

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 30, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 30, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	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 460 14
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by striking “personnel” and “land acquisition” under “Executive Session”; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of September 23, 2014 were approved by consent.

**M 461 14
Approve
Consent
Agenda**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to approve the following items listed under the Consent Agenda:

**Wastewater Agreement No. 984-3
Sussex County Project No. 81-04
Coastal Club – Phase 1B
Goslee Creek Planning Area**

**Wastewater Agreement No. 956-1
Sussex County Project No. 81-04
Hunters Walk – Phase 2 (Buildings C, D, E, G, and H)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**

Motion Adopted: 5 Yeas.

**M 461 14
(continued)**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Delaware
District III
Softball
World
Series**

Martin Donovan, Tournament Director, Delaware District III, Senior & Big League Softball World Series thanked the Council for its past and continued support of the event, which has been hosted in Sussex County for eleven (11) years. Regarding the economic impact, Delaware Tourism has reported that this event generates \$2.4 million. Mr. Donovan reported that, once again, the games were televised on ESPN providing national exposure for Sussex County.

**Delaware
Land and
Water
Conser-
vation
Trust
Fund (DTF)
Grant/
Woodland
Park
Project**

Mr. Lawson introduced Ray Bivens, Director of Delaware State Parks, who was in attendance to present an update on a recent grant application that Sussex County submitted to the Department of Natural Resources and Environmental Control, Division of Parks and Recreation. The grant is from the Delaware Land and Water Conservation Trust Fund (DTF) and involves the County's Woodland Park Project. On behalf of Governor Markell and Secretary Small, Mr. Bivens announced that the County was approved by the Greenways and Trails Council for a grant totaling \$86,058.00 to construct the trail system in Woodland Park. Mr. Bivens noted that this is the second grant for the property; the first grant was for an approximate amount of \$103,000.00 for the purchase of the property. Mr. Bivens extended congratulations and thanks.

**Advisory
Committee
Appoint-
ments**

Mr. Lawson announced that the terms of the members of the Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County expire in September 2014. All members plan to return with the exception of one person from District 2 (John Williams); it is proposed that Gene Campbell be appointed to fill the District 2 vacancy.

**M 462 14
Approve
Advisory
Committee
Appoint-
ments**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, that the Sussex County Council approves the following appointments to the Sussex County Advisory Committee for the Aging & Adults with Physical Disabilities, effective September 30, 2014, for a term of two years, as follows:

Anna Short	District 1
James Moseley	District 1
Ruth Beideman	District 2
Fran Smith	District 2
Gene Campbell	District 2
Larry Savage	District 3
Francine Shockley	District 3
Jamie Magee	District 4
Penny Orndorff	District 4
Sally Beaumont	District 5
Scott Phillips	District 5

Motion Adopted: 5 Yeas.

**M 462 14
(continued)**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**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

Per the attached Media Release, the Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will be hosting The LIVE Conference: Live Safe and Secure from 8:00 a.m. to 3:45 p.m. on Monday, October 13, at Sussex Academy, 21150 Airport Road, in Georgetown. The conference will feature a variety of panel discussions focused on ways to educate and protect seniors from scams, fraud, long-term care abuse, and violent crime. The Sussex County Council and Delaware Division of Services for Aging and Adults with Physical Disabilities are co-sponsoring the event.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Americana Bayside - Parcel H, aka Parcel 16, and Vincent Overlook - Phase 4, received Substantial Completion effective September 29, 2014.

3. Sussex County Annual Property Taxes Due September 30th

Property owners are reminded to pay their annual County property tax bill by today, September 30th. Payments can be made online, in person, by phone, or by mail.

For more information, please visit the County's website at sussexcountyde.gov.

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

**Extend
Runway
4-22,
Package 2,
Project**

Bob Jones, Project Engineer, presented a Change Order in the credit amount of \$38,020.37 and a request to grant Substantial Completion for the project known as "Extend Runway 4-22, Package 2 (Sussex County Airport - Contract 12-07)".

**M 463 14
Approve
C/O for
Extend
Runway
4-22
Project**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Sussex County Contract No. 12-07, Extend Runway 4-22, Package 2, with George & Lynch, Inc. be approved, which decreases the contract by the amount of \$38,020.37 for a new contract total of \$4,419,926.63, and Be It Further Moved, that the Contract time be increased by 31 calendar days and Substantial Completion be granted effective August

**M 463 14
Approve
C/O for
Extend
Runway
4-22
Project
(continued)**

15, 2014, and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents, all subject to the approval of DelDOT and/or the Federal Aviation Administration.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Old
Business/
C/Z
No. 1742**

Under Old Business, the Council considered Change of Zone No. 1742, filed on behalf of Seaside Communities, RDC, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on February 13, 2014. On May 22, 2014, the Commission recommended approval subject to the following conditions:

- A. The maximum number of residential units shall not exceed 81 units.**
- B. Site Plan review shall be required for each phase of development.**
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements, or in accordance with any further modifications required by DelDOT.**
- D. As proffered by the Applicant, recreational facilities and amenities shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit. These recreational facilities shall include a tot lot, swimming pool, and bath house.**
- E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- F. The MR/RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- G. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the Applicant, the street design shall include sidewalks on both sides of the streets and street lighting.**
- I. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed street and shrub landscape design.**

**Old
Business/
C/Z
No. 1742
(continued)**

- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
- K. The Applicant shall cause to be formed a homeowners’ or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities, and other common areas.**
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site with permanent markers.**
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

The Council held a Public Hearing on this application on March 13, 2014 at which time action was deferred.

