

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 10, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 10, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Robert B. Arlett	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Councilman Sam Wilson was absent.

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

Call to Order

Mr. Vincent called the meeting to order.

M 557 15 Approve Agenda

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to approve the Agenda, as posted.

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of November 3, 2015 were approved by consent.

Corre- spondence

Mr. Moore read the following correspondence:

**MASON DIXON WOODWORKERS, DELMAR, DELAWARE.
RE: Letter in appreciation of grant.**

Public Comments

Public Comments

Dan Kramer commented that the proposed Human Service Grants were not included in the public packet.

Mr. Lawson responded that the information will be provided to the public, pending the approval of the County Council.

Introduction of Proposed Ordinance Relating to Time Extensions	Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTERS 99 AND 115 OF THE CODE OF SUSSEX COUNTY TO ALLOW APPLICANTS TO SEEK AN EXTENSION OF TIME FOR APPROVALS FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS UPON WRITTEN REQUEST”. The Proposed Ordinance will be advertised for Public Hearing.
DNREC Sediment & Stormwater Program Regulatory Advisory Committee (RAC)	<p>Mr. Lawson discussed the DNREC Sediment & Stormwater Program Regulatory Advisory Committee (RAC). He noted that contained in this week’s Council packet was a letter from David Small, DNREC Secretary, requesting that the County have a representative attend and participate in the RAC Committee’s review of the Delaware Sediment & Stormwater Regulations. Mr. Lawson noted that this is involving the recent ruling by the Delaware Superior Court in <i>Baker, et. al. v. DNREC, et al.</i> that the stormwater and sediment regulations were not valid; for this reason, DNREC has gone back to the RAC process whereby the Committee will review some of the regulations, start the procedural process to try to correct the error that the Court has cited as the reason for invalidation, and make recommendations. Mr. Lawson noted that the first meeting of the Committee is being held on this date and the County has sent two staff members to represent the County. Mr. Lawson suggested that, for future purposes, the Council pass a Motion designating him (or his designee) to participate in the RAC.</p> <p>Council members discussed whether the Council should take a position on the regulations and that a representative of the Council could attend the meetings to represent the Council’s position.</p>
M 558 15 Appointment to RAC	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council appoints County Administrator Todd F. Lawson, or his designee, to the Department of Natural Resources and Environmental Control Regulatory Advisory Committee (RAC).</p> <p>Motion Adopted: 4 Yeas, 1 Absent.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Absent; Mr. Vincent, Yea</p>
Wastewater Agreement	Mr. Lawson presented a Wastewater Agreement for the Council’s consideration.
M 559 15 Execute Wastewater Agreement	A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 685-3 that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bayville

M 559 15 **Communities, LLC, for wastewater facilities to be constructed in “The**
Execute **Overlook (AKA Bayville Pointe), Phase 3, located in the Fenwick Island**
Wastewater **Sanitary Sewer District.**

Agreement/
The
Overlook
(continued)

Motion Adopted: 4 Yeas, 1 Absent.

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

The Advisory Committee on Aging & Adults with Physical
Disabilities for Sussex County will meet November 16th at 10:00 a.m.
at the Milton CHEER Center, 24855 Broadkill Road, in Milton.
Brandy Nauman, Sussex County Housing Coordinator and Fair
Housing Compliance Officer, and Karen Horton, Principal Planner,
and Devon Degyansky, Management Analyst, with the Delaware State
Housing Authority will be speaking on “*Housing Resources for the*
***Senior and Disabled Populations in Sussex County.*” A copy of the**
agenda for the meeting is attached.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Forest
Landing – Phase 3B received Substantial Completion effective
November 9th.

3. Veterans Day Holiday

Please note that County offices will be closed on Wednesday,
November 11th, in honor of Veterans Day. Offices will reopen on
Thursday, November 12th, at 8:30 a.m.

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

FY2016
Human
Service
Grant
Program

Mrs. Jennings reviewed 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; funds provide grants that assist
organizations with resources in support of programs or capital
purchases.

Mrs. Jennings explained the formula-based approach to awarding
Human Service Grants and she outlined the method and criteria for

FY2016 Human Service Grant Program (continued)	determining recommended grant amounts.	
	Mrs. Jennings presented the following recommended grants:	
	Abbott's Mill Nature Center	\$1,500.00
	Delaware Nature Society	
	Alzheimer's Association Delaware Valley Chapter	\$1,000.00
	American Legion Auxiliary	\$1,000.00
	Best Buddies Delaware	\$1,500.00
	Booker Street Church of God	\$1,250.00
	Boys and Girls Clubs of Delaware/Dagsboro	\$1,550.00
	Boys and Girls Clubs of Delaware/Oak Orchard/Riverdale	\$1,550.00
	Boys and Girls Clubs of Delaware/Laurel	\$1,550.00
	Boys and Girls Clubs of Delaware/Georgetown	\$1,550.00
	Boys and Girls Clubs of Delaware/Rehoboth	\$1,500.00
	Boys and Girls Clubs of Delaware/Western Sussex	\$1,550.00
	Bridgeville Senior Citizen's Center, Inc.	\$5,000.00
	Cadbury Senior Lifestyles, Lewes	\$2,000.00
	Cancer Support Community Delaware	\$1,500.00
	Cape Henlopen Senior Center	\$5,000.00
	Catholic Charities, Inc.	\$1,250.00
	CHEER	
	Georgetown	\$5,000.00
	Greenwood	\$5,000.00
	Long Neck	\$5,000.00
	Lewes	\$5,000.00
	Milton	\$5,000.00
	Roxana	\$5,000.00
	Ocean View	\$5,000.00
	Church of God and Saints of Christ	\$2,500.00
	Clothing Our Kids	\$3,100.00

