

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 16, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 16, 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
David N. Rutt	Assistant County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 221 17
Approve
Amended
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to amend the Agenda by deleting the item entitled "Discussion and Possible Introduction of a Proposed Commercial Zoning Expansion Ordinance" 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 May 9, 2017 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger commented on the Board of Adjustment meeting held on May 15, 2017.

George Howard Bunting commented on law enforcement in the County and the increase in crime. He suggested a meeting of County officials, Sussex law enforcement, including municipals, to discuss ideas to prevent crime. Mr. Bunting spoke in support of neighborhood watch programs and other proactive measures.

William Kinnick talked about permits and variances, and a recent altercation regarding a variance. He stated that there should be a better tie between Planning and Zoning and permits and inspections.

Public Interview

The Council conducted a public interview for Board of Adjustment nominee Ellen Magee.

**M 222 17
Approve
Appointment/
Board of
Adjustment/
Ellen
Magee**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the appointment of Ellen Magee to the Sussex County Board of Adjustment, effective immediately, until such time as the term expires in June 2019.

Motion Adopted: 5 Yeas.

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

Ms. Magee will be the District 5 appointment, replacing Jeffrey Hudson.

Mr. Arlett thanked Mr. Jeffrey Hudson for his 19 years of service to the Board of Adjustment.

**Fiscal
Year
2018
Budget**

Mr. Lawson and Mrs. Jennings presented the proposed \$143 million budget for Fiscal Year 2018.

FY 2018 Budget Highlights

- **General Fund is up \$13.8 million**
 - ✓ \$10.0 million additional contribution to pension funds
 - ✓ \$1.7 million increase in personnel and benefit costs
 - ✓ \$836,000 increase in public safety
 - ✓ \$470,000 increase in repair and maintenance costs
 - ✓ \$600,000 for economic development programs
- **Total library funding - \$5.5 million - \$362,000 increase**
- **Governmental capital plan without general fund debt - \$13.4 million**
- **No change in County property tax rate**
- **Increase in some fees**
 - ✓ **Marriage Bureau**
 - ✓ **Sewer Connection Fees**
 - ✓ **Plan Review Fees**

FY 2018 Budget Focus

- **Public Safety**
 - ✓ \$15.4 million for Sussex County Emergency Medical Services (Paramedics)
 - ✓ \$3.4 million for Sussex County 9-1-1 Center and Emergency Preparedness
 - ✓ \$2.9 million for additional Delaware State Police troopers in Sussex County – (\$738,000 increase)
 - ✓ \$3.6 million for Fire and Ambulance Services – (\$98,000 increase)
 - ✓ \$575,000 Local Law Enforcement Grants for Towns

**Fiscal
Year
2018
Budget
(continued)**

FY 2018 Budget Focus (continued)

- **Wastewater Infrastructure Planning**
 - ✓ \$10.5 million for Wolfe Neck conversion
 - \$23.5 million for IBRWF treatment expansion
 - \$43.9 million for SCRWF capacity expansion
- **Economic Development**
 - ✓ \$3.9 million for business park development
 - ✓ \$1.1 million for IT/Fiber initiative

Budget Summary

- **General Fund - \$68,726,340**
- **Capital Projects – General Fund - \$3,442,000**
- **Water & Sewer Fund - \$36,101,519**
- **Capital Projects – Water & Sewer - \$19,630,000**
- **Pension - \$5,913,000**

General Fund Highlights

- **No tax increases; reserves are being used to cover increases**
- **Fee increases – Marriage Bureau & Plan Review**
- **Taxable assessments increased - 3.5%**
- **Building related revenues increased \$1,128,000**

Mr. Lawson and Mrs. Jennings reviewed several draft ordinances relating to the first-time homebuyer credit, Marriage Bureau fees, and a change in the County’s Realty Transfer Tax distribution to municipalities.

Mrs. Jennings reviewed current plan review fees and proposed fees, and current miscellaneous water/sewer fees and proposed fees.