The Council discussed Condition A recommended by the Planning and Zoning Commission which states that “The maximum number of residential units shall not exceed 81 units.” (The application is for 115 units.) The Council also discussed single family detached condos, surrounding developments, and densities.

Mr. Moore read the title of the Proposed Ordinance, as follows: “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 37.516 ACRES, MORE OR LESS” (Tax Map I.D. 334-18.00-40.00) (Change of Zone No. 1742) filed on behalf of Seaside Communities, RDC, LLC.

**M 464 14
Amend
Condition/
C/Z 1742**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend Condition 9A recommended by the Planning and Zoning Commission which states that “The maximum number of residential units shall not exceed 81 units.” to read as follows: “The maximum number of residential units shall not exceed 115 units.”

DENIED

Motion Denied: 3 Nays, 2 Yeas.

**Vote by Roll Call: Mrs. Deaver, Nay; Mr. Cole, Nay;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Nay**

**M 465 14
Adopt
Ordinance
No. 2366**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2366 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC

**M 465 14
Adopt
Ordinance
No. 2366/
C/Z 1742
(continued)**

MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 37.516 ACRES, MORE OR LESS (Tax Map I.D. 334-18.00-40.00) (Change of Zone No. 1742) filed on behalf of Seaside Communities, RDC, LLC”, with the following conditions:

- A. The maximum number of residential units shall not exceed 81 units.**
- B. Site Plan review shall be required for each phase of development.**
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT’s requirements, or in accordance with any further modifications required by DelDOT.**
- D. As proffered by the Applicant, recreational facilities and amenities shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit. These recreational facilities shall include a tot lot, swimming pool, and bath house.**
- E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- F. The MR/RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- G. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the Applicant, the street design shall include sidewalks on both sides of the streets and street lighting.**
- I. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed street and shrub landscape design.**
- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
- K. The Applicant shall cause to be formed a homeowners’ or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities, and other common areas.**
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site**

**M 465 14
Adopt
Ordinance
No. 2366/
C/Z 1742
(continued)**

**with permanent markers.
M. The Final Site Plan shall be subject to the review and approval of
the Sussex County Planning and Zoning Commission.**

Motion Adopted: 3 Yeas, 2 Nays.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Nay; Mr. Wilson, Nay;
Mr. Vincent, Yea**

**Grant
Requests**

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

**M 466 14
Council-
manic
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000
from Mrs. Deaver's Councilmanic Grant Account to the Greater Lewes
Community Village to further develop senior services.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 467 14
Council-
manic
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$2,000.00
(\$1,500.00 from Mr. Wilson's Councilmanic Grant Account and \$500.00
from Mr. Phillips' Councilmanic Grant Account) to the Greater
Georgetown Chamber of Commerce for the Wings & Wheels Festival.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 468 14
Go Into
Executive
Session**

**At 10:57 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to
recess the Regular Session and go into Executive Session for the purpose of
discussing matters relating to job applicants' qualifications and personnel.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**Executive
Session**

**At 11:00 a.m., an Executive Session of the Sussex County Council was held
in the Basement Caucus Room for the purpose of discussing matters
relating to job applicants' qualifications and personnel. The Executive
Session concluded at 11:15 a.m.**

M 469 14 **At 11:19 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Reconvene**
Regular **Wilson, to come out of Executive Session and to reconvene the Regular**
Session **Session.**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

M 470 14 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to offer**
Offer for **Candidate C the position of Director of Economic Development.**
Position of
Economic **Motion Adopted: 5 Yeas.**
Develop-
ment **Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**
Director **Mr. Phillips, Yea; Mr. Wilson, Yea;**
Mr. Vincent, Yea

Additional **Under Additional Business, Dan Kramer commented on (1) the audio**
Business **system in the Council Chambers and (2) a newspaper article regarding a**
County Planner.

M 471 14 **At 11:22 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole,**
Recess **to recess until 1:00 p.m.**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

M 472 14 **At 1:05 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to**
Reconvene/ **reconvene for the purpose of conducting a Workshop on the State of**
Workshop/ **Delaware Code of Ethics.**
State of
Delaware **Motion Adopted: 5 Yeas.**
Code **Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**
of Ethics **Mr. Phillips, Yea; Mr. Wilson, Yea;**
Mr. Vincent, Yea

Workshop/ **In attendance at the Workshop were all members of the Sussex County**
State of **Council, members of the Planning and Zoning Commission, County Legal**
Delaware **Counsel, County Directors and staff, and members of the public.**
Code of
Ethics

Mr. Lawson announced that the purpose of the workshop is for County
elected officials and staff to be educated on the Delaware Code of Ethics.
He advised that the workshop is a public meeting and that the public is

**Workshop/
State of
Delaware
Code of
Ethics
(continued)**

allowed to listen but not participate. The Workshop was videotaped so that it can be rerun for future use.

Deborah Moreau, Esq., Public Integrity Commission, gave the presentation on the Delaware Code of Ethics. Also in attendance were Public Integrity Commission members William Tobin and Bonnie Smith.

The workshop presentation included information on ethics in Government, objectives, laws regulating conduct, statutory purpose, conflicts of interest, code of conduct, examples of cases, waivers and advisory opinions, and sanctions.

[The audio recording of the workshop is a part of the audio recording for the September 30, 2014 Council meeting, which is available on the County's website.]

**M 473 14
Adjourn**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn at 2:21 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**