



**BofA (continued)** initiated for the District 1 and District 3 appointments and that the District 5 appointment will be placed on a future agenda for reappointment.

**Advisory Committee/ Aging ...** Mr. Lawson announced that a vacancy (District 1) exists on the Advisory Committee for the Aging and Adults with Physical Disabilities. Mr. Vincent stated that he would like to appoint Helen Pase to fill that vacancy.

**M 290 19 Approve Appointment to Advisory Committee for the Aging and Adults with Physical Disabilities** A Motion was made by Mr. Wilson, seconded by Mr. Burton, that the Sussex County Council approves the appointment of Ms. Helen Pase to the Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities, effective immediately, for a term of two years.

**Motion Adopted:** 5 Yeas.

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

**Administrator's Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, The Estuary – Phase 2-1 (Construction Record) and The Woodlands – Phase 3 received Substantial Completion effective June 3<sup>rd</sup> and June 5<sup>th</sup>, respectively.

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

**Second Quarter Employee Recognition Awards** Mrs. Jennings reported that the County recognizes employees for exceptional service. Mrs. Jennings announced that three employees received Honorable Mention for the Second Quarter of 2019: Kristin Cooper of the South Coastal Library, Chad Maris, Paramedic, and Anna West, Paramedic.

**General Labor & Equipment Contract/ Award of Contract Extension** Hans Medlarz, County Engineer, reported that the General Labor & Equipment Contract is due to expire on July 1, 2019. As presented at the initial award, the Contract allows for two (2) one-year extensions at the County's discretion. Mr. Medlarz stated that the contractor's performance is satisfactory, and a one-year extension is in the County's best interest and, therefore, the Engineering Department suggests that Council exercise the first one-year extension option under the unit prices previously bid, in the amount up to \$7,395,000.00, allowing for continued project completion as budgeted in the capital projects for the Environmental Services Division and the Coastal Airport. This amount does not include emergency repair services to existing facilities through July 1, 2020. This type of work, in addition to scope changes, will be presented to Council on a case by case basis.

**M 291 19**  
**Approve**  
**Award of**  
**Contract**  
**Extension/**  
**General**  
**Labor &**  
**Equipment**  
**Contract**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the award of the first one-year contract extension for Contract 19-01, FY-19 General Labor & Equipment Contract, be approved at the unit price as previously bid in the amount up to \$7,395,000.00 for FY 2020.

**Motion Adopted: 5 Yeas.**

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

**The Owl's**  
**Nest**  
**Chapter 96**  
**Sussex**  
**Community**  
**Improve-**  
**ments**  
**Project**

Patrick Brown, Project Engineer, presented the election results for the Owl's Nest Chapter 96 Sussex Community Improvements Program: a total of eight (8) votes were cast in-person and by absentee ballot. All eight votes were "Yes" votes with zero (0) "No" votes cast, indicating the property owners are in favor of the project. Although vote totals indicate 47% property owner participation, the outcome of the Election is determined by actual votes cast in the Election. Mr. Brown reported that, based on the affirmative results of the Election, the Engineering Department recommends proceeding with the improvements and authorizing the Finance Director and County Engineer to determine a uniform billing rate based on actual costs after substantial completion.

**M 292 19**  
**Adopt**  
**R 013 19**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to Adopt Resolution No. R 013 19 entitled "A RESOLUTION AUTHORIZING THE SUSSEX COUNTY ENGINEER TO PERFORM IMPROVEMENTS, AND THE SUSSEX COUNTY ENGINEER AND FINANCE DIRECTOR TO DETERMINE A UNIFORM ASSESSMENT RATE FOR BILLING, UPON SUBSTANTIAL COMPLETION OF THE IMPROVEMENTS, FOR THE OWL'S NEST CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT".

**Motion Adopted: 5 Yeas.**

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

**Sherwood**  
**Forest**  
**North**  
**Expansion/**  
**Public**  
**Hearing**  
**Results**

John Ashman, Director of Utility Planning, presented the public hearing results for the Sherwood Forest North Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area). This expansion includes all the remaining parcels within the Sherwood Forest Subdivision and miscellaneous parcels along Bay Farm Road. The results of the public hearing were 68 in favor and 53 opposed out of 167 polled. The Engineering Department recommends extending the boundary to include the Sherwood Forest Area.

