

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 9, 2019**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 9, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>Irwin G. Burton III</b>	<b>Vice President</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>John L. Rieley</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 175 19  
Approve  
Agenda**

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

**Motion Adopted: 5 Yeas.**

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

**Minutes**

**The minutes of April 2, 2019 were approved by consent.**

**Public  
Comments**

**Public Comments**

**Howard Gorrell (with the assistance of an interpreter) spoke regarding the lack of affordable housing, the lack of year-round rental housing, his support of tiny home communities, and the cost of Airbnb accommodations.**

**Paul Reiger commented on scrap tires.**

**Jim Martin commented on the housing shortage for the working class poor.**

**Greg Lake commented on the need for funding to help the poor, on his support of tiny home communities, and the need for careers and opportunities. Mr. Lake played a recording of a song.**

Public Comments (continued)	Hugh Leahy spoke on behalf of the eleven (11) independent libraries in the County. He thanked the Council for its continued support; discussed activities at the libraries; discussed the growing use of libraries; thanked the Council for recognizing National Library Week; and proposed an increase in the Council's funding for the libraries.
Proclamation/ Library Week	A Proclamation entitled "PROCLAIMING THE WEEK OF APRIL 7 THROUGH APRIL 13, 2019 AS <i>SUSSEX COUNTY LIBRARY WEEK</i> " was presented to Kathy Graybeal, Library Director, and representatives of the libraries in Sussex County.
Sussex County EMS JEMS Team Recognition	The Sussex County Council recognized the Sussex County Paramedics JEMS Team. The EMS competition team returned home as Silver Medal winners from the JEMS (Journal of Emergency Medical Services) games where the team competed against 24 other teams from three different countries. The Council recognized and congratulated Jason Hansen, Bonnie O'Bier, Chas Tennerman and Matt Troutman, members of the Sussex County EMS JEMS Team.
Correspondence	Mr. Rieley read a letter into the record from a constituent complimenting several Sussex County paramedics as well as paramedic services overall.
Presentation/ Property Set-backs and Tax Ditch Right-of-ways	Mr. Lawson gave a presentation on property set-backs and tax ditch right-of-ways (ROW). He noted that recent issues involve structures being built in violation of the setback and right-of-way requirements; that County staff has identified "gaps" in the system; that members of the Board of Adjustment requested increased staff scrutiny; and that DNREC's Drainage Program section contacted the County seeking better coordination. Mr. Lawson presented issues identified and provided an overview of the County's current building permit process, tax ditch information including adjusting the tax ditch ROW, and adjusting the building process and the adjust inspection process. Mr. Lawson noted that while the Board of Adjustment may provide a variance for violations, it is hoped that some changes to the process will help eliminate the variance requests. Also in attendance were representatives of DNREC; Michelle Garner of the DNREC Drainage Program spoke regarding the tax ditch program and setbacks, including the grandfathering of legal non-conforming uses.
Administrator's Report	Mr. Lawson read the following information in his Administrator's Report: <ol style="list-style-type: none"><li><u>1. Advisory Committee on Aging &amp; Adults with Physical Disabilities Conference Planning Subcommittee Meeting</u>  The Advisory Committee on Aging &amp; Adults with Physical Disabilities Conference Planning Subcommittee will meet on Monday, April 15<sup>th</sup>, at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. The Subcommittee will continue to discuss planning for their upcoming conference on May 9<sup>th</sup> at Crossroad Community Church, 20684 State Forest Road,</li></ol>

Administrator's Report (continued)

Georgetown. A copy of the agenda is attached.

2. County Computer Software Upgrade

On Friday, April 12<sup>th</sup>, the County will be initiating a computer software upgrade at 3:00 p.m. which will go through the weekend. During this time County permitting and payment processing will be unavailable. The County's website that accesses these systems will also be unavailable. All systems are expected to be back up and available by Monday, April 15<sup>th</sup>. We ask that patrons plan accordingly.

3. Sussex County Comprehensive Land Use Plan

Last week Sussex County was notified that Delaware Governor John C. Carney has certified the Sussex County Comprehensive Land Use Plan, effective March 19, 2019, marking the official end to a more-than-two-year process to review and rewrite the County's Comp Plan. In his April 1<sup>st</sup> letter, Governor Carney said his approval follows a recommendation from the Cabinet Committee on State Planning Issues, and he thanked the County for its work with State officials throughout the process. A copy of the Governor's letter is attached.

4. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Tidewater Landing – Phase 5A received Substantial Completion effective April 2nd.

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

IBRWF Effluent Flow Diversion Design/ Contract Amendment

Hans Medlarz, County Engineer, presented for approval Amendment No. 14 to the original North Coastal Planning Area base contract associated with the effluent flow diversion to the Artesian Wastewater Resources facility and the addition of a pressure regulating stand pipe serving the entire effluent water loop in an amount not to exceed \$175,000.00 (Inland Bays Facility).

M 176 19 Approve Contract Amendment/ IBRWF Design Contract

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Amendment No. 14 to the Base Engineering Contract for the North Coastal Planning Area with Whitman, Requardt and Associates be approved in the amount not to exceed \$174,907.00 for the Inland Bays Regional Wastewater Facility Effluent Flow Diversion Design.

