723,929.25, and that
Greenwood final payment be made and any held retainage be released in accordance with
Library/ the terms and conditions of the contract documents.
Substantial
Completion **Motion Adopted:** 4 Yeas, 1 Absent.
& Final
Balancing **Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;
C/O Mr. Arlett, Yea; Mr. Wilson, Yea;
(continued) Mr. Vincent, Yea

Greenwood Julie Cooper, Project Engineer, presented a proposed amendment to the
Library/ Consultant Contract for the Greenwood Library Project. Construction
Consultant Administration has been provided by Davis Bowen & Friedel throughout the
Contract course of the work. Contract Amendment No. 2 includes additional
Amendment consultant services relating to construction delays (\$16,219.28). This amount
was also reflected in the Change Order with the general contractor
(M 081 15). The Contract Amendment also includes additional consultant
services related to a change in the type of window coverings for the building,
which was requested by the library (\$1,275.24). The amendment also includes
work to apply for a flood map revision for the library location (\$5,900.00).
The total amount of Amendment #2 is \$23,394.52.

M 082 15 A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the
Approve recommendation of the Sussex County Engineering Department, that Sussex
Consultant County Council authorizes its President to execute Amendment #2 to the
Contract existing contract with Davis Bowen & Friedel, Inc. of Salisbury, Maryland, to
Amendment provide additional construction administration services for Sussex County
for Project 07-05, Greenwood Public Library, at a cost not to exceed \$23,394.52.
Greenwood
Library **Motion Adopted:** 4 Yeas, 1 Absent.
Project **Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Rehabilitate Helen Naylor, Project Engineer, presented bids received for the
Taxiway A Rehabilitate Taxiway A (South) Project, Project 14-14. Bids were received
(South) from three companies. George & Lynch, Inc. was the apparent low bidder
at an amount of \$533,305.85. The project's scope of work includes milling
the existing pavement and placing new asphalt pavement. The Engineer's
estimate for the project was \$550,000.

M 083 15 A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the
Award recommendation of the Sussex County Engineering Department, that
Contract/ George & Lynch, Inc. be awarded the contract for Sussex County Project
Rehabilitate No. 14-14, Rehabilitate Taxiway A (South) for a contract price of
Taxiway A \$533,305.85.
(South) **Motion Adopted:** 4 Yeas, 1 Absent.

- M 083 15**
(continued)
- Vote by Roll Call:** Mrs. Deaver, Absent; 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 084 15**
Council-
manic
Grant
- A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for the 100th Anniversary Celebration.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- M 085 15**
Council-
manic
Grant
- A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,000.00 (\$500.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to the Mid-Atlantic Symphony Orchestra Society for operating costs.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- M 086 15**
Council-
manic
Grant
- A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,000.00 from Mr. Vincent's Councilmanic Grant Account to the Greater Seaford Chamber of Commerce for the Towne & Country Fair and Seaford's 150th Anniversary Celebration.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- Grant Request** Ray Quillen, Program Manager, Big Brothers Big Sisters of Delaware, presented the organization's grant request for the Bowl for Kids' Sake Fundraiser.
- M 087 15**
Council-
manic
Grant
- A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,000.00 (\$250.00 from Mr. Cole's, Mrs. Deaver's, Mr. Vincent's, and Mr. Wilson's Councilmanic Grant Accounts) to Big Brothers Big Sisters of Delaware for the Bowl for Kids' Sake Fundraiser.
- Motion Adopted:** 3 Yeas, 1 Nay, 1 Absent.

M 087 15 (continued)	Vote by Roll Call:	Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Nay; Mr. Wilson, Yea; Mr. Vincent, Yea
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M 088 15 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,000.00 (\$500.00 each from Mrs. Deaver's and Mr. Cole's Councilmanic Grant Accounts) to the Cape Henlopen Educational Foundation for enrichment program funding.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 089 15 **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$375.00**
Council- **(\$187.50 each from Mrs. Deaver's and Mr. Cole's Councilmanic Grant**
manic **Accounts) to the Lewes-Rehoboth Rotary Club for the Trail Guide**
Grant **publication.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 090 15 **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00**
Countywide **from Countywide Youth Grants to Teens In Perspective for their**
Youth **leadership/mentor program.**
Grant

Motion Adopted: 4 Yeas, 1 Absent.

