

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 14, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 14, 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 108 17
Approve
Amended
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend the Agenda by deleting "Introduction of Proposed Zoning Ordinances" and by deleting the Public Hearing on Change of Zone No. 1813 filed on behalf of Delaware Animal Products, LLC; 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 March 7, 2017 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**SUSSEX COUNTY SCIENCE FAIR, DELAWARE TECHNICAL AND
COMMUNITY COLLEGE, GEORGETOWN, DELAWARE.**

RE: Letter in appreciation of grant.

**DELMARVA CLERGY UNITED IN SOCIAL ACTION FOUNDATION,
ELLENDALE, DELAWARE.**

RE: Letter in appreciation of grant.

**Public
Comments**

Public Comments

Paul Reiger commented on barbed wire fencing and the definition of a farm.

**Public
Comments
(continued)**

Mr. Vincent advised Mr. Reiger that Mr. Moore will respond to his questions.

Dan Kramer commented on trash and recycling.

Leonard Sears commented on the deterioration of many manufactured home communities in the County, and drainage problems in the communities. Mr. Sears also referenced the State Code and asked the Council to adopt it.

William Kinnick referenced the white paper that he submitted to the County and the State, and he noted he would like an answer to it. Mr. Kinnick submitted a photo of a good community and photos of problems in some mobile home communities.

Mr. Vincent advised Mr. Kinnick that he would have an answer to the white paper within two weeks.

**M 109 17
Approve
Consent
Agenda
Items**

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

**Wastewater Agreement No. 917-1
Sussex County Project No. 81-04
Ingram Village – Phase 2
Ellendale Sanitary Sewer District**

**Wastewater Agreement No. 378-7
Sussex County Project No. 81-04
Warrington Creek – Phase 6 (AKA Sawgrass South)
West Rehoboth Expansion of the Dewey Beach 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**

**Report on
Land
Acquisition
and
Industrial
Park
Expansion
(King
Farm)**

Mr. Lawson discussed the purchase of 74 acres of land (King Farm), which was authorized by the Council on February 13, 2017. The \$2.2 million purchase will allow the County to expand the leasable commercial and industrial space in the park. Mr. Lawson announced that Atlantis Industries of Milton will be the first tenant. Thad Schippereit, President of Atlantis Industries, advised that they have broken ground and anticipate operations to begin by September 2017.

Mr. Lawson and Hans Medlarz, County Engineer, reported on the expansion project and the infrastructure improvements that will be needed.

Report on Land Acquisition and Industrial Park Expansion (continued)

Mr. Lawson summarized by stating that the County purchased the King Farm property for \$2.2 million including existing site plans, stormwater management improvements valued at \$300,000, and the lease with Atlantis Industries for \$500,000.

Mr. Lawson and Mr. Medlarz presented several site design concepts.

Mr. Medlarz provided an update on the site work aspect of the property, including a revised conceptual park layout and entrance modifications, and discussed the assumption of the existing contractual arrangements held by the former owner (Georgetown Airport Center).

Request to Retain Previous Engineer of Record

Mr. Medlarz reported that Council's purchase authorization of the King Farm property included the assumption of existing contractual arrangements held by Georgetown Airport Center, LLC. Under this arrangement, the County assumed two (2) contracts, one with Melvin L. Joseph Construction Co., Inc. and one with the Becker Morgan Group, Inc. Mr. Medlarz explained the two contracts.

M 110 17 Approval to Retain Previous Engineer of Record

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Council approves to assume Georgetown Airport Center, LLC's Professional Engineering Contract and retain the Engineer of Record, Becker Morgan Group, Inc., as the consultant for Sussex County Business Park on a time and material basis, in accordance with the hourly rate schedule.

Motion Adopted: 5 Yeas.

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

Report on Land Acquisition and Industrial Park Expansion (continued)

Greg Moore, Becker Morgan Group, Inc., presented a powerpoint of images and conceptals of what the park will look like, including 23 lots, stormwater management design, rail service, street design, berm and landscaping. Mr. Medlarz and Mr. Moore noted that questions to consider are: guard house, boulevard and median.

Mr. Vincent asked for Council's thoughts on the boulevard/median and members stated their preference.