Personnel Summary: employees’ costs to increase for health insurance due to health insurance costs anticipated to increase \$500,000; additional \$10 million contribution to Pension Fund; increase in staffing (8 in General Fund and 2 in Enterprise Fund); proposed COLA and merit increases.

Mr. Lawson reviewed proposed changes to the State Police contract.

Also reviewed was General Fund Capital expenditures in the amount of \$13,442,000 for public safety, airport, industrial park, landfill, and administrative.

Enterprise Funds Highlights

- **No increase in sewer or water service charges**
- **Operational budget decreased, \$1.3 million**
- **Capital budget increased, \$10.1 million**
- **Will continue the 100 foot cap for residential customers that are current on their bills**

**Fiscal
Year
2018
Budget
(continued)**

Sewer Expense Highlights

- **Operations and Maintenance – decreased \$135,000, or 1.2%**
- **Capital decreased \$417,000, or 7.5%**
- **Administrative costs increased \$194,000, or 2.9%**

Mrs. Jennings reviewed annual assessment fees for each sewer area.

Mr. Lawson reported on the Enterprise Capital Improvements Projects, including treatment plant projects.

Mr. Lawson advised that the budget and the accompanying budget presentation will be available on the County’s website. Public Hearings on the budget will be held on June 13, 2017. The public can comment in person on that date, or submit comments through the County’s website at budget@sussexcountye.gov.

Council members discussed the proposed budget, including the following topics: homelessness and drug problem initiatives, neighborhood watch programs, State Police Contract funding, enforcement/staffing, a full-time attorney, new front footage formula (EDUs), public safety funding, the emergency water shut-off fee, and Realty Transfer Tax funding.

**Introduction
of Proposed
Budget
Ordinances**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2018”.

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”.

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, SECTION 62-16 OF THE CODE OF SUSSEX COUNTY TO CONFORM TO THE DELAWARE CODE WHICH PROHIBITS CIVIL UNIONS AS OF JULY 1, 2013, TO INCREASE FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES OUTSIDE OF THE OFFICE OF THE CLERK OF THE PEACE FOR SUSSEX COUNTY, AND TO INSTITUTE A FEE TO RECORD EACH MARRIAGE WITH THE MARRIAGE BUREAU”.

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, SECTION 103-19D OF THE CODE OF SUSSEX COUNTY TO LIMIT THE “FIRST-TIME HOME BUYER” TRANSFER TAX EXCEPTION TO THE GRANTEE’S ONE-HALF OF THE SUSSEX COUNTY REALTY TRANSFER TAX”.

**Introduction
of Proposed
Budget
Ordinances
(continued)**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 103, ARTICLE IV, SECTION 103-29.1 OF THE CODE OF SUSSEX COUNTY TO MODIFY SUSSEX COUNTY’S REALTY TRANSFER TAX DISTRIBUTION TO INCORPORATED MUNICIPALITIES WHICH DO NOT COLLECT REALTY TRANSFER TAX OR WHICH COLLECT REALTY TRANSFER TAX BUT RECEIVE LESS THAN \$20,000 IN REVENUE DURING ANY FISCAL YEAR”.

The Proposed Ordinances will be advertised for Public Hearing on June 13, 2017 at 10:15 a.m.

[Mr. Burton left the meeting during the budget presentation.]

**Adminis-
trator’s
Report**

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for March 2017 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 193 troopers assigned to Sussex County for the month of March.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Coastal Club – Land Bay 3 – Phase A-1 received Substantial Completion effective May 10th.

3. Sussex County Comprehensive Land Use Plan Workshop

The Sussex County Planning & Zoning Commission will host the next workshop on the Comprehensive Land Use Plan on Monday, May 22, 2017. The workshop will focus on the Transportation Element of the Comp Plan and will feature presentations from Delaware Department of Transportation staff and Secretary Jennifer Cohan. The workshop begins at 9:00 a.m. and will take place in the County Council Chambers located on The Circle in Georgetown. The agenda is attached, and public comment will be taken at the beginning and end of the meeting.