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

M 091 15 Council- manic Grant	A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$200.00 (\$100.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to Paul Laurence Dunbar Elementary for a wellness program fundraiser.
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Motion Adopted: 4 Yeas, 1 Absent.

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

M 092 15 **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$750.00**
Council- **(\$500.00 from Mr. Vincent's Councilmanic Grant Account and \$250.00**
manic **from Mr. Wilson's Councilmanic Grant Account) to the Bridgeville Lions**
Grant **Foundation for a food vendor trailer.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 093 15 **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$500.00**
Council- **from Mr. Vincent's Councilmanic Grant Account to the Nanticoke Chapter**
manic **of the Ducks Unlimited for wetlands conservation.**
Grant'

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

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

M 094 15 **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$500.00**
Council- **(\$250.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant**
manic **Accounts) to the Greater Laurel Chamber of Commerce for a fundraising**
Grant **event.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Council
Members'
Comments

Council Members' Comments

Mr. Arlett commented on his attendance at the NACo Conference in Washington D.C.

M 095 15 **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess until**
Recess **2:00 p.m.**

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

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

Luncheon **The Council and staff attended a Luncheon with the Sussex Conservation**
 District at Sussex County's West Complex.

M 096 15 **At 2:14 p.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to**
Reconvene **reconvene.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Rules of
Procedure **Mr. Moore read the Rules of Procedure for public hearings.**

Public
Hearing/
CU 2004 **A Public Hearing was held on the Proposed Ordinance entitled “AN**
 ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
 AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A
 CONTRACTORS SHOP AND OFFICES TO BE LOCATED ON A
 CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE
 HUNDRED, SUSSEX COUNTY, CONTAINING 6.47 ACRES, MORE OR
 LESS” (Conditional Use No. 2004) filed on behalf of Delmarva Roofing and
 Coating, Inc. (Tax I.D. No. 430-5.00-56.00) (911 Address: 12982 Mennonite
 School Road, Greenwood).

The Planning and Zoning Commission held a Public Hearing on this zoning
application on January 22, 2015 at which time the Commission
recommended that the application be approved with the following
conditions:

- A. All parking areas will be clearly shown on the site plan.**
- B. There shall not be any outside storage of materials on the site.**
- C. No disposal of roofing materials or other debris shall occur on site.**
- D. As stated by the Applicant, the hours of operation shall be between**
7:00 a.m. and 5:00 p.m., Monday through Friday.
- E. The sign shall be located in the same location as the current sign on the**
site, and shall be the same size as the existing sign.
- F. The Final Site Plan shall be subject to the review and approval of the**
Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated January 22,
2015.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the
Commission’s Public Hearing.

The Council found that Sheldon Swartzentruber was present on behalf of
the application and he stated that the property has been used for a

**Public
Hearing/
CU 2004
(continued)**

contractor's shop; that the use will be the same; that their work is primarily commercial roofing; that they currently have their business in the town limits of Greenwood; that they have outgrown their current facility; that they want to relocate outside of town limits; that adequate parking exists on the site; that the use will not adversely affect area properties; and that he has talked with all of the neighbors and no one has any opposition that he is aware of.

There were no public comments.

The Public Hearing and public record were closed.

**M 097 15
Adopt
Ordinance
No. 2386
(CU 2004)**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to adopt Ordinance No. 2386 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTORS SHOP AND OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 6.47 ACRES, MORE OR LESS" (Conditional Use No. 2004) filed on behalf of Delmarva Roofing and Coating, Inc., with the following conditions:

- A. All parking areas will be clearly shown on the site plan.
- B. There shall not be any outside storage of materials on the site.
- C. No disposal of roofing materials or other debris shall occur on site.
- D. As stated by the Applicant, the hours of operation shall be between 7:00 a.m. and 5:00 p.m., Monday through Friday.
- E. The sign shall be located in the same location as the current sign on the site, and shall be the same size as the existing sign.
- F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CU 2005**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.571 ACRES, MORE OR LESS" (Conditional Use No.

**Public
Hearing/
CU 2005
(continued)**

2005) filed on behalf of Indian River Volunteer Fire Co., Inc. (Tax I.D. No. 234-34.08-43.00 & 44.00) (911 Address: 32634 Oak Orchard Road, Millsboro).