FY2016 Human Service Grant Program (continued)	Delaware Community Reinvestment Action Council, Inc.	\$1,000.00
	Delaware Center for Homeless Veterans, Inc.	\$2,025.00
	Delaware Crime Stoppers	\$1,500.00
	Delaware Guidance Services for Children and Youth, Inc.	\$2,000.00
	Delaware Helpline, Inc.	\$3,100.00
	Delaware Hospice, Inc.	\$1,775.00
	Delaware Housing Coalition, Inc.	\$1,500.00
	Delaware Lions Foundation, Inc.	\$3,100.00
	Delaware Police Chiefs' Council, Inc.	\$2,500.00
	Delaware SPCA	\$2,500.00
	Delmarva Clergy United in Social Action Foundation	\$1,500.00
	DFRC, Inc.	\$1,775.00
	Easter Seals Delaware & Maryland's Eastern Shore	\$1,000.00
	Everlasting Hope Ministries	\$2,525.00
	Food Bank of Delaware	\$1,775.00
	Generations Home Care	\$1,500.00
	Harry K Foundation	\$2,500.00
	Immanuel Shelter, Inc.	\$1,775.00
	Indian River Senior Center, Inc.	\$5,000.00
	ITN Southern Delaware	\$3,050.00
	Joseph Patrick Fabber Memorial Foundation	\$3,050.00
	Junior Achievement of Delaware, Inc.	\$3,050.00
	Just Us Cat Rescue	\$1,000.00
	Kent-Sussex Industries, Inc.	\$1,775.00

FY2016 Human Service Grant Program (continued)	Kiwanis Foundation of Rehoboth Beach	\$1,250.00
	La Esperanza	\$2,525.00
	La Red Health Center, Inc.	\$2,500.00
	Laurel Lions Club Foundation, Inc.	\$1,000.00
	Laurel Senior Center, Inc.	\$5,000.00
	Lewes Senior Citizens Center, Inc.	\$5,000.00
	Love Inc. of Mid-Delmarva	\$2,500.00
	Meals on Wheels of Lewes & Rehoboth, Inc.	\$6,000.00
	Mental Health Association of Delaware	\$1,775.00
	Milford Senior Center, Inc.	\$5,000.00
	Nanticoke Senior Center, Inc.	\$5,000.00
	New Hope Recreation & Development Center	\$ 800.00
	Our Youth, Inc.	\$1,000.00
	People's Place II, Inc.	\$1,000.00
	Primeros Pasos, Inc.	\$1,250.00
	Read-Aloud Delaware	\$2,500.00
	Reading ASSIST Institute	\$1,250.00
	Ronald McDonald House of Delaware	\$2,500.00
	Shechinah Empowerment Center	\$1,775.00
	Sussex Community Crisis Housing Services, Inc.	\$1,500.00
	Sussex County Habitat for Humanity, Inc.	\$1,250.00
	Sussex County Retired and Senior Volunteer Program (RSVP) Advisory Committee	\$ 850.00
	Sussex Pregnancy Care Center, Inc.	\$1,000.00
	Teens in Perspective, Inc.	\$1,500.00

FY2016 Human Service Grant Program (continued)	Arc of Delaware	\$1,000.00
	ARK Educational Consulting, Inc.	\$1,500.00
	Delaware Adolescent Program, Inc. (DAPI)	\$1,500.00
	Jefferson Awards Foundation	\$1,275.00
	Lewes Historical Society	\$2,500.00
	Way Home, Inc.	\$3,050.00
	United Way	\$2,500.00
	Vision to Learn	\$3,050.00
	West Side New Beginnings, Inc.	\$1,000.00
	YMCA of Delaware/Sussex Family YMCA Branch	\$1,250.00
	<u>YWCA Delaware</u>	<u>\$2,500.00</u>
	<u>Total</u>	<u>\$199,975.00</u>

M 560 15 **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approves the distribution in the amount of \$199,975.00 for**
Approve **Human Service Grants, as recommended by the Finance Department.**
Distri-
bution of

FY2016 **Motion Adopted: 4 Yeas, 1 Absent.**
Human

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

Comment **Mr. Cole commented on the growing problem of homelessness and he**
on Grant **requested that the County set aside additional funding for organizations**
Funding **who help the homeless.**

