

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 13, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 13, 2021, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	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 293 21
Approve
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of June 29, 2021 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke:

William Kinnick, State Advocate for Manufactured Housing and President of the Delaware Manufactured Housing Association, reported on raw sewage in 13 manufactured home communities in the County and the drinking water issues in those communities.

Robert Ray, resident of Sand Hill Acres, stated that he lives in one of the communities with septic issues and he asked that Council help address the water and septic issues.

Keith Steck, Vice President of Delaware Coalition for Open Government, discussed the need for a mechanism to correct errors in County Council, Planning and Zoning Commission, and Board of Adjustment minutes and/or Findings of Fact.

**Public
Comments
(continued)**

Eul Lee referenced the buffer/wetlands ordinance that the Council worked on, which was tabled over a year ago, and she stated that it is time for the Council to take it up again due to the flooding risks in the County. Ms. Lee also referenced an email she submitted to the County Council regarding the Terrapin Island Subdivision approval by the Board of Adjustment.

Judy Zoeller-Hartzell, Pat Fowler, Janice Hurff, and Shelly Cohen commented on the approval of the Terrapin Island Subdivision.

**Public
Hearing/
Lochwood
General
Obligation
Bonds
Ordinance**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,723,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO LOCHWOOD AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Hans Medlarz, County Engineer, reported that the Lochwood Sewer Project started in 2018 and funding was received from the USDA. On June 15, 2021, the Council reviewed and approved the grant agreement and the loan resolution required by USDA. On June 15, 2021, the Council introduced the Proposed Ordinance for the debt service.

This Ordinance provides for the issuance of up to \$4,723,000 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 an extension of sanitary sewer services to Lochwood.

There were no public comments.

The Public Hearing and public record were closed.

**M 294 21
Adopt
Ordinance
No. 2787**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to Adopt Ordinance No. 2787 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,723,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO LOCHWOOD AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

**Public
Hearing**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District, Miller Creek Area, to include the Zinzer Property inside The Estuary. John Ashman, Director of

**Public
Hearing/
Zinzer
Property
Expansion
of the
SCUSSD
(continued)**

Utility Planning and Design, reported that the Engineering Department received a request from George, Miles & Buhr, LLC on behalf of their client, Estuary Development, LLC, the owners/developers of a project known as The Estuary for Parcel 134-19.00-105.05. The project is proposed for 34 single family homes and is designated as Phase 5 of the project. The project will be responsible for system connection charges based on current rates.

There were no public comments.

The Public Hearing and public record were closed.

**M 295 21
Adopt
R 015 21**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt R 015 21 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE ONE LANDLOCKED PARCEL OF LAND AT THE CURRENT END OF SEA SPRAY LANE LOCATED IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE" (ZINZER PROPERTY – ESTUARY, PHASE 5) (MILLER CREEK AREA).

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

**Public
Hearing/
Higgins/
Re/Max
Property
Expansion
of the
SCUSSD**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District, Blades Area, to include the Higgins Re/Max property. John Ashman, Director of Utility Planning and Design, reported that the Engineering Department received a request from the property owners of Parcel 132-1.00-15.00. This is an existing business that would like to be included in the County's project currently being completed for the commercial properties along Route 13. The project will be responsible for system connection charges based on current rates.

There were no public comments.

The Public Hearing and public record were closed.

**M 296 21
Adopt
R 016 21**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to Adopt Resolution No. R 016 21 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCEL 132-1.00-15.00 ON THE WEST SIDE OF SUSSEX HIGHWAY. THE PARCEL IS LOCATED IN BROAD CREEK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE" (HIGGINS RE/MAX

**M 296 21
(continued)**

PROPERTY) (BLADES AREA).

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Proposed Ordinance
Relating
to Multi-
Family
Density
Calculation/
Introduction
of Proposed
Ordinance**

Vince Robertson, Assistant County Attorney, presented a Draft Ordinance that addresses a question in the Sussex County Code regarding how multi-family density is calculated.

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XX BY AMENDING SECTION 115-156 TO CLARIFY THAT THE LOT AREA WITHIN TABLES II AND III REFERS TO THE LOT AREA WITHIN EACH PARTICULAR ZONING DISTRICT”.

The Proposed Ordinance will be advertised for Public Hearing.

**Commercial
Lease
Agreement
Assignment**

Robert Bryant, Manager of the Airport & Business Park, presented for Council’s consideration an Assignment of Commercial Lease Agreement. The current lease is held by Seneca Flight, LLC and would be assigned to Schell Aviation, LLC.

