

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 19, 2018**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 19, 2018, 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>George B. Cole</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Irwin G. Burton III</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 345 18  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the agenda by deleting “Register of Wills Cindy Green – Presentation and discussion related to the storage of wills and Senate Bill No. 238”, 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 June 12, 2018 were approved by consent.**

**Corre-  
spondence**

**Mr. Cole reported that the following correspondence was received:**

**LORD BALTIMORE ELEMENTARY SCHOOL ROBOTICS TEAM,  
OCEAN VIEW, DELAWARE.**

**RE: Letter in appreciation of grant.**

**Public  
Comments**

**Public Comments**

**Paul Reiger referenced the June 18, 2018 Board of Adjustment meeting and specifically setbacks, and asked that a copy of the recently adopted ordinance regarding setbacks be sent to the Board of Adjustment members. Mr. Reiger stated that, at the same meeting, a reference was made regarding letters received from builders, architects, etc. and he asked that those letters be made public on the County’s website.**

**Public  
Comments  
(continued)**

**Additionally, Mr. Reiger asked that the Council consider developing regulations regarding scrap tires.**

**Dan Kramer commented on the application and selection process of the Planning and Zoning Commission member (agenda item on this date).**

**Keith Steck made suggestions relating to the Board of Adjustment, i.e. rules of procedure and a mechanism for public comment. Mr. Steck also requested that the Board of Adjustment include on the agendas the case number and name to each Findings of Fact submitted for approval, to define the term “Findings of Fact”, and to explain the process for and development of Findings of Fact. (Mr. Steck submitted written comments into the record.)**

**Public  
Hearing/  
Proposed  
Ordinance/  
Recorder  
of Deeds  
Fees**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62 (“FEES”), ARTICLE VI (“RECORDER OF DEEDS”) REGARDING ONLINE DOCUMENT RETRIEVAL FEES”.**

**This Ordinance modifies the fee structure for the online document retrieval services of the Office of the Recorder of Deeds. Under this Ordinance, non-subscribers are charged \$1.00 for each document downloaded. Subscribers can sign an agreement for unlimited downloads on a monthly basis. A single-user subscriber account will cost \$50.00 per month and a multiple-user subscriber account, for up to ten users, will cost \$300.00 per month.**

**Public comments were heard.**

**Dan Kramer questioned why the County is proposing this ordinance when the Department is already making a profit; questioned if computers (for public access) will be removed from the Recorder of Deeds’ office; and questioned if the public will be charged if they visit the Recorder of Deeds’ office and want copies.**

**Scott Dailey, Recorder of Deeds, stated that the public will continue to be able to research property records in the Recorder of Deeds Office for free and that the Proposed Ordinance will reduce fees and increase accessibility to the property database.**

**There were no additional public comments.**

**The Public Hearing and public record were closed.**

**M 346 18  
Adopt  
Ordinance  
No. 2580**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2580 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62 (“FEES”), ARTICLE VI (“RECORDER OF DEEDS”) REGARDING ONLINE DOCUMENT RETRIEVAL FEES”.**

**M 346 18  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
Assessment  
Rolls**

**A Public Hearing was held on the Assessment Rolls for Sewer and Water Districts. Mrs. Jennings reported that the Assessment Rolls reflect the County's records for equivalent dwelling units (EDUs) and billable front footage for each sewer and water district. These records have been made available in the billing office for public inspection and review. These records are subject to individual appeal via the Board of Assessment Review. Mrs. Jennings noted that this Public Hearing is on the list of properties and applicable front footage and EDUs that will be billable by the rates established in the rate ordinance.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 347 18  
Adopt  
Assessment  
Rolls**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council hereby adopts the Assessment Rolls for all Sussex County sanitary sewer and water districts for the period July 1, 2018 through June 30, 2019.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
Proposed  
Ordinance/  
Sewer and  
Water  
Service  
Charges**

**A Public Hearing was held on 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".**

**Mrs. Jennings reviewed highlights of the sewer and water budget. (A comprehensive presentation was given at the May 22, 2018 Council meeting.)**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 348 18  
Adopt  
Ordinance  
No. 2581**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2581 entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES**

**M 348 18  
Adopt  
Ordinance  
No. 2581  
(continued)**

**FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT,  
AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY  
WATER AND SANITARY SEWER DISTRICTS”.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
Proposed  
Ordinance/  
Annual  
Operating  
Budget/  
FY 2019**

**A Public Hearing was held on the Proposed Ordinance entitled “AN  
ORDINANCE ESTABLISHING ANNUAL OPERATING BUDGET  
FOR FISCAL YEAR 2019”.**

**Mrs. Jennings reviewed highlights of the \$177 million annual operating  
budget for Fiscal Year 2019. (A comprehensive presentation was given at  
the May 22, 2018 Council meeting.)**

