

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 1, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 1, 2016, 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
Robert B. Arlett	Councilman
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
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 669 16
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Agenda by deleting "Approval of Minutes", "Introduction of Proposed Zoning Ordinances", "Executive Session – Land Acquisition pursuant to 29 Del. C. §10004(b)" and "Possible Action on Executive Session Items"; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

**Corre-
spondence**

Mr. Moore read the following correspondence:

**CLOTHING OUR KIDS, MILLSBORO, DELAWARE.
RE: Letter in appreciation of grant.**

**Public
Comments**

Public Comments

Bill Kinnick, President of the Delaware Manufactured Homeowners Association, spoke on behalf of the approximately 40,000 people that live in manufactured homes; he stated that new policies need to be established in Sussex County to protect the residents.

Leonard Sears stated that he would like to see a County Code similar to the State's Landlord-Tenant Code. Mr. Sears submitted a copy of the State's Landlord-Tenant Code. Mr. Sears referenced taxation without

**Public
Comments
(continued)**

representation, the eviction process, and affordable housing.

Paul Reiger commented on the differences between AR Residential Zoning and GR General Residential Zoning, i.e. setbacks, special use variances, etc.

**Public
Hearing/
Sweet
Meadow
Lane
Expansion/
Johnsons
Corner
Area**

A Public Hearing was held on the Proposed Sweet Meadow Lane Expansion of the Sussex County Unified Sanitary Sewer District (Johnsons Corner Area). The proposed expansion, consisting of 5.00± acres, was requested by the property owner (Shelly Lynn Wright) of Parcel No. 533-11.00-27.04. The property owner will be responsible for the System Connection Charge of \$5,775 .00.

John Ashman, Director of Utility Planning, reported that no calls have been received “for” or “against” the annexation.

Mr. Ashman noted that the adjacent parcel may be on a sub-standard on-site system and with the possibility of utilizing a combined lateral, the Engineering Department recommends including the parcel at the same time; thereby, when the connection is needed it will be available.

Hans Medlarz, County Engineer, stated that if the additional parcel recommended for the addition is subject to a sale, it would be subject to the inspection of the onsite system and if it failed, it would have to go through the process.

Public comments were heard.

Paul Reiger questioned the age of the septic system on the additional parcel and any previous inspections.

Mr. Medlarz stated that since the property is located in the Inland Bays Drainage District, the septic system would have to meet the nutrient reduction requirements. He further stated that this proposal will bring in a lateral for both properties, if needed.

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

**M 670 16
Adopt
R 018 16**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to Adopt Resolution No. R 018 16 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCELS ON THE NORTH SIDE OF COUNTY ROAD 388 (DEER RUN ROAD); THE PARCELS ARE LOCATED IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE” (SWEET MEADOW LANE EXPANSION).

M 670 16
(continued) **Motion Adopted: 5 Yeas.**

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

P&Z

Commission Nominee **The Council conducted a public interview for Planning and Zoning Commission nominee Keller Hopkins.**

M 671 16
Approve
Appointment to
P&Z
Commission **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council approves the appointment of Keller Hopkins to the Sussex County Planning and Zoning Commission, effective November 1, 2016 for the balance of the seat's current term, until June 30, 2017.**

Motion Adopted: 4 Yeas, 1 Nay.

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

Public
Hearing/
Proposed
Ordinance/
Rental
Program

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72 ("HOUSING UNITS, MODERATELY PRICED; RENTAL UNITS; AFFORDABLY PRICED"), ARTICLE II ("AFFORDABLY PRICED RENTAL UNITS")."

Brandy Nauman, Fair Housing Compliance Officer, and Stephanie Hansen, Attorney, reviewed the Proposed Ordinance and outlined the major points of revision in comparison to the existing program (Ordinance No. 1821). They reported that the Proposed Ordinance will encourage the development of affordable rental housing in Sussex County; will further incentivize developers to participate in the program; and will boost interest and involvement and make the program attractive to tenants. Ms. Hansen advised that a copy of the Proposed Ordinance has been supplied to HUD (Department of Housing and Urban Development) and to DOJ (Department of Justice); however, no response has been received.

The Council discussed the Proposed Ordinance.

Public comments were heard.