**M 297 21
Approval of
Commercial
Lease
Agreement
Assignment
from
Seneca
Flight to
Schell
Aviation**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council approves the Assignment of the Lease for Lot No. 5, Aviation Avenue, along with the building improvements there upon at the Delaware Coastal Airport from Seneca Flight, LLC to Schell Aviation, LLC, as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Report/
Proposed
Boundary/
North
Georgetown
Area of the
SCUSSD**

John Ashman, Director of Utility Planning and Design, discussed the Public Hearing that was held on June 15, 2021 on the Proposed North Georgetown Area of the Sussex County Unified Sanitary Sewer District. At that Public Hearing, two property owners questioned the boundary and indicated that they did not wish to be included in the District. One of the two property owners was not included; however, one was. Since the Public Hearing, that property has been removed from the proposed boundary. Mr. Ashman presented the updated proposed boundary consisting of three parcels for the Council’s consideration.

M 298 21
Adopt
R 017 21

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to Adopt R 017 21 entitled “A RESOLUTION ESTABLISHING THE PROPOSED BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) NORTH GEORGETOWN AREA”.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Request to Post Notices/ Chappell Farm Expansion of the SCUSSD

John Ashman, Director of Utility Planning and Design, presented a request to prepare and post notices for the Proposed Chappell Farm Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). The Engineering Department received a request from Becker Morgan Group, Inc. on behalf of their client, Chappell Farm, LLC, the owners/developers of a project known as Chappell Farm on Parcel No. 235-23.00-1.02. The project is proposed as a mixed-use development (156 apartments and 48,000 square feet of commercial). The project will be responsible for system connection charges of \$6,600.00 per EDU based on current rates.

M 299 21
Authorize Posting of Notices/ Chappell Farm Expansion of the SCUSSD

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that the Sussex County Engineering Department is authorized to prepare and post notices for the Chappell Farm Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) to include Parcel No. 235-23.00-1.02, as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 300 21
Go Into Executive Session

At 10:45 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to recess the Regular Session and go into Executive Session to discuss matters relating to Personnel and Job Applicants’ Qualifications.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Executive Session

At 10:48 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to Personnel and Job Applicants’ Qualifications. The Executive Session concluded at 1:25 p.m.

M 301 21 **At 1:30 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Rieley,**
Reconvene **to come out of Executive Session and to reconvene the Regular Session.**
Regular
Session **Motion Adopted: 5 Yeas.**

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 302 21 **A Motion was made by Mrs. Green, seconded by Mr. Schaeffer, that the**
Approve **Sussex County Council approves the selection and appointment of**
Appoint- **Candidate A for the position of County Librarian.**
ment of
Candidate **Motion Denied: 3 Nays, 2 Yeas.**
A

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Nay; Mr. Rieley, Nay;
Mr. Vincent, Nay

M 303 21 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the**
Approve **Sussex County Council approves the selection and appointment of**
Appoint- **Candidate B for the position of County Librarian.**
ment of
Candidate **Motion Adopted: 4 Yeas, 1 Nay.**
B

Vote by Roll Call: Mrs. Green, Nay; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Mr. Schaeffer left the meeting.

Rules **Mr. Moore read the rules of procedure for zoning hearings.**

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR**
CU 2252 **MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A SUBSTATION**
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY,
CONTAINING 9.1 ACRES, MORE OR LESS” (Conditional Use No. 2252)
filed on behalf of Delaware Electric Co-Op (Tax I.D. No. 334-12.00-2.00)
(911 Address: 34139 Cedar Grove Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this
application on May 27, 2021 at which time the Commission recommended
approval, with conditions.

(See the minutes of the Planning and Zoning Commission dated May 27,
2021.)

**Public
Hearing/
CU 2252
(continued)**

Jamie Whitehouse, Planning and Zoning Director, presented the application and noted the documents in the file.

The Council found that Mark Nielson, Senior Vice President of Delaware Electric Cooperative, and Alex Schmidt with Century Engineering were present on behalf of the Applicant. He stated that this is an application for a proposed substation to be located on Cedar Grove Road; that approximately 4 acres of the 9 acre parcel will be utilized; that the substation is required to serve the existing load and to serve new load growth in the area; that this area is an area of growth and development; that the proposed substation will provide reliability to the area; that this site was chosen due to its close proximity to transmission lines; that no sewer or septic is needed; that there are no issues with DelDOT; and that the site is an ideal site for a substation.

