

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 24, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 24, 2018, 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
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 254 18
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

**Welcome/
Optimist
Intl. Club**

Mr. Lawson welcomed the students of the Optimist International Club of Sussex County who were in attendance to observe the Council meeting.

Minutes

The minutes of April 17, 2018 were approved by consent.

**Public
Comments**

Public Comments

Keith Steck commented on the Council's oversight of Boards, Commissions and other entities and especially the Board of Adjustment.

**Procla-
mation**

The Council presented a Proclamation entitled "PROCLAIMING THE MONTH OF APRIL AS *FAIR HOUSING MONTH* IN SUSSEX COUNTY" to Chris Lind, President of the Sussex County Association of Realtors.

**Adminis-
trator's
Report**

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

1. County Government Day – Thursday, April 26th

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

The County is pleased to again sponsor the annual County Government Day on Thursday, April 26th. At 9:30 a.m., high school juniors from Sussex County Girls and Boys State will meet in the County Council Chambers. A mock County Council session will occur, with the representatives assuming leadership roles. It is always an interesting experience to watch student representatives tackle county issues as presented by county department heads. This program can be seen and heard on the county's website.

**Delaware
Coastal
Business
Park/
Commercial
Lease
Agreement**

Hans Medlarz, County Engineer, presented a Lease Agreement for Lease Area 2 in the Delaware Coastal Business Park with DGS Properties, LLC (one of the real estate transfer agreements which existed when the Council authorized the purchase of the King Farm Industrial Park in November 2016). Mr. Medlarz requested Council's approval of a Commercial Lease Agreement with DGS Properties, LLC. He noted that there is a larger square foot area at the same unit price. The lease equates to \$196,000 for the entire lease period and it must be paid prior to the Lessee taking occupancy. The lease will expire in 2117, and has the option of being renewed for an additional 99 years, under the same terms and conditions.

**M 255 18
Approve
Commercial
Lease
Agreement**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Commercial Lease Agreement for Lease Area 2 within the Delaware Coastal Business Park, as presented.

Motion Adopted: 5 Yeas.

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

**Bulk
Delivery
of Granular
Lime/
Bid Results**

Mr. Medlarz presented the bid results and recommendation to award the bid for the Bulk Delivery of Granular Lime, Project #18-17. The current contract is due to expire on June 30, 2018. Mr. Medlarz noted that even though only one bid was received (from the current provider – Greer Lime Company), the Engineering Department's efforts reveal the bid is consistent with local lime costs and is considered to be a fair price.

**M 256 18
Bid Award/
Bulk
Delivery
of Granular
Lime**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Base Bid for Sussex County Project #18-14, Bulk Delivery of Granular Lime, be awarded to Greer Lime Company at the bid amount of \$197.45 per ton.

Motion Adopted: 5 Yeas.

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

Property Maintenance RFP Results

Mr. Medlarz presented the bid results and bid recommendation to award the 2018 Sussex County Delaware Coastal, Industrial Park and Business Park Property Maintenance RFP, a one year site maintenance agreement, with the option to renew annually based on satisfactory performance, for up to five (5) years. Seven bids were received; the Engineering Department recommends the award of Base Bids 1 and 2 to Cutting Edge Lawn Care Services, Inc. for their low bid amount of \$317,160.00 and \$33,750.00, respectively, and Base Bid 3 to Layaou Landscaping, Inc., for their low bid of \$39,500.00. These amounts reflect maintenance over a 5-year period.

M 257 18 Award Bid/Property Maintenance RFP

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the 2018 Sussex County Delaware Coastal Airport, Industrial Park and Business Park Property Maintenance RFP Base Bids 1 and 2 be awarded to Cutting Edge Lawn Care Services, Inc. for their low bid of \$317,160.00, representing a 5-year amount, and \$33,750.00, respectively, and that Base Bid 3 be awarded to Layaou Landscaping, Inc., for their low bid of \$39,500.00

Motion Adopted: 5 Yeas.

