

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 10, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 10, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Irwin G. Burton III	Vice President
Douglas B. Hudson	Councilman
John L. Rieley	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 434 19
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of August 20, 2019 were approved by consent.

**Public
Comments**

A public comment period was held and the following spoke: Howard Gorrell (comments read by Mr. Moore), Keith Steck, Paul Reiger, and Dan Kramer. Mr. Gorrell and Mr. Steck submitted written comments into the record.

**Wetlands &
Buffers
Working
Group
Update**

Mr. Lawson provided an update on the work produced by the Wetlands & Buffers Working Group, including recommendations to update the County Code as it relates to buffers, wetlands and other resource protection. Mr. Lawson noted that this initiative is to provide recommendations for how the County applies wetlands and buffer protections. The Working Group's recommendations, if enacted, will result in improvements to the County's land use designs and will have an exponential impact on the County's environmental resources while balancing property rights. Mr. Lawson stated that the Council would hear from the consultants and working group members for an explanation of the recommendations.

**Wetlands &
Buffers
Working
Group
Update
(continued)**

Jim Eisenhardt and Sari Rothrock of RK&K, the Consultants, presented the process outcomes of the meetings of the Working Group. Mr. Eisenhardt stated that the Group was convened to provide recommendations to Sussex County Council for updating the County's buffer ordinance as it applies to development projects submitted to Sussex County for new residential developments for major subdivisions, cluster subdivision, residential planned communities, and residential conditional uses. He reported on the following consensus points: resources subject to the ordinance, definitions for those resources, definition and function of buffers, buffer widths to protect each resource, two-zone buffer management approach, width of each zone in each buffer, some activities allowed or prohibited in each buffer zone, buffer averaging permitted in Zone B, and buffers and resources not located on any individual subdivided lots. Items for further discussion are: criteria for buffer averaging, resource mapping, management requirements, waive program, and incentive program. Several members of the Working Group addressed Council complimenting the makeup of the working group, commenting on how well they have all worked together, and noting the importance of the task before them. Mr. Lawson stated that the next step is the drafting of an ordinance; the County's legal team will begin this effort and will circulate the first draft to the Working Group members for feedback and guidance. Thereafter, the public hearing process will begin.

**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 will meet September 16th at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. Will Childers, Agency Director, Always Best Care Senior Services, Delaware, will be speaking on "*Caregiving...Taking Care of Loved Ones and Yourself: Hints on Caring for the Memory Impaired, Avoiding Caregiver Burnout, and How to Plan to Get the Care You Deserve.*" The Conference Planning Subcommittee will also meet at 11:30 a.m. to discuss planning for the 2020 conference. A copy of the agenda for each meeting is attached.

2. Common Interest Community Ombudsman's Workshop – HOA Governance Issues

The Delaware Department of Justice's Common Interest Community Ombudsman will host a workshop for HOA Governance Issues on Tuesday, September 17th, from 5:00 to 8:00 p.m. at the Sussex County Association of REALTORS® office, 23407 Park Avenue, in Georgetown. The Common Interest Community Ombudsman, Advisory Council-Education Committee will present information on the Ombudsman's Office and topics such as "What Do I Need to Know About How My

Administrator's Report (continued)

HOA Operates?" The flier and workshop agenda are attached.

3. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for July 2019 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 195 troopers assigned to Sussex County for the month of July.

4. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: The Reserves – Phase 4C, effective August 22nd; Bay Forest Club – Phase 5.2 Marina Facility, effective August 26th; Windmill Woods – Phase 4, effective August 29th; and Bishop's Landing (formerly Dove Landing) – Pump Station Redesign, effective September 3rd.

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

Quarterly Pension Update and Recommendation

Mrs. Jennings presented a quarterly pension update which included a quarterly performance review, asset allocation study, and a recommendation to rebalance the Pension Fund with an additional contribution. As of June 30, 2019, there was \$111.7 million in the Pension Fund with a 1-year return of 6.7% and there was \$46 million in the OPEB Benefit Fund with a 1-year return of 6.8%; the County's assumed rate of return is 7%. Mrs. Jennings stated that the Pension Committee has recommended that the \$5 million contribution which was included in the Fiscal Year 2020 Budget be made and she reported on Marquette Associates' recommendation for the allocation of the \$5 million.

