

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 24, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 24, 2016, at 1:00 p.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
Joan R. Deaver	Councilwoman
Robert B. Arlett	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 252 16
Amend
and
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the Agenda by deleting “Executive Session – Land Acquisition pursuant to 29 Del. C. §10004(b)” and “Possible Action on Executive Session Items” and to approve the Agenda, as amended.

Motion Adopted: 3 Yeas, 2 Absent.

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

Minutes

The minutes of May 17, 2016 were approved by consent.

**Public
Comments**

Public Comments

Kathy Hughes requested the creation of an ordinance applicable to the tethering of dogs to reflect a more humane policy that can be enforced.

[Mr. Cole joined the meeting.]

Paul Reiger commented on the appointment of members to the Planning and Zoning Commission.

Mary Ellen Vitsorek and Jeanette Cosgrove commented on sewer systems and the Proposed Winding Creek Village Sewer District. Ms. Vitsorek submitted maps of Winding Creek Village.

[Mrs. Deaver joined the meeting.]

Public

**Comments
(continued)**

Joyce Jason commented on and raised questions regarding the Unified Sewer District.

**Appoint-
ments**

Mr. Lawson presented for consideration two appointments to the Board of Adjustments & Appeals (a/k/a Building Code Appeal Board and Housing Code Appeal Board).

**M 253 16
Appoint-
ments to
Board of
Adjustments
& Appeals**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council appoints Kevin Pritchett and Bradley Layfield to the Board of Adjustments & Appeals, effective immediately, for a term of four years.

Motion Adopted: 5 Yeas.

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

**Defer
Agenda
Item**

The agenda item "Appointment to the Planning and Zoning Commission" was deferred until the next meeting.

**Adminis-
trator's
Report**

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

1. Sussex County Surplus Equipment Sale

Sussex County is placing multiple items, such as generators, lawnmowers, computers, oxygen cylinders, hoists, and a backhoe, up for bid in an online auction hosted by GovDeals.com. Bidders can compete in the online forum for items that have been deemed surplus. All items for bid are presented and sold 'as is', and the winning bidders must pick up their lots upon completion of each sale. The online auction will run from May 26th through June 4th, 2016.

Only bids made online will be accepted, and payments must be made through the GovDeals.com website. Payment forms accepted include credit card, PayPal, or wire transfer.

Beginning May 26, visit: www.govdeals.com/sussexcountyde to see a listing of items for sale, as well as terms and conditions.

2. Memorial Day Holiday

Please note, County offices will be closed on Monday, May 30th, to observe the Memorial Day holiday. In addition, Council will not meet on Tuesday, May 31st. The next regularly scheduled Council meeting will be held on Tuesday, June 7th.

Employee Recognition Awards Mrs. Jennings reported that, in 2015, the County began the “Give Them a Pickle” program that recognizes employees for exceptional service; in this program, employees can be recognized by coworkers, residents, and customers.

Mrs. Jennings reported that 31 employees received pickle awards for the first quarter of 2016. She announced that Cody Grosch in the Paramedic Department received the First Quarter Excellence in Customer Service Award and that two employees received honorable mention: Mary Sue Sharp in Treasury and Ryan Stuart in the Constable Office. The Council presented the First Quarter 2016 Excellence in Customer Service Award to Cody Grosch and recognized the other Pickle Award winners.

Runway 4-22 24 Inch Storm Drain Lining Hans Medlarz, County Engineer, presented the bid results for the Runway 4-22, 24 Inch Storm Drain Lining Project (Contract #16-16). Five bids were received. The Engineering Department recommends that the bid be awarded to Fast Pipe Lining East, Inc. of Newark, Delaware, at the bid amount of \$54,349.00. The Engineer’s estimate was \$75,000.00.

M 254 16 Award Bid/ Runway 4-22 24 Inch Storm Drain Lining A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that the bid for Contract 16-16, Runway 4-22, 24 Inch Storm Drain Lining, be awarded to Fast Pipe Lining East, Inc. of Newark, Delaware in the amount of \$54,349.00.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; 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 255 16 Councilmanic Grant A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to give \$700.00 (\$500.00 from Mr. Vincent’s Councilmanic Grant Account and \$100.00 each from Mrs. Deaver’s and Mr. Arlett’s Councilmanic Grant Accounts) to Eastern Shore AFRAM Festival for staging and audio expenses.

Motion Adopted: 5 Yeas.

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

M 256 16 Councilmanic Grant A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to Delaware Senior Olympics for AED/CPR certified training.

**M 256 16
(continued)**

Motion Adopted: 5 Yeas.

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

**Grant
Request
Deferred**

Mrs. Jennings removed from the agenda the grant request submitted by Delmarva Clergy United in Social Action Foundation.

Rules

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

**Public
Hearing/
Proposed
Ordinance
Relating
to Signs**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)”.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on May 12, 2016 at which time action was deferred.

(See the minutes of the Planning and Zoning Commission dated May 12, 2016.)