**Mrs. Jennings presented a recommendation to amend the Introduced  
Budget Ordinance to move funding (\$536,000) from 2018 to 2019 for  
agriculture land preservation due to the fact that the State does not need  
the funding until 2019.**

**Public comments were heard.**

**Dan Kramer stated that he did not see anything in the Budget about  
giving raises to County employees. Mr. Kramer also referenced  
employees that are Union members.**

**Terry Jester, President of the Sussex County Volunteer Firefighters  
Association, thanked the Council for its continued support of the fire and  
ambulance service and for the additional \$500,000 in funding for  
ambulance service.**

**There were no additional public comments.**

**At the request of Council, Mrs. Jennings clarified that included in the  
budget is a 2% COLA for County employees and that there will also be  
merit increases.**

**The Public Hearing and public record was closed.**

**M 349 18  
Budget  
Amendment**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to add  
\$536,000 to Grant-In-Aid and to amend the Budget for \$536,000 to  
Appropriated Reserves.**

**Motion Adopted: 5 Yeas.**

**M 349 18  
(continued)**

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

**M 350 18  
Adopt  
Ordinance  
No. 2582**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2582 entitled “AN ORDINANCE ESTABLISHING ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2019”, 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**

**Adminis-  
trator’s  
Report**

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

**1. Sussex County Council Comprehensive Land Use Plan Workshop**

**The next Sussex County Council Comprehensive Land Use Plan Workshop will be held on Tuesday, June 19<sup>th</sup>, at 1:00 p.m. in Council Chambers. A copy of the agenda is attached.**

**2. Projects Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheets, Seagrove (aka Harlton) - Phase 3 and Windmill Woods - Phase 2 received Substantial Completion effective June 12<sup>th</sup>.**

**3. Remembering Sussex County Paramedic Stephanie Callaway**

**This past Sunday, June 17, 2018, marks the 10<sup>th</sup> anniversary of the death of Sussex County Paramedic Stephanie Callaway. Stephanie was riding in an ambulance en route to the hospital and caring for a patient when the ambulance crashed, killing both Stephanie and her patient. During her career with Sussex County, Stephanie rose to the rank of Paramedic II and served as a Field Training Officer, Public Information Officer, and member of the Honor Guard. She was also President of the Sussex County Paramedic Association and an active member of the Lewes Fire Department. Our thoughts continue to be with Stephanie’s family on her very unfortunate passing.**

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

**In Remem-  
brance**

**Robert Stuart, EMS Director, commented on the 10-year anniversary of the tragic death of Sussex County Paramedic Stephanie Callaway.**

<b>Interview/ P&amp;Z Nominee</b>	<b>The Council conducted a public interview for Planning and Zoning Commission nominee Holly Wingate (nominated by Councilman Arlett – District 5).</b>
<b>M 351 18 Approve Planning and Zoning Commission Appoint- ment</b>	<b>A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the appointment of Holly Wingate to the Sussex County Planning and Zoning Commission, effective July 1, 2018, until June 30, 2021.</b>  <b>Motion Adopted: 4 Yeas, 1 Abstention.</b>  <b>Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Abstained; Mr. Cole, Yea; Mr. Vincent, Yea</b>  <b>[Holly Wingate will fill the seat to be vacated by Marty Ross as of June 30, 2018.]</b>
<b>Wastewater Agreement</b>	<b>Mr. Lawson presented a wastewater agreement for the Council’s consideration.</b>
<b>M 352 18 Execute Wastewater Agreement Ocean View Beach Club</b>	<b>A Motion was made by Mr. Arlett, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, Agreement No. 990-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Windansea, LLC for wastewater facilities to be constructed in Ocean View Beach Club – Phase 3A Sewer, located in the Bethany Beach Sanitary Sewer District.</b>  <b>Motion Adopted: 5 Yeas.</b>  <b>Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea</b>
<b>Herring Creek Area Expansion of the Unified SSD</b>	<b>Hans Medlarz, County Engineer, presented a proposed USDA Loan Resolution and a Draft Ordinance in regard to the construction and equipping of an extension of sanitary sewer services to Herring Creek (Phase 2). The Loan Resolution would authorize and provide for the incurrence of indebtedness (\$5,600,000) for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its sewer services facility. The Proposed Ordinance authorizes the issuance of general obligation bonds to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the project. Mr. Medlarz reported that the Finance and Engineering Departments recommend Council’s approval of the USDA Loan Resolution for Phase 2 and the introduction of the associated ordinance.</b>

**M 353 18  
Approve  
Loan  
Resolution/  
Herring Creek**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Finance and Engineering Departments, that the USDA Loan Resolution authorizing supplemental indebtedness for the Herring Creek Area Expansion Project, Phase 2, be approved.**

**Motion Adopted: 5 Yeas.**

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

**Introduction  
of Proposed  
Ordinance/  
Bonds/  
Herring Creek**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,600,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.**

