

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 27, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 27, 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
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 297 17
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**

Minutes

The minutes of June 20, 2017 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**HOME OF THE BRAVE FOUNDATION, MILFORD, DELAWARE.
RE: Letter in appreciation of grant.**

**FIRST STATE COMMUNITY ACTION AGENCY, GEORGETOWN,
DELAWARE.
RE: Letter in appreciation of grant.**

**Public
Comments**

Public Comments

Dan Kramer commented on Attorney General Opinion No. 17-IB10.

Rocco Maiellano discussed his concerns about the concerts held at Hudson Fields.

Public
Comments
(continued)

Paul Reiger commented on the placement of the agenda item relating to FOIA; commented on a FOIA opinion letter (March 28, 2017) regarding the Board of Adjustment; commented on other FOIA opinions being placed on the agenda; and commented on FOIA training for the Board of Adjustment.

Public
Hearing/
General
Obligation
Bonds/
Route 54
Expansion
of the
Fenwick
Island SSD

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,048,682 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE ROUTE 54 EXPANSION OF THE FENWICK ISLAND SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

SYNOPSIS: This Ordinance provides for the issuance of up to \$2,048,682 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Route 54 expansion of the Fenwick Island Sewer Area of the Unified Sanitary Sewer District (the "Project") with the expectation that a grant in the amount of \$621,650 will be provided by the 21st Century Fund to reduce the principal amount of the Bonds outstanding to \$1,427,032 upon Project completion.

There were no public comments and the Public Hearing was closed.

M 298 17
Adopt
Ordinance
No. 2507

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2507 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,048,682 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE ROUTE 54 EXPANSION OF THE FENWICK ISLAND SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

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/
General
Obligation
Bonds/
North
Expansion
of the
Angola
Neck SSD

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

SYNOPSIS: This Ordinance provides for the issuance of up to \$1,300,000 of Sussex County General Obligation Bonds in order to finance or

Public Hearing (continued) reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Angola North Sewer Expansion Project (the "Project") with the expectation that a grant in the amount of \$1,468,000 will be provided by the 21st Century Fund to reduce the combined aggregate principal amount of the Bonds and the 2015 Bond outstanding to \$6,529,774 upon Project completion.

There were no public comments and the Public Hearing was closed.

M 299 17 Adopt Ordinance No. 2508 A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2508 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

Motion Adopted: 5 Yeas.

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

Wastewater Agreement Mr. Lawson presented a Wastewater Agreement for the Council's consideration.

M 300 17 Execute Wastewater Agreement/ Peninsula Lakes A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 558-11, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Peninsula Lakes, LLC for wastewater facilities to be constructed in Peninsula Lakes – Phase 6 (Construction Record)", located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

Retirement/ Heather L. Sheridan The Council recognized retiring Director of Environmental Services Heather L. Sheridan. A Tribute and plaque were presented to Ms. Sheridan in recognition of her 40+ years of service to Sussex County.

AG Opinion No. 17-IB10 Mr. Lawson provided an update on Attorney General Opinion No. 17-IB10 referencing Dan Kramer's FOIA petition regarding the Sussex County Council and the Planning and Zoning Commission.

FOIA Complaints	In response to questions raised by Council, Mr. Lawson reported on the cost of FOIA complaints filed with the Attorney General's Office.
Legislative Update	Mr. Lawson and Mr. Vincent provided a legislative update; legislation discussed was House Bill 188, House Bill 130, Senate Bill 99, and Senate Bill 38.
Discussion/ Concept of Preserving Road Right-of-Way	Drew Boyce, DeIDOT Director of Planning, discussed the concept of preserving road right-of-way. This matter was placed on the agenda at the request of a Councilmember. Discussed was the need for increased building setback lines for the purpose of planning for the future, i.e. to accommodate future road widening projects including converting existing 2-lane roads to 4-lane roads.
Administrator's Report	Mr. Lawson read the following information in his Administrator's Report: 1. <u>Independence Day Holiday</u> Please note, County offices will be closed on Tuesday, July 4th, for the Independence Day holiday. In addition, Council will not meet on July 4th or July 11th. The next regularly scheduled Council meeting will be held on Tuesday, July 18th.
HPG Application	Brad Whaley, Director of Community Development and Housing, requested permission to apply for a USDA Housing Preservation Grant (HPG). He noted that the County has applied for and used this funding for over 20 years to assist low and very low income homeowners with small house repairs. The amount of the grant request will be \$25,000 and the Department hopes to assist six (6) households in rural Sussex County.
M 301 17 Adopt R 012 17	A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Resolution No. R 012 17 entitled "AUTHORIZATION TO SUBMIT APPLICATION". 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
Task Order Agreement/ Construct Parallel Taxiway D/ Design	Jim Hickin, Director of Airport and Industrial Park, presented a task order agreement with Delta Airport Consultants for design and bidding services for Sussex County Project 17-20, Construct Taxiway D – Design (Part 2). The cost of the agreement is not to exceed \$470,496. Mr. Hickin reported that the project will design, and prepare for bid, a full-length taxiway parallel to Runway 10-28, the "crosswind runway". Mr. Hickin noted that the overall project was presented to the Council at the April 11th meeting and approval was granted to request an Airport Improvement Program grant and to move forward with the overall

(continued) project. Mr. Hickin also reported that the grant has been received and that the next step is to approve the task order agreement for the design of the project.