Update and Discussion/ Comprehensive Land Use Plan Workshop

Janelle Cornwell, Director of Planning and Zoning, and Vince Robertson, Assistant County Attorney, gave an overview of the Planning and Zoning Commission's Comprehensive Land Use Plan Workshop held on March 8th. At this workshop, an overview was given of the plan and how it is utilized; additionally, it was discussed how the Commission plans to discuss the Plan, element by element. At the March 8th workshop, the Historic Preservation element was discussed, as was County sewer, present and future, and a Vision Statement. Mr. Robertson read a draft Vision

Update and Discussion/ Comprehensive Land Use Plan Workshop (continued)

Statement that was developed by staff: “Sussex County offers a unique quality of life for its residents and builders alike. We appreciate and seek to preserve its unique natural, historical and agricultural character while fostering new economic opportunities and desirable growth. To accomplish this, Sussex County will balance the welfare of its citizens and its role as an agricultural leader and tourist destination with the most appropriate future uses of land, water and other resources.” Mr. Robertson discussed changes to the Vision Statement, as suggested by Commission members.

Ms. Cornwell and Mr. Robertson discussed the path forward, including the schedule for future workshops on specific chapters (March 22nd on Economic Development and Community Design and March 29th on Future Land Use) and the second round of public meetings which will begin in May. Future workshops will focus on water and wastewater, mobility, conservation, parks and recreation, housing, intergovernmental coordination, etc.

Administrator’s Report

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

1. 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 20th at 10:00 a.m. at the Greenwood CHEER Center, 41 Schulze Road, in Greenwood. Dr. Susan Levy, President, The Society for Post-Acute and Long-Term Care Medicine will be speaking on “*CHEER’s Proposed Life Care Village.*” The Conference Planning Subcommittee will also meet at 11:30 a.m. to discuss the 2017 conference which will be held on October 18th. A copy of the agenda for each meeting is attached.

2. Sussex County Emergency Operations Center Call Statistics – February 2017

Attached please find the call statistics for the Fire and Ambulance Callboard for February 2017. There were 10,899 total calls handled for the month of February. Of those 9-1-1 calls in February, 76 percent were made from wireless phones.

3. Council Meeting Schedule

A reminder that Council will not meet on March 21st. The next regularly scheduled Council meeting will be held on March 28th at 10:00 a.m.

4. Steven L. Hudson

It is with sadness that we note the passing of Steve Hudson on Wednesday, March 8th. Mr. Hudson began his career with Sussex County in November 1990 as an electrician and prior to his leave held

(continued) **the position of Director of Technical Engineering. We would like to extend our condolences to the Hudson family.**

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

Extension of Broker Services and Insurance Agreement **Mrs. Jennings reported that, in 2014, Sussex County issued a Request for Proposals (RFP) for its insurance coverage for multiple lines of coverage, such as general liability, real and personal property, auto, and airport liability. The RFP was for the period of July 1, 2014 through June 30, 2017, with two one-year extensions. Mrs. Jennings requested utilizing one of the one-year extensions. Scott Agar, the County's insurance consultant with Insurance Buyers' Council (IBC), has reviewed the County's current cost and felt it is in the best interest of the County to stay with Pratt Insurance. The cost for this insurance coverage in FY 2017 was \$980,285; this was an increase of .52% over the FY 2016 expense. Premiums have seen almost no increase over the past three years, and it is expected that the trend will continue. Mrs. Jennings stated that it is recommended to obtain all lines of coverage from Pratt Insurance for one additional year.**

M 111 17 **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council authorizes the continuation of all lines of coverage from Pratt Insurance for the period of July 1, 2017 through June 30, 2018, as recommended by Insurance Buyers' Council and the Finance Department.**

Authorize Continuation/ Broker Services and **Motion Adopted: 5 Yeas.**

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

Aviation Avenue T-Hangar Lease and Rates **Jim Hickin, Director of Airport & Industrial Park, presented a lease document for the newly constructed T-Hangars at 21775 Aviation Avenue; where the original structure was damaged in a storm last year. Mr. Hickin presented a proposal to use the existing lease document with minor changes. Additionally, it is proposed to keep this lease on a month-to-month basis, as are all other T-Hangar leases. Based on T-Hangar rental rates at competitors' airports, Mr. Hickin recommended that the rates for the new facility be set at \$390 per month for the eight standard sized units and \$440 per month for the larger end unit.**

M 112 17 **A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council authorizes the Council President, Vice President, and/or the County Administrator to execute monthly use and occupancy agreements for T-Hangar units at Delaware Coastal Airport, using the form presented, effective immediately.**

Execute T-Hangar Monthly Use and Occupancy Agreements **Motion Adopted: 5 Yeas.**