There were no public comments.

The Public Hearing and public record were closed.

**M 304 21
Adopt
Ordinance
No. 2788/
CU 2252**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2788 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.1 ACRES, MORE OR LESS” (Conditional Use No. 2252) filed on behalf of Delaware Electric Co-Op, with the following conditions:

- a. The perimeter of the substation shall be fenced.**
- b. Two signs shall be permitted on the fencing around the property to identify the site and emergency contact information.**
- c. Any security lighting shall be shielded and downward-screened so that it does not shine on neighboring properties and County roads.**
- d. Landscaping shall be provided to screen the facility from adjacent properties and roadways.**
- e. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2260**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX

**Public
Hearing/
CU 2260
(continued)**

COUNTY, CONTAINING 0.96 ACRE, MORE OR LESS” (Conditional Use No. 2260) filed on behalf of Ronald Lee Wisseman II (Tax I.D. No. 430-11.00-70.00) (911 Address: 10213 Fawn Road, Greenwood).

The Planning and Zoning Commission held a Public Hearing on this application on May 27, 2021 at which time action was deferred. On June 10, 2021, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated May 27 and June 10, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application and noted the documents in the file.

The Council found that Scott Rust was present on behalf of the Applicant. He stated that the Applicant’s gunsmithing is a hobby-type operation; that work would be done within an existing pole building; that there would be no outside storage; that some repairs must go to a licensed gunsmith; that the Applicant’s function is basically disassembling, refurbishing and restoration of firearms; and that the Applicant agrees to the conditions recommended by the Planning and Zoning Commission.

There were no public comments.

The Public Hearing and public record were closed.

**M 305 21
Adopt
Ordinance
No. 2789/
CU 2260**

A Motion was made by Mrs. Green, seconded by Mr. Rieley, to Adopt Ordinance No. 2789 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.96 ACRE, MORE OR LESS” (Conditional Use No. 2260) filed on behalf of Ronald Lee Wisseman II, with the following conditions:

- a. The use shall be professional gunsmithing, and the application of coatings to the surface of firearms and other items.**
- b. The Applicant must comply with all Federal and State licenses and regulations for the use.**
- c. As stated by the Applicant, no firearms shall be discharged on the site.**
- d. As stated by the Applicant, the use shall occur within the Applicant’s existing building on the site. No gunsmithing activities shall occur outdoors.**
- e. One unlimited sign, no larger than 4 feet by 4 feet in size, shall be permitted.**
- f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

**M 305 21
(continued)**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2280**

A Public Hearing was held on 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS” (Conditional Use No. 2280) filed on behalf of Covered Bridge Inn, LLC (Tax I.D. No. 334-10.00-69.01) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on May 27, 2021 at which time action was deferred. On June 10, 2021, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated May 27 and June 10, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application and noted the documents in the file.

The Council found that Ingrid Hopkins, owner of the Covered Bridge Inn wedding/events venue, was present on behalf of the application. She stated that the application is for an expansion of a wedding venue; that the property is a part of an Agricultural Preservation District and therefore approval from the Delaware Agricultural Preservation Foundation was required; that the Foundation has signed off on the use; that this expansion area is for one-day events only; that across the road is their existing three-day event venue site; and that their business has grown and a second location was needed. Ms. Hopkins noted that legislation was sought and approved to allow for the building expansion on the agricultural preserved land.

There were no public comments.

The Public Hearing and public record were closed.

**M 306 21
Adopt
Ordinance
No. 2790/
CU 2280**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2790 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS” (Conditional Use No. 2280) filed on behalf of Covered Bridge Inn, LLC, with the following conditions:

**M 306 21
Adopt
Ordinance
No. 2790/
CU 2280
(continued)**

- a. **This approval is contingent upon an approval for the use issued by the Delaware Agricultural Lands Preservation Foundation.**
- b. **The Final Site Plan shall depict the area within the larger 98.6 acre parcel where this Conditional Use shall occur.**
- c. **The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, 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 A SOLAR FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 72.00 ACRES, MORE OR LESS” (Conditional Use No. 2288) filed on behalf of Broom Solar Partners, LLC (Tax I.D. No. 533-5.00-47.00) (911 Address: None Available).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR AN OUTDOOR MARKETPLACE WITH SIMILAR ACTIVITIES AND OFF-SITE PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.247 ACRES AND 0.327 ACRES, MORE OR LESS” (Conditional Use No. 2289) filed on behalf of Leah Beach (Tax I.D. Nos. 334-13.20-21.00 & 334-13.19-79.00 [p/o]) (911 Addresses: 19897 Hebron Road and 19826 Central Avenue, Rehoboth Beach).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CONTRACTOR FLEX SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS” (Conditional Use No. 2290) filed on behalf of Toback Development, LLC (Tax I.D. No. 235-30.00-6.21 [part of]) (911 Addresses: None Available).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF AN EXISTING CAMPGROUND TO INCLUDE AN AMENITIES AREA FOR THE STORAGE OF KAYAKS, CANOES AND EQUIPMENT AND FOR A CAMPGROUND SIGN TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN CEDAR CREEK

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

HUNDRED, SUSSEX COUNTY, CONTAINING 1.33 ACRES AND 3.08 ACRES, MORE OR LESS” (Conditional Use No. 2291) filed on behalf of Blue Camp DE, LLC (Tax I.D. Nos. 230-7.00-47.01 & 47.03) (911 Address: 8272 Brick Granary Road, Lincoln).

Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1/MR-RPC AGRICULTURAL RESIDENTIAL DISTRICT AND MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 29.07 ACRES, MORE OR LESS” (Change of Zone No. 1937) filed on behalf of Double DB, LP (Tax I.D. Nos. 234-6.00-26.00, 26.01, 26.02, 26.03, 26.05, and 59.19) (911 Addresses: 20440, 20452, and 20464 Wil King Road, Lewes).

The Proposed Ordinances will be advertised for Public Hearing.

**Adminis-
trator’s
Report**

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

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet Monday, July 19th at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda for the meeting is attached.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Baylis Estates, Phase 1B (Construction Record) received substantial completion effective June 29th.

3. Council Meeting Schedule

A reminder that Council will not meet on July 20th. The next regularly scheduled Council meeting will be held on Tuesday, July 27th, at 10:00 a.m.

(Attachments to the Administrator’s Report are not attached to the minutes.)

**SCRWF
and
Rehoboth
Beach WTP
Phase 2
Project C/O**

Hans Medlarz, County Engineer, presented Change Order No. 12, to the South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, General Construction, Project C19-11. The Change Order, in the amount of \$14,700.07, is due to a design

(continued) **difference and differing site conditions.**

M 307 21 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon**
Approve **the recommendation of the Sussex County Engineering Department, that**
C/O for **Change Order No. 12 for Contract C19-11, South Coastal Regional**
SCRWF **Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach**
and **Wastewater Treatment Plant Capital Improvement Program, Phase 2,**
Rehoboth **General Construction, be approved, increasing the Contract by \$14,700.07.**
Beach WTP

Phase 2 **Motion Adopted: 4 Yeas, 1 Absent.**
Project

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Flood **Hans Medlarz, County Engineer, presented Amendment No. 4 to the 2019**
Mitigation **Miscellaneous Engineering Base Contract with Davis, Bowen & Friedel,**
Program/ **Inc. for engineering services associated with the Berry Street Flood**
Amendment **Mitigation Project. Engineering services will include site investigation,**
No. 4 **construction documents, bidding and construction administration.**

M 308 21 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon**
Approve **the recommendation of the Sussex County Engineering Department, that**
Amendment **Amendment No. 4 to the 2019 Miscellaneous Engineering Base Agreement**
No. 4/ **with Davis, Bowen & Friedel, be approved in the amount not to exceed**
Flood **\$37,500.00 for Engineering Services associated with Flood Mitigation efforts**
Mitigation **at Tax Parcel 234-25.00-2.00.**
Program/

2019 Misc. **Motion Adopted: 4 Yeas, 1 Absent.**
Engineering

Base **Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;**
Agreement **Mr. Hudson, Yea; Mr. Rieley, Yea;**
with DB&F **Mr. Vincent, Yea**

FY 2022 **Hans Medlarz, County Engineer, reported the bid results for the FY 2022**
General **General Labor & Equipment Contract. Three bids were received;**
Labor & **following evaluation, the Engineering Department recommends awarding**
Equipment **Bid Package B to George & Lynch, Inc. in the amount of \$1,140,617.00 and**
Contract/ **recommends awarding approximately 50 percent of the average Bid**
Bid **Package A, in the amount of \$2,250,000.00, to George & Lynch, Inc. and**
Results **JJID, Inc.**

M 309 21 **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon**
Award bid/ **the recommendation of the Sussex County Engineering Department and**
General **Finance Departments, that Bid Package B for Contract 22-01, FY 2022**
Labor & **General Labor & Equipment Contract, be awarded to George & Lynch,**
Equipment **Inc., in the amount of \$1,140,617.00 and Bid Package A be awarded at**
Contract **approximately 50 percent, in the amount of \$2,250,000.00 each to George &**
 Lynch, Inc. and JJID, Inc.