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

**Biosolids
Handling
Agreements**

Hans Medlarz, County Engineer, presented a request for approval of the twenty-year agreements with the Lewes Board of Public Works and the City of Seaford for the transportation and treatment of Class B biosolids to the Inland Bays Regional Wastewater Facility. He reported that an

Agreements (continued) **Agreement has been reviewed and approved in principle by the City of Seaford and an Agreement has been approved by the Lewes Board of Public Works.**

M 223 17 **A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the**
Approve **recommendation of the Engineering Department, that the Sussex County**
Biosolids **Council approves the Biosolids Handling Agreement with the City of**
Handling **Seaford, as presented.**
Agreement/

City of
Seaford

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 224 17 **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the**
Approve **recommendation of the Engineering Department, that the Sussex County**
Biosolids **Council approves the Biosolids Handling Agreement with the Lewes Board**
Handling **of Public Works, as presented.**
Agreement/

Lewes
Board of
Public
Works

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

Piney Neck **Hans Medlarz, County Engineer, presented a proposed lease renewal for**
Land **the Piney Neck Regional Wastewater Facility; the existing lease will expire**
Lease **on May 19, 2017. The updated lease agreement with the Davidsons is for**
Renewal **farming rights and for continued spray irrigation.**

M 225 17 **A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the**
Approve **recommendation of the Engineering Department, that the Sussex County**
Land **Council approves the 25-year Lease Agreement with Norman and Benita**
Lease **Davidson associated with the Piney Neck Regional Wastewater Facility.**
Renewal/

Piney Neck

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

Wolfe Neck **Hans Medlarz, County Engineer, reported on the continuous water damage**
Adminis- **to the Wolfe Neck Regional Wastewater Facility Administration Building**
tration **and stated that the building had to be vacated on February 13, 2017. He**
Building **advised that the necessary repairs were difficult to procure without a**
Remediation **detailed architectural plan; however, the Engineering Department and**
Repairs **Environmental Services developed a Scope of Work and secured three**
 quotes based on the written scope and subsequent site visits of the

Wolfe Neck (continued) prospective vendors. The lowest responsive proposal for the basic scope of work was submitted by Willow Construction, LLC in the amount of \$48,900.00, with an alternate bid for additional work in an amount not to exceed \$7,000.00. The Engineering Department has recommended awarding the project to Willow Construction, LLC.

M 226 17 Award RFP/ Wolfe Neck Administration Building Repairs A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that the Wolfe Neck Regional Wastewater Facility Administration Building Remediation and Repairs Request for Proposals be awarded to Willow Construction LLC of Easton, Maryland, at the Base Bid amount of \$48,900.00 and an alternate amount not to exceed \$7,000.00 for sealing of the exterior walls.

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

Pump Station 210 Forcemain to IBRWF Hans Medlarz, County Engineer, and Joe Wright, Assistant County Engineer, discussed three contractual areas of dispute and a suggested resolution for Contract 15-08A for the connection from Pump Station 210 to the Inland Bays Regional Wastewater Facility (IBRWF). Mr. Wright reported that the contractor, Allan Myers MD, Inc., after months of negotiating outstanding issues, requested settlement or proceeding to mediation and that it is the position of the Engineering Department that the County's best interests are served by settling the outstanding issues in the total amount of \$400,020 thereby eliminating an uncertain possibility of paying substantially more in contract costs plus significant costs in legal fees, expert witness and engineering fees. The \$400,020 is within the contingency provided in the contract and thus will not require additional funds to be budgeted, and results in completion close to the initial timeframe, allowing the County to continue with the overall completion of the tie-in from PS210 to IBRWF, at a cost approximately \$2M less than initially estimated.

M 227 17 Approve Claims Settlement Agreement/ Allan Myers MD, Inc. A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Claims Settlement Agreement with Allan Myers MD, Inc. of Fallston, Maryland, in the amount of \$400,020 for issues that arose during construction of Project 15-08A, Pump Station 210 Forcemain to Inland Bays (IBRWF).

