

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 6, 2020

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 6, 2020, at 10:00 a.m., in Council Chambers, 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
Vince Robertson	Assistant County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 396 20
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 September 29, 2020 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke: Patti Drago and Jeff Stone (Sussex Alliance for Responsible Growth).

**FAST
Track
Program/
Sussex
County
and
DeIDOT**

Mr. Lawson reported on a new funding initiative - the FAST Track Program (Funding Accelerating Safety and Transportation Track Program) and presented a proposal to form a partnership with the Delaware Department of Transportation (DeIDOT) to expedite the construction of road improvements located in Sussex County. Mr. Lawson presented the following FAST Track Program details:

- Sussex County “selects” a road project already in the Capital Transportation Program (CTP)
- DeIDOT will administer the CTP project, as normal
- Sussex County will fund the selected road project, including design, right-of-way acquisition, and construction
- By funding the road project now, the completion date will be advanced by several years

**FAST
Track
Program/
Sussex
County
and
DeIDOT
(continued)**

- **DeIDOT will reimburse Sussex County the entire amount of funding after construction is complete**

Mr. Lawson reviewed the program requirements:

- **The road project must be in the approved CTP**
- **Funding the project will advance the timeline**
- **Completing the project will improve safety**
- **The selection of the project considers specific factors:**
 - **Safety**
 - **Residential development in the area**
 - **Infrastructure investment in the area**
 - **Ancillary needs in the area (e.g., schools, medical, etc.)**

Mr. Lawson reported that the first project in mind is the Cave Neck Road – Hudson Road – Sweetbriar Road intersection. This very busy intersection is ranked 77 in DeIDOT’s FY2021-26 Capital Transportation Plan; from a safety standard ranking, it is the fifth in the County for safety. The estimated cost for this project is \$5 million; if the County approves the FAST Track Program and selects this project, design work could start immediately. The County would pay along the way.

Mr. Lawson noted that, if Council endorses the idea, the next steps would be to draft an agreement between Sussex County and DeIDOT. Both organizations would need to approve the agreement and a first project would be selected.

Mr. Lawson reported that the Secretary of DeIDOT supports this initiative.

There were no objections from Council to moving forward with this initiative.

**DeIDOT
Henlopen
TID
Discussion**

Mr. Lawson referenced the DeIDOT Henlopen Transportation Improvement District (TID) presentation at the September 22nd Council meeting and stated that he has not received any questions or concerns from Council members.

Mr. Lawson presented a quick review of the proposed Henlopen TID including the terms of the initial agreement to establish the TID, the terms of an Infrastructure Recoupment Agreement to be executed with individual developers within the TID, and a draft infrastructure fee program.

The following representatives of DeIDOT were in attendance to answer questions: Marc Coté, Director of Planning, Shanté Hastings, Chief Engineer, and Sarah Coakley, Principal Planner.

With no objection from Council, Mr. Lawson stated that this matter will be placed on a future agenda in October for a vote.

**Adminis-
trator's
Report**

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

1. Council Meeting Schedule

Council will not meet on Tuesday, October 13th. The next regularly scheduled Council meeting will be held on Tuesday, October 20th.

**Public
Safety
Building/
Design
Update**

Hans Medlarz, County Engineer, and Robbie Murray, Director of EMS, were in attendance to present the preliminary design (60% of design) for the County's new 20,000 square foot Public Safety Building which will house the Emergency Operations Center, EMS/Paramedics and the 911 Center under one roof. Mr. Medlarz presented the cost estimate for the project - \$11,387,338 (including 2.5% inflation). Mr. Medlarz stated that the design of the building is to be completed by early Spring 2021 with construction beginning in July 2021.