Berzin **John Ashman, Director of Utility Planning, referenced the Public Hearing**
Expansion **held on November 3, 2015 on the Proposed Berzin Annexation to the South**
of the **Bethany Sanitary Sewer District. On that date, Council asked the**
SBSSD **Engineering Department to follow up with discussions with the Town of**
 Ocean View on the status of the proposed project. Mr. Ashman stated that
 they did speak with the Town and that the Town advised that the plan has
 Preliminary Site Plan approval. The Town also noted that the ability to be
 connected to sanitary sewer is a condition of approval for the Town;
 therefore, the County's approval of the Concept Plan would be required for
 the Town of Ocean View to approve a project. The Town noted that an
 approved Concept Plan from Sussex County Engineering in no way

**Berzin
Expansion
of the
SBSSD
(continued)**

guarantees that a plan will be approved by the Town of Ocean View.

Mr. Ashman reported that the developer will install the infrastructure for the project; if the project does not receive the Town's approval, no infrastructure will be installed.

Mr. Cole commented on the fact that the Applicant was not in attendance at the Public Hearing and he suggested that the Council consider making it a requirement in the future for public hearings held on proposed sewer extensions/annexations. Mr. Moore was directed to look into the matter of requiring an applicant to be in attendance.

Mr. Arlett questioned if the Council can place a stipulation on an approval of this annexation request, specifically, i.e. limiting density.

A discussion was held regarding the South Coastal Planning Study and the densities allocated in the study area.

The Council considered the Proposed Resolution entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT (SBSSD) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED ALONG COUNTY ROAD 361 (MUDDY NECK ROAD) AND COUNTY ROAD 363 (DOUBLE BRIDGES ROAD) AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

**M 561 15
Amend
Proposed
Resolution/
Berzin
Expansion
to the
SBSSD**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Proposed Resolution be amended, as follows: "NOT TO EXCEED THE CAPACITY SET FORTH IN THE SOUTH COASTAL AREA PLANNING STUDY (SCAPS).

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 562 15
Adopt
R 017 15
as Amended/
Berzin
Expansion
of the
SBSSD**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 017 15 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT (SBSSD) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED ALONG COUNTY ROAD 361 (MUDDY NECK ROAD) AND COUNTY ROAD 363 (DOUBLE BRIDGES ROAD) AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE, NOT TO EXCEED THE CAPACITY SET FORTH IN THE SOUTH COASTAL AREA PLANNING STUDY (SCAPS)", as amended.

Motion Adopted: 4 Yeas, 1 Absent.

M 562 15
(continued)

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

Grant
Requests

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

M 563 15
Council-
manic
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to give \$1,000.00 (\$500.00 each from Mrs. Deaver's and Mr. Wilson's Councilmanic Grant Accounts) to the DCUSA Foundation for educational programs.

Motion Adopted: **4 Yeas, 1 Absent.**

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

M 564 15
Council-
manic
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$750.00 (\$500.00 from Mr. Wilson's Councilmanic Grant Account and \$250.00 from Mr. Vincent's Councilmanic Grant Account) to New Coverdale Outreach Mission for project funding.

Motion Adopted: **4 Yeas, 1 Absent.**

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

Jane Hovington presented the grant request from the Richard Allen Coalition for restoration of the historic Richard Allen School.

M 565 15
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,000.00 from Mr. Wilson's Councilmanic Grant Account to the Richard Allen Coalition for costs associated with the National Historic Site designation.

Motion Adopted: **4 Yeas, 1 Absent.**

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

M 566 15
Council-
manic
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to the Rehoboth Art League for art education and exhibition programs.

Motion Adopted: **4 Yeas, 1 Absent.**

M 566 15
(continued)

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

M 567 15
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$600.00 (\$500.00 from Mr. Vincent's Councilmanic Grant Account and \$100.00 from Mr. Arlett's Councilmanic Grant Account) to the Town of Blades for the Kid's Christmas Fund.

Motion Adopted: **4 Yeas, 1 Absent.**

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

Council
Members'
Comments

Council Members' Comments

Mrs. Deaver commented on a grant request from a pickle ball organization.

Mr. Arlett recognized and commended veterans on the occasion of Veterans Day, which will be celebrated on November 11, 2015.

Mr. Vincent commented on the solar project groundbreaking at Allen Harim's Harbeson facility.

Mr. Arlett commented on Perdue's AgriBusiness headquarters which are relocating to Delmar.

Mrs. Deaver commented on Sussex County government's transparency and its progress over the past 7 years.

Mr. Lawson introduced Daniel Brandewie, a new employee in the Planning and Zoning Department.

M 568 15
Go Into
Executive
Session

At 11:15 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, 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: **4 Yeas, 1 Absent.**

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

Executive
Session

At 11:17 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 12:09 p.m.

**M 569 15
Reconvene
Regular
Session**

At 12:13 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 4 Yeas, 1 Absent.

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

There was no action on Executive Session matters.

**M 570 15
Adjourn**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 12:13 p.m.

Respectfully submitted,

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

{An audio recording of this meeting is available on the County's website.}