M 435 19 Pension Contribution Authorization

A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the Sussex County Council, based on the recommendation of the Pension Committee and Marquette Associates, make an additional pension contribution of \$5 million, based on the allocation, 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

Delaware Transit Reimbursement Program

Mrs. Jennings reported that DART, a division of DelDOT, has allocated \$796,850.00 for funding of transportation expenses for various senior centers in Sussex County. This amount is the same as in previous years. The County's responsibility is to approve a recommended funding amount for Fiscal Year 2020 as per State law; this is an allocation of

Delaware Transit Reimbursement Program (continued) **State grant funds to various senior agencies for transportation purposes. The recommended funding for each agency is the same as in previous years:**

Nanticoke Senior Center	\$ 44,958.62
Indian River Senior Center	2,099.97
Laurel Senior Center	99,081.45
Lewes Senior Center	27,120.00
Cape Henlopen Senior Center	43,065.00
CHEER, Inc.	<u>580,524.96</u>
TOTAL	\$796,850.00

M 436 19 Approve Allocation/ Delaware Transit Reimbursement Program **A Motion was made by Mr. Burton, seconded Mr. Wilson, that the Sussex County Council approves the allocation of State funds to various senior agencies within Sussex County, 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

Keep DE Litter Free Program Participation **Michael Costello, Government Affairs Manager, reported on County staff’s participation with the Governor’s initiative to “Keep DE Litter Free”. On September 20th, County staff will participate in a Litter Cleanup Event in conjunction with the Employee Benefit Committee’s annual luncheon.**

Western Sussex Transmission Facilities **Hans Medlarz, County Engineer, presented Change Order No. 1 for the Western Sussex Transmission Facilities, Contract 2, PACT One, LLC, Market Street Gravity Sewer Project.**

M 437 19 Approve C/O for Western Sussex Transmission Facilities Contract **A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract #18-12, Contract 2, Western Sussex Transmission Facilities: Market Street Gravity Sewer, be approved, which increases the contract amount by \$96,840.00, for a new contract total of \$2,160,095.00.**

Motion Adopted: 5 Yeas.

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

Agreement/ Artesian IBRWF **Hans Medlarz, County Engineer, presented a proposed 20-year agreement with Artesian Wastewater Management, Inc. for the treatment of Class B biosolids at the Inland Bays Regional Wastewater**

(continued) Facility (IBRWF).

M 438 19 A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Biosolids Handling Agreement with Artesian Wastewater Management, Inc., as presented.

Approve Biosolids Handling Agreement/ Artesian/ IBRWF

Motion Adopted: 5 Yeas.

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

Bulk WW Services Agreement/ Artesian

Hans Medlarz, County Engineer, presented Addendum No. 2 to the 2016 Bulk Wastewater Services Agreement with Artesian Wastewater Management, Inc.

M 439 19 A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Addendum 2 to the Bulk Wastewater Services Agreement between Sussex County and Artesian Wastewater Management, Inc., as presented.

Approve Addendum/ Bulk WW Services Agreement/ Artesian

Motion Adopted: 5 Yeas.

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

Grant Requests

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

M 440 19 A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$1,000.00 from Mr. Vincent's Councilmanic Grant Account to Nanticoke River Arts Council for operating expenses.

Councilmanic Grant

Motion Adopted: 5 Yeas.

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

M 441 19 A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$1,000.00 (\$500.00 each from Mr. Hudson's and Mr. Burton's Councilmanic Grant Account) to Little League Baseball for the Rehoboth Beach Little League's annual operations.

Councilmanic Grant

Motion Adopted: 5 Yeas.

**Introduction
of Proposed
Ordinances
(continued)**

LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.345 ACRES, MORE OR LESS” (Conditional Use No. 2202) filed on behalf of John H. Passwaters (Tax I.D. No. 131-15.00-17.00) (911 Address: 18956 Sussex Highway, Bridgeville).