**M 112 17
(continued)** **Vote by Roll Call:** **Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 113 17
Establish
T-Hangar
Rental
Rates** **A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council establishes the initial rental rates for the T-Hangars at 21775 Aviation Avenue to be \$390 per month for the eight standard size units and \$440 per month for the end, over-sized unit.**

Motion Adopted: **5 Yeas.**

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

**Landfills/
Professional
Services
Consultant
and FY 2018
Scope of
Services** **Hans Medlarz, County Engineer, presented a history of the consultants for landfill consulting and monitoring. The Engineering Department has continued to utilize Weston Solutions, Inc. (Weston) under a Basic Operating Agreement since prior to 1990. Mr. Medlarz reported that Weston has been instrumental in ongoing negotiations with all regulatory agencies, as well as in the actual field implementation and in providing ongoing environmental consultation. Mr. Medlarz stated that there is significant hydrogeologic work that needs to be done every year, i.e. analyzing samples, looking at groundwater movement, maintaining groundwater monitoring zones, etc.**

Mr. Medlarz reported that the Engineering Department requests the reaffirmation of Weston as the Landfill Professional Services Consultant for a five (5) year period starting July 1, 2017, based on their expertise and past performance with a total FY 2018 budget not to exceed \$96,900.00. Weston's FY 2018 projected monitoring costs for these two programs are \$66,900.00. The Engineering Department budget will also include a request for supplementary costs of \$30,000 to be used for performance of any other technical services associated with landfill-related activities.

**M 114 17
Approve
Reaffirma-
tion of
Weston
Solutions/
Professional
Services
Consultant/
Landfills** **A Motion was made by Mr. Wilson, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Council approves the reaffirmation of Weston Solutions, Inc. of West Chester, Pennsylvania, as the Professional Services Consultant for all Sussex County landfills for a five year period, and to authorize the FY 2018 Scope of Services.**

Motion Adopted: **5 Yeas.**

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

Pump Station 210 Improvements Project Hans Medlarz, County Engineer, presented the Final Balancing Change Order and a request to grant Substantial Completion for Pump Station #210 Improvements, Project No. 15-07. This project was awarded on August 18, 2015 to Kuhn Construction in the amount of \$5,003,700.00. Mr. Medlarz reported that construction has been completed on this project.

M 115 17 Approve Change Order and Grant Substantial Completion/ Pump Station 210 A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Final Balancing Change Order for Contract 15-07, Pump Station #210 Improvements, be approved which decreases the contract amount by \$45,451.87 for a new total of \$4,949,936.87, and that Substantial Completion be granted effective December 22, 2016 and any held retainage be released in accordance with the contract document.

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 116 17 Councilmanic Grant A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$2,000.00 (\$1,500.00 from Mr. Arlett's Councilmanic Grant Account and \$500.00 from Mr. Cole's Councilmanic Grant Account) to John M. Clayton Elementary School for their Student Mentoring Program.

Motion Adopted: 5 Yeas.

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

M 117 17 Councilmanic Grant A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$300.00 from Mr. Wilson's Councilmanic Grant Account to the Friends of the Georgetown Public Library for their 5K Race/Walk Fundraiser.

Motion Adopted: 5 Yeas.

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

Council Members' Comments Council Members' Comments

Mr. Arlett reported that he visited ten properties in his District and he commented on the trash problems on these properties and throughout the County.

M 118 17 **At 11:45 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to**
Recess **recess until 1:30 p.m.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Luncheon/ **The Council attended a luncheon with the Sussex Conservation District at**
SCD **the CHEER Center in Georgetown.**

M 119 17 **A Motion was made by Mr. Arlett, seconded by Mr. Burton, to reconvene at**
Reconvene **1:30 p.m.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Rules **Mr. Moore read the Rules of Procedure for Public Hearings.**

Letter of **Mr. Moore announced that a letter dated March 9, 2017 was received to**
Withdraw/ **withdraw Change of Zone No. 1813 filed on behalf of Delaware Animal**
CZ 1813 **Products, LLC.**

M 120 17 **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to allow the**
Allow **withdraw of Change of Zone No. 1813.**

Withdraw **Motion Adopted: 5 Yeas.**
of CZ 1813

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

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR**
CU 2065 **MEDIUM DENSITY RESIDENTIAL DISTRICT AND A B-1**
 NEIGHBORHOOD BUSINESS DISTRICT FOR A CRAFT DISTILLERY
 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
 BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING
 1.22 ACRES, MORE OR LESS” (Conditional Use No. 2065) filed on behalf
 of Keith Properties, Inc. (Tax I.D. No. 533-19.00-753.00) (911 Address:
 38016 Fenwick Shoals Blvd., Selbyville).