M 302 17
Approve
Task Order
No. 6 to
Engineering
Agreement/
Construct
Parallel
Taxiway D/
Design/
Project
17-20

A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Task Order No. 6 to the Engineering Agreement between Sussex County and Delta Airport Consultants, Inc. to provide professional services for Sussex County Project 17-20, Construct Taxiway D – Design, which increases the original contract amount by no more than \$470,496.00, pending receipt of a federal grant.

Motion Adopted: 4 Yeas, 1 Nay.

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

(Following the vote, Mr. Arlett noted that his “Nay” vote was actually an abstention since he was out of the room during most of the discussion.)

FAA
Grant
Offer

Mr. Hickin reported that the County does have a grant offer from the FAA, and that the County must not only formally accept the money, but the obligations that come with it (obligations detailed in Council packet).

M 303 17
Accept
FAA
Grant
Offer/
Construct
Parallel
Taxiway D/
Phase I

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council accepts the Federal Aviation Administration’s grant offer of \$430,196.00 as the United States' share of 90 percent of the allowable costs incurred in accomplishing the project, Install Infrastructure to Support RNAV Approach (Construct Parallel Taxiway D), Phase I.

Motion Adopted: 5 Yeas.

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

TH White
Expansion/
Request to
Post
Notices

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the TH White Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area). This expansion request for Parcel 234-23.00-114.01 (and easement from parcel to Branch Road) was requested by TH White, the owner of the property.

M 304 17
Authorize
Notices/
TH White
Expansion

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the TH White Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area), Parcel 234-23.00-114.01 and associated easement, as presented on June 27, 2017.

**M 304 17
(continued)**

Motion Adopted: 5 Yeas.

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

**Salisbury
Expansion
of the
SCUSSD**

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Salisbury Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area). This expansion request for Parcel 134-19.00-69.00 was requested by the owner of the property.

**M 305 17
Authorize
Notices/
Salisbury
Expansion**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Engineering Department is authorized to prepare and post notices for the Salisbury Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area), Parcel 134-19.00-69.00, as presented on June 27, 2017.

Motion Adopted: 5 Yeas.

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

**Route 54
Sewer
Expansion
of the
Fenwick
Island SSD/
Project
Bid
Results**

Hans Medlarz, County Engineer, presented the bid results for the Route 54 Sewer Expansion of the Fenwick Island Sanitary Sewer District, Project 14-10. Four bids were received; the Engineering Department recommends an award to George & Lynch, Inc. in the amount of \$2,230,511.00. Mr. Medlarz noted that this bid includes parcels that may be considered by Council in the future.

Mr. Medlarz explained why the project title references the Fenwick Island Sanitary Sewer District and not the Sussex County Unified Sanitary Sewer District.

**M 306 17
Award
Contract/
Route 54
Expansion/
Fenwick
Island SSD**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Contract 14-10, Route 54 Expansion of the Fenwick Island Sanitary Sewer District, be awarded to George & Lynch, Inc. of Dover, Delaware, at the total bid amount of \$2,230,511.00, pending DNREC State Revolving Loan Fund concurrence.

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 grant requests for the Council's consideration.

**M 307 17
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$1,830.00 from Mr. Burton's Councilmanic Grant Account to the Lewes Historical Society for the Lewes History Museum.

Motion Adopted: 5 Yeas.

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

**M 308 17
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$500.00 from Mr. Wilson's Councilmanic Grant Account to the Amateur Athletic Union of the United States for Woodbridge PRIDE Cheerleading (improvements to facility).

Motion Adopted: 5 Yeas.

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

**M 309 17
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$1,000.00 from Mr. Burton's Councilmanic Grant Account to The Music School of Delaware for music programming in Sussex County.

Motion Adopted: 5 Yeas.

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

**M 310 17
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$8,000.00 (\$7,500 from Mr. Vincent's Councilmanic Grant Account and \$500.00 from Mr. Wilson's Councilmanic Grant Account) to the Seaford Historical Society for the Ross Station building.

Motion Adopted: 5 Yeas.

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

**Council
Members'
Comments**

Council Members' Comments

Mr. Cole commented on a recently held public hearing on a zoning application and emails he has been receiving on the submittal of a revised site plan by the applicant. He questioned reopening public comment on the revised site plan. Mr. Moore responded that the Council must take action on the record established at the public hearing, including the site plan

**Council
Members'
Comments
(continued)**

presented at that time, and not the newly submitted (revised) site plan.

Mr. Arlett noted the end of the Fiscal Year and complimented Council and staff for a job well done.

Mr. Arlett expressed best wishes to recent graduates.

**M 311 17
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 11:42 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.}