Joe Conaway spoke in support of the Proposed Ordinance; he commented on past development projects and he noted that a development project is ready to proceed; however, the development cannot be built under the existing ordinance. He stated that the Proposed Ordinance will protect taxpayers and the Council, and at the same time will allow people to rent in an area where they currently cannot find affordable rentals. Mr. Conaway commented on incentives, expedited review, and bonus density.

**Public
Hearing/
Proposed
Ordinance/
Rental
Program
(continued)**

Ms. Hansen reported that one comment was received by email from Kent Schoch referencing a project for which the program is not workable. Mr. Schoch stated that he believes it would be helpful if the duration of the commitment (30 years) is reduced. Additionally, Mr. Schoch referenced a local range of “x” number of miles be applied to the rental calculation.

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

Mr. Vincent passed the gavel to Mr. Wilson.

**M 672 16
Adopt
Ordinance
No. 2474/
Rental
Program**

A Motion was made by Mr. Arlett, seconded by Mr. Vincent, to Adopt Ordinance No. 2474 entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72 (“HOUSING UNITS, MODERATELY PRICED; RENTAL UNITS; AFFORDABLY PRICED”), ARTICLE II (“AFFORDABLY PRICED RENTAL UNITS”)”.

Motion Adopted: 5 Yeas.

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

Mr. Wilson passed the gavel back to Mr. Vincent.

**Draft
Ordinance
Relating to
Compu-
tation
of Pension
Benefits**

Mr. Lawson presented for discussion a Draft Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”. The Draft Ordinance was discussed previously on September 20, 2016 at which time Mrs. Jennings gave a presentation on the initiative. Additionally, the County’s Personnel Board has recommended approval of the proposed changes. Mr. Lawson reviewed the two major (proposed) changes to pension calculations.

**Introduction
of Proposed
Ordinance**

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”.

The Proposed Ordinance will be advertised for Public Hearing.

**Adminis-
trator’s
Report**

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

1. Election Year Scholarship Contest

A reminder that there is only one week left for students to participate in the Election Year Scholarship Contest. As in elections past, students are asked to predict which candidates will win office in the 2016 general election on November 8th. Students 18 and younger who

**Adminis-
trator's
Report
(continued)**

live in Sussex County are eligible to participate. The student with the most correct predictions will win a \$200 scholarship, while five runners-up will each win \$100 scholarships.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Millville by the Sea – Lakeside Village Ext. received Substantial Completion effective October 26th.

3. Holiday and County Council Meeting Schedule

County offices will be closed on Tuesday, November 8th, for Election Day and Thursday, November 10th, for Return Day. Offices will also be closed on Friday, November 11th, in honor of Veterans Day.

The Sussex County Council will not meet on November 8th. The next regularly scheduled Council meeting will be held on November 15th at 10:00 a.m.

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

**Human
Service
Grants**

Mrs. Jennings presented an overview of the County's Human Service Grant Program which provides grants to countywide non-profit agencies for the purpose of enhancing health and human services, and which contributes to a safe, healthy and self-sufficient community. This program provides grants that assist organizations with resources in support of programs or capital purchases.

Mrs. Jennings explained the process which is similar to last year's process. She discussed the online application and the formula-based approach to awarding Human Service Grants. Mrs. Jennings outlined the method and criteria for determining recommended grant amounts. She noted that, new this year, all organizations must agree to the grant guidelines for submittal and an affidavit of understanding that funding shall be used exclusively for non-religious purposes and shall not be used to advance or inhibit religious activities; for organizations with religious affiliations, they must provide support documentation of the expenditure prior to funds being released.

Mrs. Jennings presented the recommended Human Service Grants for Fiscal Year 2017 (87 recipients of funds totaling \$200,000.00).

**M 673 16
Approve
Human
Service
Grants**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the Fiscal 2017 Human Service Grants as recommended in the amount of \$200,000.00.

**M 673 16
(continued)**

Motion Adopted: 3 Yeas, 2 Nays.