Motion Adopted: 5 Yeas.

**M 176 19  
(continued)**

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

**Delaware  
Coastal  
Business  
Park  
Phase I/  
Change  
Order**

**Hans Medlarz, County Engineer, presented for approval Change Order No. 1 to the Delaware Coastal Business Park Phase 1 Construction, Project C19-15. Mr. Medlarz reported that in the course of construction, differing site conditions were uncovered requiring additional stump removal and associated import of fill material. The Engineering Department recommends approval of Change Order No. 1 in the amount of \$194,508.00 allowing for better marketing of the lease areas associated with this phase of the project.**

**M 177 19  
Approve  
Change  
Order/  
Delaware  
Coastal  
Business  
Park  
Phase I**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract C19-15, Delaware Coastal Business Park Phase 1 Construction be approved, which increases the contract amount by \$194,508.00 for a new total of \$1,641,141.75.**

**Motion Adopted: 5 Yeas.**

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

**Post  
Notices for  
Frankford  
Business  
Park  
Annexation**

**John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the annexation of the Frankford Business Park into the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area). The request was made by Plitko, LLC on behalf of their Clients, Chesapeake Plumbing & Heating, for Parcels 433-11.00-21.00 and 21.02. The expansion would consist of 20.34 acres, more or less. The Engineering Department is recommending that several small parcels also be included in the annexation to maintain uniform boundary. No connection will be provided for them at this time, so they will not be billed. It is proposed that the project will connect to existing infrastructure installed by the County and an Infrastructure Use Agreement will be required. The property owners will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.**

**M 178 19  
Authorize  
Posting of  
Notices/  
Frankford  
Business  
Park  
Annexation**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Frankford Business Park Expansion of the Sussex County Unified Sanitary Sewer District to include parcels located along Dupont Boulevard (SR 113) south of Frankford, as presented on April 9, 2019.**

**Motion Adopted: 5 Yeas.**

**M 178 19  
(continued)**

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

**Old  
Business/  
CZ 1870**

**Under Old Business, the Council considered Change of Zone No. 1870 filed on behalf of Coroc/Rehoboth III, LLC.**

**The Planning and Zoning Commission held a Public Hearing on this application on January 24, 2019 at which time action was deferred. On February 14, 2019, the Commission recommended approval.**

**The Sussex County Council held a Public Hearing on this application on February 19, 2019 at which time action was deferred.**

**M 179 19  
Adopt  
Ordinance  
No. 2463/  
CZ 1870**

**A Motion was made by Mr. Hudson, seconded by Mr. Burton, to Adopt Ordinance No. 2643 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.001 ACRES, MORE OR LESS” (Change of Zone No. 1870) filed on behalf of Coroc/Rehoboth III, LLC.**

**Motion Adopted: 5 Yeas.**

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

**Grant  
Requests**

**Mrs. Jennings presented grant requests for the Council’s consideration.**

**M 180 19  
Countywide  
Youth  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$1,000.00 from Countywide Youth Grants to Ducks Unlimited for Delaware Ducks Unlimited Greenwing Event.**

**Motion Adopted: 5 Yeas.**

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

**M 181 19  
Council-  
manic  
Grant**

**A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$500.00 from Mr. Rieley’s Councilmanic Grant Account to Sussex Central High School for Business Professionals of America conference expenses.**

**Motion Adopted: 5 Yeas.**

**M 181 19  
(continued)**

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

**M 182 19  
Council-  
manic  
Grant**

**A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$500.00 from Mr. Hudson's Councilmanic Grant Account to Rehoboth Beach Main Street for Rehoboth in Bloom to help beautify Downtown Rehoboth Beach.**

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

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

**M 183 19  
Countywide  
Youth  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$500.00 from Countywide Youth Grants to First State Community Action Agency for a golf tournament fundraiser.**

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

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

**Introduction  
of Proposed  
Zoning  
Ordinances**

**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 EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (Conditional Use No. 2177) filed on behalf of Ingrid Hopkins (Tax I.D. No. 334-10.00-53.00 (portion of) and 334-10.00-55.00 (portion of) (911 Address: 30249 Fisher Road, Lewes).**

**Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 787.787 ACRES, MORE OR LESS" (Change of Zone No. 1883) filed on behalf of OA-BP Marina Bay-Lakeside, LLC. (Tax I.D. No. 234-30.00-1.00 through 430.00) (911 Address: None Available).**

**The Proposed Ordinances will be advertised for Public Hearing.**

**M 184 19**  
**Go Into**  
**Executive**  
**Session**

**At 11:49 a.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending litigation and land acquisition.**

**Motion Adopted: 5 Yeas.**

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

**Executive**  
**Session**

**At 11:56 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending litigation and land acquisition. The Executive Session concluded at 12:34 p.m.**

**M 185 19**  
**Reconvene**  
**Regular**  
**Session**

**At 12:36 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted: 3 Yeas, 2 Absent.**

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

**E/S Action**

**There was no action on Executive Session matters.**

**M 186 19**  
**Adjourn**

**At 12:36 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn.**

**Motion Adopted: 3 Yeas, 2 Absent.**

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