**The Proposed Ordinance will be advertised for public hearing.**

**Property  
Maintenance  
RFP**

**Hans Medlarz, County Engineer, reported that the Engineering Department solicited for a second time, proposals for a one (1) year site maintenance agreement. On April 24, 2018, Council approved the award of Base Bids 1 and 2 to Cutting Edge Lawn Care Services, Inc. and Base Bid 3 to Layaou Landscaping, Inc. However, neither Cutting Edge Lawn Care Services, Inc. nor Layaou Landscaping, Inc. could perform the services satisfactorily. Mr. Medlarz reported that the Engineering Department subsequently terminated the respective contracts for Base Bids 1, 2 and 3. The Engineering Department contacted the third lowest bidder, Creative Visions Landscaping, and confirmed in writing that they would honor their overall bid for all three Base Bid items in the annual not to exceed amount of \$70,506.10, \$9,930.00 and \$23,329.40, respectively. If their performance is satisfactory, the Engineering Department would award an additional year, for up to 5 years, at the same unit cost per cut. Partial funding for this contract has been approved in the Fiscal Year 2019 Budget and funding for subsequent years will be budgeted accordingly.**

**M 354 18  
Terminate  
Bids and  
Award  
Bids/  
Property  
Maintenance  
RFP**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Base Bids 1 and 2 to Cutting Edge Lawn Care Services, Inc. and Base Bid 3 to Layaou Landscaping, Inc. for the 2018 Sussex County Delaware Coastal Airport, Industrial Park and Business Park Property Maintenance RFP, originally approved by Council on April 24, 2018, be terminated based on non-performance; and Be It Further Moved to award Base Bids 1, 2 and 3 to Creative Visions Landscaping for the annual not-to-exceed amounts of \$70,506.10, \$9,930.00 and \$23,329.40, respectively.**

**M 354 18  
(continued)**

**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**

**Mrs. Jennings presented the following grant requests.**

**M 355 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Arlett, to give \$2,000.00 (\$1,200.00 from Mr. Burton's Councilmanic Grant Account, and \$200.00 each from Mr. Arlett's, Mr. Cole's, Mr. Vincent's, and Mr. Wilson's Councilmanic Grant Accounts) to Autism Delaware for the Blue Jean Ball fundraiser.**

**Withdrawn**

**Mr. Burton and Mr. Arlett withdrew their Motions.**

**M 356 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$2,000.00 (\$400.00 from each Councilmanic Grant Account) to Autism Delaware for the Blue Jean Ball 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 357 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$1,500.00 from Mr. Burton's Councilmanic Grant Account to the Slaughter Neck Community Action Organization for senior center building repairs.**

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

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

**M 358 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00 (\$650.00 from Mr. Wilson's Councilmanic Grant Account, \$250.00 from Mr. Vincent's Councilmanic Grant Account and \$100.00 from Mr. Arlett's Councilmanic Grant Account) to Primeros Pasos Early Learning Center for tuition assistance.**

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

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



**M 359 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$2,000.00 from Mr. Cole's Councilmanic Grant Account to Camp Rehoboth for the Sundance event fundraiser.**

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

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

**M 360 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$1,500.00 (\$750.00 each from Mr. Cole's and Mr. Burton's Councilmanic Grant Accounts) to the Mid Atlantic Symphony Orchestra for the 2017-2018 concert series.**

**Motion Adopted: 5 Yeas.**

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

**Introduction  
of Proposed  
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 A LAWNMOWER AND SMALL ENGINE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.83748 ACRES, MORE OR LESS" (Conditional Use No. 2150) filed on behalf of Leo Sweeney (Tax I.D. No. 230-21.00-12.01 (portion of) (911 Address 10449 Cedar Creek Road, Lincoln).**

**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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.51646 ACRES, MORE OR LESS" (Change of Zone No. 1863) filed on behalf of Triumph I, LLC.**

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

**Council  
Members'  
Comments**

**Council Members' Comments**

**Mr. Burton referenced the discussion relating to buffers and density at the June 12, 2018 Council meeting. He asked that Council proceed with the drafting of an ordinance relating to density. In regard to the buffer discussion, Mr. Burton stated that Council will be seeking professional/expert input, and that the County Administrator will**

**Council  
Members'  
Comments  
(continued)**

**make contact with the professionals/experts and coordinate a discussion with Council.**

**Mr. Cole referenced comments made by Mr. Steck during the public comment section and he stated that some of the issues raised should be addressed, i.e. rules of procedures, agenda items, findings of fact.**

**Mr. Moore noted that the Board of Adjustment and the Planning and Zoning Commission have Rules of Procedure in place and he will forward those rules to the Council members.**

**Mr. Cole referenced a letter received from the Delaware Department of Natural Resources & Environmental Control relating to the availability of technical assistance for state, county and municipal governments through its Resilient Community Partnership (RCP) Program.**

**M 361 18  
Adjourn**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn at 11:25 a.m.**

**Motion Adopted: 5 Yeas.**

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