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

General Labor & Equipment Contract/Change Order No. 4

Mr. Medlarz presented Change Order No. 9, in the net amount of \$600,000 to the General Labor & Equipment Contract utilizing funds from the FY 2018 Budget for completion of budgeted work with expanded scopes of work and deferring monies from projects that will not be completed this fiscal year. Work will include Coastal Airport paving and concrete patching, Industrial Park stormwater drainage improvements, Delaware Coastal Business Park infrastructure improvements, Dewey water valve replacements, and for advance utility relocations associated with the new maintenance building.

M 258 18 Approve Change Order/General Labor & Equipment Contract

A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Change Order No. 9 for Contract #17-01, FY 17 General Labor and Equipment, in the amount of \$600,000.00, be approved, expanding the scope of work for existing projects and deferring some originally budgeted work items.

Motion Adopted: 5 Yeas.

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

Utility Easement Request

Mr. Medlarz presented a Utility Easement Request from Artesian Water Company, Inc. for Tax Parcel No. 533-18.00-15.00. Artesian proposes a permanent easement. The Engineering Department recommends approval

Easement Request/ Artesian (continued) of the Agreement at the \$7,145 valuation offered. Mr. Medlarz reported that the tenant's farming rights will have adequate protection under the lease agreement. He noted that the Department has discussed the proposal with the tenant farmer, Magee Farms.

M 259 18 Approve Granting of Easement/ Artesian Water Company A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the granting of an easement to Artesian Water Company, Inc. for Tax Parcel No. 533-18.00-15.00, in the amount of \$7,145.00.

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 Andrea Wall, Manager of Accounting, presented grant requests for the Council's consideration.

M 260 18 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00 (\$750.00 from Mr. Vincent's Councilmanic Grant Account and \$250.00 from Mr. Arlett's Councilmanic Grant Account) to the City of Seaford for the Nanticoke Riverfest.

Motion Adopted: 5 Yeas.

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

M 261 18 Countywide Youth Grant A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$1,000.00 from Countywide Youth Grants to Big Brothers Big Sisters of Delaware for Bowl for Kids' Sake fundraiser.

Motion Adopted: 5 Yeas.

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

M 262 18 Countywide Youth Grant A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 from Countywide Youth Grants to First State Community Action Agency for the golf tournament fundraiser.

Motion Adopted: 5 Yeas.

**M 262 18
(continued)** **Vote by Roll Call:** **Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Ordinances** **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 TREE CUTTING
BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX
COUNTY, CONTAINING 0.81 ACRE, MORE OR LESS” (Conditional
Use No. 2141) filed on behalf of Miller’s Tree & Outdoor Services (David
Miller) (Tax I.D. No. 532-16.00-14.01 (portion of) (911 Address: None
Available).**

**Mr. Cole 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 C-2 MEDIUM COMMERCIAL DISTRICT FOR A
CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER
HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR
LESS” (Change of Zone No. 1856) filed on behalf of Melissa and Nate
Walker (Tax I.D. No. 234-17.00-35.00) (911 Address: 22935 John J.
Williams Highway, Millsboro).**

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members’
Comments**

Council Members’ Comments

**Mr. Cole discussed staffing needs in the Engineering Department and
Planning and Zoning Department.**

**Mr. Cole commented on the fire that took the lives of a County employee’s
grandchildren.**

**M 263 18
Go Into
Executive
Session**

**At 10:42 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, 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 10:44 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 land acquisition. The Executive Session concluded at 11:04 a.m.**

M 264 18 **At 11:06 a.m., a Motion was made by Mr. Burton, seconded by Mr. Cole, to**
Reconvene **come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 265 18 **A Motion was made by Mr. Burton, seconded by Mr. Cole, to approve the**
Approve **execution of a Contract and proceed to closing for a property for paramedic**
Execution **purposes on the tract identified as Land 2018-B.**
of Contract/

Land
Acquisition

Motion Adopted: 3 Yeas, 2 Absent.

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

It was noted that Mr. Arlett recused himself due to a potential conflict of interest.

M 266 18 **A Motion was made by Mr. Cole, seconded by Mr. Burton, to adjourn at**
Adjourn **11:07 a.m.**

Motion Adopted: 3 Yeas, 2 Absent.

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