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

Jamie Sharp, Assistant County Attorney, gave a brief overview of the Proposed Ordinance. He noted that some of the issues addressed in the Proposed Ordinance are definitions, prohibited signs, fees, permitting, on premise signs, billboards, electronic message centers, illumination standards, fines, and non-conforming signs. Mr. Sharp noted minor suggested amendments to the Proposed Ordinance: the inclusion of a Purpose Statement, Severability Clause, and Substitution Clause. Additionally, Mr. Sharp noted several corrections/typos:

Line 578 – Line 3 should read “minimum rear yard setback equal to the required rear yard setback”

Line 870 and 879 – There are two sections under the letter (g)

Line 922 – Change the word “upon” to “on”

Mr. Moore read three letters of correspondence into the record:

NFIB DELAWARE, NEWARK, DELAWARE.

RE: Letter in support of the Alternate Sign Ordinance.

BRIAN G. PETTYJOHN, GEORGETOWN, DELAWARE.

RE: Letter in support of the Alternate Sign Ordinance.

**Public
Hearing/
Proposed
Ordinance
Relating
to Signs
(continued)**

**DIRK VAN REES, PRESIDENT, TAYLOR MARINE CENTER.
RE: Email endorsing the Alternate Sign Ordinance.**

Public comments were heard.

David Hutt, Attorney, stated that he was present on behalf of Clear Channel Outdoor, Geyer Signs, Hocker Signs, Jack Lingo Realtors, JD Sign Company, Ocean Atlantic, Phillips Signs, Inc., Premier Outdoor Media, LLC, Rogers Sign Co., Inc., and Timmons Outdoor Advertising to represent them in regard to the Proposed Ordinance.

Mr. Hutt referenced the history of the sign ordinance and the moratorium on off-premise signs.

Mr. Hutt stated that the County Council assembled a Sign Ordinance Working Group made up of employees, sign owners, sign company representatives, and members of the public to review the sign ordinance and to make recommendations to Council. Mr. Hutt stated that he served on the Working Group and that they are disappointed that the recommendations that were made by the Working Group in a joint session of the County Council, the Planning and Zoning Commission, and the Board of Adjustment on February 9, 2016, were wholly disregarded and set aside. He stated that the Draft Ordinance looks nothing like the recommendations that came out of the Working Group and that, because of those stark differences between what the Working Group recommended/presented and the Proposed Ordinance introduced by the Council, members of the sign industry and sign owners/companies got together and asked him to prepare an alternate ordinance that reflects what occurred during the course of the Working Group meetings. Mr. Hutt submitted an Exhibit Book which contained a proposed alternate version of the proposed ordinance which is supported by all of the companies he represents. Mr. Hutt reviewed the proposed alternative ordinance.

In reference to the safety research and studies referenced by Mr. Hutt, Mr. Moore asked that Mr. Hutt to submit copies of the studies to the County Council.

Dan Kramer commented on the sign moratorium and the proposed sign ordinance.

Terry Strine, Ben Phillips, Jason Dean, Nancy Chernoff, Lynn Rogers, Gerry Hocker, and Chet Atkins spoke in opposition to the Council's Proposed Ordinance and in support of the Alternate Ordinance. They stated that the Working Group's recommendations and the Proposed Ordinance do not match; that the Proposed Ordinance will create a huge amount of non-conforming signs throughout the County; that the Proposed Ordinance will negatively impact businesses and put some out of business; that the Proposed Ordinance has gone too far; that all signs are

**Public Hearing/
Proposed Ordinance Relating to Signs (continued)**

being looked at and the purpose of the Workgroup was to look at billboards; that they question the push for all the changes; that electronic message signs are not distracting; that a ban on new off-premise signs was not discussed and it is wrong; that the Proposed Ordinance will be a burden; that the Alternate Ordinance is fair and enforceable; that the Proposed Ordinance places a ban on digitals; that non-conforming signs cannot be rebuilt which will wipe out one-third of the inventory; that variances are necessary; that there is a difference between a sign with animation and a sign that shows a “movie”; that the Proposed Ordinance will require applications for on-premises signs with electronic messaging to go to the Board of Adjustment; that the Proposed Ordinance will over-regulate the sign industry; and that they urge the Council to consider the Alternate Ordinance.

Mr. Rogers referenced a file of animation examples that he submitted at the meeting of the Planning and Zoning Commission.

The Council discussed the Proposed Ordinance.

[Mrs. Deaver left the meeting.]

The Public Hearing was closed.

**M 257 16
Leave Record Open/
Public Hearing/
Proposed Sign Ordinance**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to leave the record open on the Proposed Ordinance until June 7, 2016 for Council to review information, for a report from the Planning and Zoning Commission and staff, for submission of safety reports from David Hutt, and for the animation examples file submitted by Lynn Rogers; the Council is to make a final decision at the June 14, 2016 Council meeting.

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 258 16
Defer Action/
Proposed Sign Ordinance**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)”.

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**

Introduction of Proposed Zoning Ordinance **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 HVAC BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.10 ACRES, MORE OR LESS” (Conditional Use No. 2053) filed on behalf of Red Dog Plumbing and Heating c/o Ken Wood (Tax I.D. No. 533-10.00-14.00) (911 Address: 37058 Roxana Road, Selbyville).**

The Proposed Ordinance will be advertised for Public Hearing.

M 259 16 Adjourn **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to adjourn at 4:50 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**

{An audio recording of this meeting is available on the County’s website.}