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

Grant Requests

Mrs. Jennings presented grant requests for the Council's consideration.

M 228 17 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$600.00 (\$200.00 from Mr. Wilson's Councilmanic Grant Account and \$100.00 each from Mr. Arlett's, Mr. Burton's, Mr. Cole's and Mr. Vincent's Councilmanic Grant Accounts) to the Delaware Community Foundation for the Georgetown-Millsboro Rotary Club's Flags for Heroes Project.

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 229 17 Councilmanic Grant/ Motion Withdrawn

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00 (\$500.00 each from Mr. Cole's and Mr. Arlett's Councilmanic Grant Accounts) to the Indian River School District Odyssey of the Mind Program for trip expenses.

Mr. Cole and Mr. Arlett withdrew their Motions.

M 230 17 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,300.00 (\$650.00 each from Mr. Cole's and Mr. Arlett's Councilmanic Grant Accounts) to the Indian River School District Odyssey of the Mind Program for trip expenses.

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 231 17 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,645.00 from Mr. Vincent's Councilmanic Grant Account to Community Integrated Services, Inc. for expansion and enhancement in Sussex County.

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**

Introduction of Proposed Zoning Ordinances

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO ORDINANCE NO. 2378 FOR CONDITIONAL USE NO. 1963 FOR A CAMPGROUND TO AMEND CONDITION OF APPROVAL NO. 9 RELATING TO PARKING OF "PARK MODEL RV'S" AND

**Introduction
of Proposed
Zoning
Ordinances
(continued)**

CAMPGROUND FOOD TRAILER(S) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 54.33 ACRES, MORE OR LESS” (Conditional Use No. 2089) filed on behalf of Massey’s Landing Properties, LLC (Tax I.D. No. 234-25.00-31.02, 234-25.00-31.05, 234-25.00-31.04, and 234-25.00-31.00) (911 Address: 36625 Long Neck Road and 20628 Long Beach Drive, Millsboro).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT TO ORDINANCE NO. 1533 FOR CONDITIONAL USE NO. 1446 FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE TO REQUEST AN AMENDMENT TO CONDITION NO. 3 REGARDING HOURS OF OPERATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2095) filed on behalf of Sposato Investments, LLC (Tax I.D. No. 134-18.00-31.01 and 134-18.00-31.02) (911 Address: 34742 Rickards Road, Frankford).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOBILE AND TRUCK SALES, SERVICE, AND REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS” (Conditional Use No. 2097) filed on behalf of Christopher Lopez (Tax I.D. No. 133-2.00-21.00) (911 Address: 24487 DuPont Boulevard, Georgetown).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 13.063 ACRES, MORE OR LESS” (Change of Zone No. 1819) filed on behalf of MTC Properties, LLC (Tax I.D. No. 530-14.00-24.00 (portion of)) (911 Address: 14485 Sussex Highway, Bridgeville).

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members’
Comments**

Council Members’ Comments

**Mr. Cole commented on a meeting with people in the City of Lewes.
Mr. Arlett commented on a recent fire and expressed thanks to the fire service.**

Comments (continued) **Mr. Vincent thanked Mr. Lawson, Mrs. Jennings and Mrs. Roth for the budget presentation.**

M 232 17 **At 12:08 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to**
Go Into **recess the Regular Session and go into Executive Session to discuss a matter**
Executive **relating to land acquisition.**
Session

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

Executive **At 12:09 p.m., an Executive Session of the Sussex County Council was held**
Session **in the Council Chambers to discuss a matter relating to land acquisition.**
 The Executive Session concluded at 12:17 p.m.

M 233 17 **At 12:18 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to**
Reconvene **come out of Executive Session and to reconvene the Regular Session.**
Regular
Session

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

E/S Action **There was no action on the Executive Session matter.**

M 234 17 **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at**
Adjourn **12:18 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.}