**SCRWF/
Utility
Easement/
Crown
Castle**

Hans Medlarz, County Engineer, presented a proposed Fiber Optic Communications Utility Easement between Sussex County and Crown Castle. He reported that the Sussex County IT Department has an established working relationship with the State and its vendor, Crown Castle, who is proposing to connect fiber optic communication service to the existing State-owned communication tower situated within the South Coastal Regional Wastewater Facility (SCRWF) property. In order to provide the service, Crown Castle is proposing to install conduits from Parker House Road across State of Delaware property to the County's property line. The alignment of the conduits over the County's property will cross over an unencumbered portion of the SCRWF property as proposed by the Engineering Department. Crown Castle has accepted that alignment and is requesting a utility easement to be granted. A fair market value for the easement was identified in the amount of \$25,200.00. The IT Department recommends the granting of the easement to Crown Castle in exchange for payment of the \$25,200.00 and reimbursement of incurred appraisal fees.

**M 397 20
Approve
Access
Easement/
Crown
Castle**

A Motion was made by Mr. Rieley, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the granting of an Access Easement to Crown Castle Communications for Tax Parcel 134-17.00-21.00 in the amount of \$25,200.00, and \$2,000.00 for the cost of the appraisal reimbursement.

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 398 20
Council-
manic
Grant**

A Motion was made by Mr. Hudson, seconded by Mr. Burton, to give \$5,000.00 (\$1,500.00 from Mr. Hudson's Councilmanic Grant Account and \$3,500.00 from Mr. Burton's Councilmanic Grant Account) to Cape Henlopen Educational Foundation for a Teacher Grant Program.

Motion Adopted: 5 Yeas.

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

**M 399 20
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$4,000.00 from Mr. Burton's Councilmanic Grant Account to the Ocean Waves Quilt Guild for community service work.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Zoning
Ordinances**

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 TO A I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 186.98 ACRES, MORE OR LESS" (Change of Zone No. 1930) filed on behalf of Indian River School District (Tax I.D. Nos. 133-7.00-8.01 & 133-11.00-105.00) (911 Address: 26026 Patriots Way, Georgetown & None Available).

Mr. Hudson 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 MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY AND TO AMEND THE CONDITIONS OF APPROVAL OF CHANGE OF ZONE 1768 (ORDINANCE 2411) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.253 ACRES, MORE OR LESS" (Change of Zone No. 1931) filed on behalf of Lighthipe, LLC (Tax I.D. No. 134-17.00-12.02) (911 Address: None Available).

Mr. Burton 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 C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.78 ACRE, MORE OR

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

LESS” (Change of Zone No. 1932) filed on behalf of Jeff-Kat, LLC (Tax I.D. No. 335-8.00-40.00 (part of) (911 Address: 1005 Kings Highway, Lewes).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.18 ACRES, MORE OR LESS” (Conditional Use No. 2243) filed on behalf of Keith Twardowski (Tax I.D. No. 234-23.00-51.00) (911 Address: 33602 Samantha Drive, Millsboro).

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS” (Conditional Use No. 2244) filed on behalf of Ramon A. Mendez and Alma Mendez (Tax I.D. No. 530-9.00-53.01) (911 Address: 8354 Hickman Road, Greenwood).

The Proposed Ordinances will be advertised for public hearing.

**Council
Members’
Comments**

Council Members’ Comments

Mr. Rieley questioned the future of the County’s West Complex building.

Mr. Rieley questioned the recent 911 outages.

Mr. Burton referenced the Cluster Ordinance in the AR District and asked that Council begin discussions for a Cluster Ordinance in the Development District.

Mr. Vincent stated that he would like for Council to discuss the type and quantity of animals permitted on AR-1 land of less than 5 acres.

**M 400 20
Go Into
Executive
Session**

At 12:08 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to land acquisition.

Motion Adopted: 5 Yeas.

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

Executive Session **At 12:10 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 12:30 p.m.**

M 401 20 Reconvene Regular Session **At 12:32 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson, to come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

E/S Action **There was no action on Executive Session matters.**

M 402 20 Adjourn **A Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn at 12:32 p.m.**

Motion Adopted: 5 Yeas.

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