**M 309 21
(continued)**

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Bid Results/
Herring
Creek SSD/
South
Gravity
Sewer and
Force
Main
Project**

Hans Medlarz, County Engineer, reported on the bid results for the Herring Creek Sanitary Sewer District: South Gravity Sewer and Force Main Project, Project S20-08. Seven bids were received; Teal Construction, Inc. submitted the lowest responsive base bid in the amount of \$4,242,738.00. Mr. Medlarz reported that this bid is within the budget and the contractor has performed well for the County on numerous prior projects. The Engineering Department recommends awarding the project to Teal Construction, Inc., in the amount of \$4,242,738.00, contingent on USDA concurrence.

**M 310 21
Award
Contract/
Herring
Creek SSD
South
Gravity
Sewer and
Force
Main
Project**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Contract S20-08, Herring Creek Sanitary Sewer District; South Gravity Sewer and Force Main, be awarded to Teal Construction, Inc. for their total bid of \$4,242,738.00, contingent upon USDA concurrence.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Mulberry
Knoll
Project
C/O**

Hans Medlarz, County Engineer, presented Change Order No. 1 to the Mulberry Knoll Pump Station & Force Main Project, Contract S20-14. Change Order No. 1, in the amount of \$89,840.00, is for changing the location of and increasing quantities to Contract Item Nos. 6 and 7.

**M 311 21
Approve
C/O for
Mulberry
Knoll
Project**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract S20-14, Mulberry Knoll Pump Station & Force Main, be approved, increasing the Contract by \$89,840.00.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Grant
Requests**

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

**M 312 21
Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$1,500.00 (\$1,000.00 from Mr. Hudson's Councilmanic Grant Account and \$500.00 from Mr. Rieley's Councilmanic Grant Account) to Contractors for

- M 312 21 Councilmanic Grant (continued)** **a Cause Foundation, LLC for the purchase of aluminum ramps for the Helping Hands Program.**
- Motion Adopted:** **4 Yeas, 1 Absent.**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**
-
- M 313 21 Councilmanic Grant** **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$6,000.00 (\$2,000.00 from Mr. Rieley's Councilmanic Grant Account and \$1,000.00 each from Mr. Schaeffer's, Mr. Hudson's, Mrs. Green's, and Mr. Vincent's Councilmanic Grant Accounts) to the Town of Delmar for a Memorial Stone Marker in honor of Cpl. Keith Heacock.**
- Motion Adopted:** **4 Yeas, 1 Absent.**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**
-
- M 314 21 Councilmanic Grant** **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$600.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for the National Night Out event expenses.**
- Motion Adopted:** **4 Yeas, 1 Absent.**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**
-
- M 315 21 Councilmanic Grant** **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$1,000.00 from Mr. Schaeffer's Councilmanic Grant Account to ITN Southern Delaware, Inc. for operating expenses.**
- Motion Adopted:** **4 Yeas, 1 Absent.**
- Vote by Roll Call:** **Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**
-
- M 316 21 Councilmanic Grant** **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$1,500.00 from Mr. Vincent's Councilmanic Grant Account to Little League Baseball, Inc. for equipment replacement for the Nanticoke Little League.**
- Motion Adopted:** **4 Yeas, 1 Absent.**

M 316 21
(continued)

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 317 21
Council-
manic
Grant

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$6,000.00 (\$3,000.00 from Mr. Vincent's Councilmanic Grant Account and \$1,500.00 each from Mr. Rieley's and Mrs. Green's Councilmanic Grant Accounts) to Bridgeville Apple Scrapple Festival for event expenses.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 318 21
Council-
manic
Grant

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to give \$4,000.00 (\$3,500.00 from Mr. Hudson's Councilmanic Grant Account and \$500.00 from Mr. Schaeffer's Councilmanic Grant Account) to West Side New Beginnings for community safety and community center expenses.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 319 21
Adjourn

At 2:14 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, 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.}