**M 293 19  
Adopt  
R 014 19**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Resolution No. R 014 19 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS IN STEELE’S DEVELOPMENT AND SHERWOOD FOREST SOUTH ON THE SOUTH SIDE OF JOHN J. WILLIAMS HIGHWAY, THE PARCELS ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE” (SHERWOOD FOREST NORTH EXPANSION – LONG NECK AREA).**

**Motion Adopted: 5 Yeas.**

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

**Use of  
Existing  
Infra-  
structure  
Agreement/  
Beebe  
Medical  
Center**

**John Ashman, Director of Utility Planning, presented a Use of Existing Infrastructure Agreement between Beebe Medical Center – South Coastal ED & Cancer Center and Sussex County. The project is located in the Sussex County Unified Sanitary Sewer District (Millville Area); the project will be utilizing the County’s existing infrastructure. This Agreement will allow Beebe Medical Center, Inc., Developers of South Coastal ED & Cancer Center, to connect 30.67 EDUs to the existing infrastructure in exchange for a catch-up contribution of \$54,923.00. Payment will be required prior to receiving substantial completion of the on-site infrastructure. System Connection Charges in place at the time of building permit request will still apply.**

**M 294 19  
Approve  
Use of  
Existing  
Infra-  
structure  
Agreement**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Beebe Medical Center Inc. for a capacity allocation in the regional transmission system, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
Proposed  
Ordinance  
Relating  
to Cluster  
Subdivisions**

**Under Old Business, the Council considered the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS”.**

**Janelle Cornwell, Planning and Zoning Director, reported that the Planning and Zoning Commission recommended approval of the Proposed Ordinance.**

**Old  
Business/  
Proposed  
Ordinance  
Relating  
to Cluster  
Subdivisions  
(continued)**

**The Sussex County Council held a Public Hearing on the Proposed Ordinance on May 14, 2019 at which time action was deferred.**

**Council members, along with Ms. Cornwell and Vince Robertson, Assistant County Attorney, discussed the Proposed Ordinance and comments heard at the Public Hearing on May 14, 2019.**

**Mr. Burton presented an amendment to the Proposed Ordinance to remove the yield plan.**

**M 295 19  
Amend  
Proposed  
Ordinance**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the record made during the public hearing held before Sussex County Council, that “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS” is hereby amended to add a new “Section 2” as follows, with the current “Section 2. ‘Effective Date’” renumbered as “Section 3. ‘Effective Date’”.**

**Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-25 “Height, Area and Bulk Requirements” is hereby amended at subsection F.(3)(a) thereof by deleting subsection F.(3)(a)[2] in its entirety, as set forth in brackets as follows:**

**F. Review procedures for cluster developments.**

**(3) . . .**

**(a) . . .**

**[[2] The applicant must submit a “yield plan” that accurately depicts the maximum number of dwelling units possible on the same tract under the current applicable conventional (non-cluster) development regulations.**

**[a] The yield plan shall be completed to scale, and accurately depict potential lots, streets, and storm drainage facilities. However, the yield plan is not required to contain the same level of engineering detail required for a subdivision plan.**

**[b] The yield plan shall depict all wetlands, wooded areas, waterways or other water bodies.**

**[c] The applicant shall comply with §115-25A(2) or §115-25B(3), as applicable. In addition, the maximum number of dwelling units allowed on a cluster development tract shall not be greater than the maximum number of dwelling units determined to be possible under the yield plan prepared for that same tract, plus the number of additional units allowed if the applicant proffers the required per unit fee provided for under §115-25B(3) and F (3)(d) as provided for in Ordinance 1842.**

**[i] The yield plan shall not have any legal standing**



**M 299 19  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**M 300 19  
Council-  
manic  
Grant**

**A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$3,500.00 from Mr. Rieley's Councilmanic Grant Account to Gumboro Community Association to revitalize the grounds and landscaping of the Gumboro Community Center.**

**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  
Ordinances**

**Mr. Rieley 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.59 ACRES, MORE OR LESS" (Conditional Use No. 2189) filed on behalf of Grace Malone (Tax I.D. No. 332-2.00-75.00) (911 Address: None Available).**

**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 OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS" (Conditional Use No. 2190) filed on behalf of Steven and Helene Falcone (Tax I.D. No. 334-5.00-212.00 and 213.00) (911 Address: 17662 Beaver Dam Road, Lewes).**

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

**M 301 19  
Go Into  
Executive  
Session**

**At 11:07 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, 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. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Executive  
Session**

**At 11:12 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to land**

**(continued) acquisition. The Executive Session concluded at 11:31 a.m.**

**M 302 19** At 11:35 a.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson,  
**Reconvene** to come out of Executive Session and to reconvene the Regular Session.  
**Regular**  
**Session**

**Motion Adopted: 5 Yeas.**

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

**M 303 19** A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the Sussex  
**Approve** County Council approves the County's participation in Round 23 of the  
**Land** Delaware Agricultural Preservation Program for the acquisition of an  
**Acquisition** agricultural easement for parcels known as Land 2019-E, Land 2019-F,  
Land 2019-G, Land 2019-H, Land 2019-I, Land 2019-J, Land 2019-K, and  
Land 2019-L.

**Motion Adopted: 5 Yeas.**

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

**M 304 19** A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at  
**Adjourn** 11:36 a.m.

**Motion Adopted: 5 Yeas.**

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