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

**Downtown
Develop-
ment
District
Program
Proposal**

Mrs. Jennings presented an overview of a new proposed program – the Downtown Development District Program; a matching local incentive program that will complement Delaware’s Downtown Development District initiative, which provides rebates of up to 20 percent of construction costs for qualifying residential, commercial and industrial redevelopment projects in designated districts throughout the State. Mrs. Jennings reported on the State’s Downtown Development District Act; the State’s Downtown Development District Grant; examples of projects and funding; designated cities/towns in Sussex County; and a proposal for a County Downtown Development District Grant. This program was created to leverage State resources in designated areas in Delaware’s cities and towns; to spur private investment in commercial business districts and other neighborhoods; to improve commercial vitality; and to build a stable community.

The Council discussed the proposed grant program.

**M 674 16
Authorize
Downtown
Develop-
ment
District
Grant
Program**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, that Sussex County Council authorizes the Sussex County Finance Director to administer a Downtown Development District (DDD) Grant Program that pays \$.50 per \$1.00 of State grant, up to \$10,000, per qualified State awarded DDD project; total allocation in FY17 is limited to \$100,000.

Motion Adopted: 3 Yeas, 2 Nays.

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

**North
Coastal
Planning
Area
Contract
Amendment**

Hans Medlarz, County Engineer, presented Amendment No. 8 to the Base Contract with Whitman, Requardt & Associates for the North Coastal Planning Area. The proposed Contract Amendment No. 8 is in a “not to exceed” amount of \$102,649.00 for aerial mapping and issues surrounding the environmental assessment such as archeological services and wetlands delineations. Mr. Medlarz stated that, additionally, they will be jointly approaching the “service lateral optimizations” of the entire Herring Creek expansion area. Mr. Medlarz advised that, once this phase concludes, they will seek Council’s approval for professional engineering services through the bid process.

**M 675 16
Contract
Amendment**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Amendment No. 8 to the Base Engineering Contract for the North Coastal Planning Area with

M 675 16
Approve
Contract
Amendment
for North
Coastal
Planning
Area
(continued)

Whitman, Requardt & Associates be approved in the amount not to exceed \$102,649.00 for aerial mapping and environmental assessment of the Herring Creek area

Motion Adopted: 5 Yeas.

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

Bridgeville
Landfill
Building
Demolition
Project/
Bid
Award

Hans Medlarz, County Engineer, presented the bid results for the Bridgeville Landfill Building Demolition Project (Contract No. 17-08). A total of six bids were received. Mr. Medlarz explained that the low bid was well below the estimated amount and an offer was made to the vendor to withdraw the bid, which they accepted. The next lowest, responsive and responsible bidder was Brightfields, Inc. with a total base bid amount of \$132,362.50. The Engineering Department recommends awarding the project.

M 676 16
Award Bid/
Bridgeville
Landfill
Building
Demolition
Project

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Contract No. 17-08, Sussex County Bridgeville Landfill Building Demolition, be awarded to Brightfields, Inc. of Wilmington, Delaware at the base bid amount of \$132,362.50.

Motion Adopted: 5 Yeas.

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

Proposed
Resolution/
Chapel
Branch
Sanitary
Sewer
District

John Ashman, Director of Utility Planning, and Hans Medlarz, County Engineer, discussed the Proposed Chapel Branch Sanitary Sewer District, including the communities of Chapel Green and Oak Crest Farms. The two communities are currently operating their own on-site facilities.

On August 9th, the Council adopted the proposed boundaries and on October 14th, the Engineering Department held a referendum on the proposed boundaries. The result of the referendum was 311 in favor and 11 in opposition.

M 677 16
Adopt
R 017 16

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Resolution No. R 017 16 entitled “CHAPEL BRANCH AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65, OF THE DELAWARE CODE”.

Motion Adopted: 5 Yeas.

**M 677 16
(continued)**

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

**Grant
Request**

Mrs. Jennings presented a grant request for the Council's consideration.

**M 678 16
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$500.00 from Mr. Arlett's Councilmanic Grant Account to The Christian Storehouse for repairs to their food pantry's freezer.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Council
Members'
Comments**

Council Members' Comments

Mr. Cole read a letter from William Mailander, William Marshall, and Fred Oswald of Bayfront at Rehoboth in appreciation of Michael Brady and his staff in the Public Works Department for information and assistance received.

Mr. Arlett commented on his participation in "No Shave November" which raises awareness of cancer.

Mr. Arlett reminded everyone to vote on Election Day, November 8th.

**M 679 16
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to adjourn at 12:03 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, 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.}