The Proposed Ordinances will be advertised for Public Hearing.

**M 445 19
Recess**

At 11:58 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Wilson, to recess.

Motion Adopted: 5 Yeas.

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

[The recording of the meeting on this date concluded at this point. The luncheon/discussion and Fair Housing Training are not a part of the audio of this meeting.]

**M 446 19
Reconvene**

At 12:19 p.m., a Motion was made to come out of recess and reconvene the meeting.

Motion Adopted: 5 Yeas.

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

**Luncheon/
Discussion
with the
Planning
and Zoning
Commission
and the
Board of
Adjustment**

At 12:19 p.m., the Council attended a luncheon for general discussions with Board of Adjustment members, Planning and Zoning Commission members, and staff. The luncheon was held at the Sussex County Association of Realtors office in Georgetown.

The following were present:

Michael H. Vincent	President
Irwin G. Burton III	Vice President
Douglas B. Hudson	Councilman
John L. Rieley	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney
Jamie Sharp	Assistant County Attorney
Vince Robertson	Assistant County Attorney
Ellen Magee	Board of Adjustment

**Luncheon/
Discussion
with the
Planning
and Zoning
Commission
and the
Board of
Adjustment
(continued)**

**John Williamson
Robert Wheatley
Kim Hoey Stevenson
Keller Hopkins
Bruce Mears
Janelle Cornwell
Michael Costello
Jamie Whitehouse
Samantha Bulkilvish
Ann Lepore**

**Board of Adjustment
Planning and Zoning Commission
Planning and Zoning Commission
Planning and Zoning Commission
Planning and Zoning Commission
Planning and Zoning Director
Government Affairs Manager
Planning and Zoning Manager
Planner, Planning and Zoning Department
Clerk, Planning and Zoning Department**

Mr. Lawson noted that this was an informal meeting. Mr. Lawson commented on the Board and Commission members' relationship with Planning and Zoning staff and with Legal Counsel; members are encouraged to seek input and guidance to help prepare for meetings. Topics of discussion during the luncheon included security improvements in Council Chambers, the audio/broadcast system in Council Chambers, communications with constituents regarding zoning applications, training opportunities for Board and Commission members, and ordinance changes, code updates and procedures that members are seeking. Also discussed at length was the County's Memorandum of Understanding (MOU) with DelDOT which sets up the framework of interaction between DelDOT and the County, the County's involvement with the Wicomico Metropolitan Planning Organization (MPO), recent meetings regarding the Transportation Improvement Districts (TIDs), especially the Henlopen TID, and DelDOT's attendance and participation at Planning and Zoning Commission meetings and Sussex County Council meetings.

**M 447 19
Recess**

At 2:00 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Burton, to recess.

Motion Adopted: 5 Yeas.

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

**M 448 19
Reconvene**

At 2:07 p.m., a Motion was made by Mr. Burton, seconded by Mr. Rieley, to reconvene.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Fair
Housing
Training
Seminar**

A Fair Housing Training Seminar was held and conducted by representatives of Enterprise. Topics presented and discussed were: history leading to the passage of the Fair Housing Act, The Fair Housing Act, Analysis of Impediments to Fair Housing Choice, Delaware Fair Housing Act, Delaware's Fair Housing planning process, disparate treatment and impact, discriminatory effect, perpetuation of segregation, zoning, land use and fair housing, fair housing and people with disabilities, and fair housing and nuisance ordinances

The Fair Housing Training Seminar was held at the Sussex County Association of Realtors office in Georgetown.

Mr. Lawson noted that the workshop was video-recorded and will be made available for those that could not attend.

**M 449 19
Adjourn**

At 3:34 p.m., a Motion was made by Mr. Burton, seconded by Mr. Rieley, to adjourn.

Motion Adopted: 3 Yeas, 2 Absent.

**Vote by Roll Call: Mr. Hudson, Absent; Mr. Rieley, Yea;
Mr. Wilson, Absent; 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. Only the morning session is included in the audio recording; the luncheon and fair housing training seminar portion of the meeting are not included.}