The Planning and Zoning Commission held a Public Hearing on this zoning application on January 22, 2015 at which time the Commission recommended that the application be approved with the following conditions:

- A. The boat storage area shall be fenced.**
- B. The area shall be open during daylight hours only.**
- C. No maintenance of boats or vehicles shall occur on the site.**
- D. Any security lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission dated January 22, 2015.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing.

The Council found that Patrick Miller was present on behalf of the application and he stated that the Fire Company purchased the two parcels of land to expand the firehouse, if needed; that the adjacent property is a boat storage facility, which is in need of storage space; that there is potential for the boat storage facility to utilize the property for storage which will generate income for the Fire Company to pay the mortgage on the property; that the proposed use(s) are consistent with neighboring uses; and that the uses would not adversely affect the neighborhood.

There were no public comments.

The Public Hearing and public record were closed.

**M 098 15
Adopt
Ordinance
No. 2387
(CU 2005)**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to Adopt Ordinance No. 2387 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.571 ACRES, MORE OR LESS" (Conditional Use No. 2005) filed on behalf of Indian River Volunteer Fire Co., Inc., with the following conditions:

**M 098 15
Adopt
Ordinance
No. 2387
(CU 2005)
(continued)**

- A. The boat storage area shall be fenced.**
- B. The area shall be open during daylight hours only.**
- C. No maintenance of boats or vehicles shall occur on the site.**
- D. Any security lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
CU 2006**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEASONAL FARM STAND/GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2287 ACRES, MORE OR LESS” (Conditional Use No. 2006) filed on behalf of Thomas and Laura Kucharik (Tax I.D. No. 234-5.00-44.07) (911 Address: 19884 Beaver Dam Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on January 22, 2015 at which time the Commission recommended that the application be approved with the following conditions:

- A. The Final Site Plan shall show all areas for the farm stand and the garden center and vehicle and truck parking. It shall also show existing and proposed display areas and storage containers on the site. Those storage containers shall be screened from view of neighboring properties. No display or storage shall be located in the front yard setback.**
- B. All material and equipment storage shall be screened from view of neighboring properties and roadways.**
- C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- D. The stand shall be open from March 20 until December 20 of each year.**
- E. The hours of operation for the business shall be from 8:00 a.m. to 4:00 p.m. Monday through Thursday, Friday and Saturday from 8:00 a.m.**

**Public
Hearing/
CU 2006
(continued)**

to 6:00 p.m., and Sunday from Noon to 4:00 p.m.

F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated January 22, 2015.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing.

The Council found that Tom Kucharik was present on behalf of his application and he stated that he and his wife opened the garden center (Garden Shack Farm); that the business was well received by the community; that they also raise chickens and sell the eggs; that he has been a gardener in the area for 20+ years; that they purchased land and the garden center was a permitted use; that their clients have requested that they sell mulch, pots, and other landscaping materials; that the use is compatible with neighborhood uses; that the use will not have an adverse effect on properties or traffic; and that he believes it will help the community.

There were no public comments.

The Public Hearing and public record were closed.

**M 099 15
Amend
Conditions/
CU 2006**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the conditions proposed by the Planning and Zoning Commission by deleting Condition D and Condition E (Condition F will become Condition D).

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 100 15
Adopt
Ordinance
No. 2388
(CU 2006)**

A Motion was made by Mr. Cole, seconded by Mr. Arlett to Adopt Ordinance No. 2388 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEASONAL FARM STAND/GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2287 ACRES, MORE OR LESS" (Conditional Use No. 2006) filed on behalf of Thomas and Laura Kucharik, with the following conditions:

A. The Final Site Plan shall show all areas for the farm stand and the garden center and vehicle and truck parking. It shall also show existing and proposed display areas and storage containers on the site. Those storage containers shall be screened from view of neighboring properties. No display or storage shall be located in the front yard setback.

- M 100 15**
Adopt
Ordinance
No. 2388
(CU 2006)
(continued)
- B. All material and equipment storage shall be screened from view of neighboring properties and roadways.**
- C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- D. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

- M 101 15**
Recess
- At 2:45 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to recess the Regular Session and go into Executive Session.**

Motion Adopted: 4 Yeas, 1 Absent.

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

- Executive Session**
- At 2:50 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 personnel, pending/potential litigation and land acquisition. The Executive Session concluded at 4:37 p.m.**

- M 102 15**
Reconvene
- At 4:41 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 4 Yeas, 1 Absent.

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

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

- M 103 15**
Adjourn
- A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 4:42 p.m.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**