The Planning and Zoning Commission held a Public Hearing on this
application on February 9, 2017 at which time action was deferred; on
February 23, 2017, the Commission recommended approval with

**Public
Hearing/
CU 2065
(continued)**

conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated February 9 and 23, 2017.)

Janelle Cornwell, Director of Planning and Zoning, read a summary of the Planning and Zoning Commission's Public Hearing and recommendation of approval.

The Council found that Richard Keith was present on behalf of his application. He discussed his plans to retool a winery into a craft distillery for the sale of craft/specialized liquors; he explained that there will be no changes to the footprint of the building; that the only change will be equipment; and he stated that right now it is a wholesale operation.

**M 121 17
Adopt
Ordinance
No. 2487/
CU 2065**

There were no public comments.

The Public Hearing and public record were closed.

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Ordinance No. 2487 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CRAFT DISTILLERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.22 ACRES, MORE OR LESS" (Conditional Use No. 2065) filed on behalf of Keith Properties, Inc., with the following conditions:

- A. The use shall be limited to a craft distillery as regulated by the Delaware Alcoholic Beverage Control Commission.**
- B. Signage shall be in accordance with the sign regulations that exist for the underlying B-1 District.**
- C. All State and Federal regulatory requirements shall be met.**
- D. The Applicant shall comply with all requirements of the Sussex County Engineering Department regarding any discharged wastewater in a County Sewer System.**
- E. Council should confirm with the Applicant whether this Conditional Use is intended to replace Conditional Use No. 1873 and Ordinance No. 2184. If so, part of Council's approval of this Conditional Use should be the cancellation of the prior one.**
- F. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Abstention.

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

Mr. Burton left the meeting due to a potential conflict of interest with the next application (Change of Zone No. 1812).

**Public
Hearing/
CZ 1812**

A Public Hearing was held on 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 2.98 ACRES, MORE OR LESS” (Change of Zone No. 1812) filed on behalf of Oxford Chase Development Corp. – c/o Howard Crossan (Tax I.D. No. 235-30.00-50.00 (Part of)) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on February 9, 2017 at which time the Commission recommended approval.

(See the minutes of the meeting of the Planning and Zoning Commission dated February 9, 2017.)

Janelle Cornwell, Director of Planning and Zoning, read a summary of the Planning and Zoning Commission’s Public Hearing and recommendation of approval.

Ms. Cornwell reported that she received an email from Donna West in opposition to the application.

An Exhibit Booklet provided by the Applicant was previously distributed to Council.

The Council found that Dennis Schrader, Attorney, was present with Ken Christenbury of Axiom Engineering and Howard Crossan who was representing Oxford Chase. They discussed the proposed use of the property as a retail store (Dollar General store); layout of the site, which is presently vacant and wooded; proposed stormwater management; conceptual site plan; delineated wetlands; topography; market analysis; water and sewer availability; and adjacent commercial and professional office activities. It was noted that a minor subdivision was done last year and the proposed project site is a portion of a larger tract. It was noted that DelDOT did not require a Traffic Analysis Study.

Mr. Schrader noted that the owner of the property is Dry Acres, LLC; that Dry Acres, LLC owns the adjacent property and has separate plans for the use of the property that is not associated with the tract owned by Oxford Chase Development Corp.

In response to questions from Council, Ms. Cornwell stated that a portion of the property will remain as AR-1 and that during the time between when the original application was made and this Public Hearing, the property

**Public
Hearing/
CZ 1812
(continued)**

was subdivided.

There were no public comments in support of the application.

Public comments were heard in opposition.

James Liotta, Cheryl Nazario, and Laneta Dawaf, all residents of Timercreek Drive in Milton, spoke in opposition to the application and referenced safety concerns, i.e. traffic and the dangerous intersection, the agricultural/residential zoning of the site, and the availability of commercial lands for sale nearby.

The Public Hearing and public record were closed.

Mr. Moore read the Planning and Zoning Commission's reasons for approval.

Mr. Cole expressed concern about the CR-1 zoning and stated that the Applicant could achieve what he wants with B-1 zoning.

**M 122 17
Defer
Action/
CZ 1812**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action for two weeks (until March 28th) on Change of Zone No. 1812 filed on behalf of Oxford Chase Development Corp. – c/o Howard Crossan.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 123 17
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 2:22 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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