

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 6, 2016**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 6, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

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

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 716 16  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to amend the Agenda by deleting “Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction” under “Old Business”; 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**

**Minutes**

**The minutes of November 29, 2016 were approved by consent.**

**Corre-  
spondence**

**The following correspondence was received:**

**DELAWARE HOUSING COALITION, DOVER, DELAWARE.  
RE: Letter in appreciation of grant.**

**READ ALOUD, GEORGETOWN, DELAWARE.  
RE: Letter in appreciation of grant.**

**PEOPLE’S PLACE, MILFORD, DELAWARE.  
RE: Letter in appreciation of grant.**

**COASTAL CONCERTS, LEWES, DELAWARE.  
RE: Letter in appreciation of grant.**

**Public  
Comments**

**Public Comments**

**Paul Reiger commented on the commercial zoning presentation at the November 29<sup>th</sup> Council meeting.**

**Dan Kramer congratulated the Delmar High School Field Hockey Team on their championship win .**

**William Kinnick complimented the County's Caroling on The Circle event.**

**Delaware  
State  
Police  
Presenta-  
tion**

**Lt. Mike Wheeler, Troop 5, Delaware State Police, gave an overview of activities in the areas covered by Troop 5. Lt. Wheeler also reported on the SPEAR (State Police Enhanced Analytical Response) Program which allows police to see real time data and implement action according to that data in different crime related areas, which will improve the way police target certain areas and anticipate core crime.**

**Procla-  
mation/  
Delmar  
Field  
Hockey  
Team**

**The Council recognized the Delmar High School Field Hockey Team, 2016 State Champions, and presented them with a Proclamation entitled "A PROCLAMATION TO HONOR THE DELMAR HIGH SCHOOL FIELD HOCKEY TEAM UPON WINNING THE 2016 DIAA CHAMPIONSHIP".**

**Adminis-  
trator's  
Report**

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

**1. Delaware State Police Activity Report**

**The Delaware State Police year-to-date activity report for October 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 192 troopers assigned to Sussex County for the month of October.**

**2. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, Coastal Club – Land Bay 4 – Phase 1 received Substantial Completion effective November 30<sup>th</sup>.**

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

**Fair  
Housing  
Update**

**Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, presented a six-month and final update on the progress of the County's fair housing settlement requirements with HUD and the Department of Justice:**

**Fair  
Housing  
Update  
(continued)**

**U.S. Department of Justice Consent Decree**

- **Section 2 relates to affordable housing by Diamond State Community Land Trust (DSCLT). The County has continued to submit letters of support and partnership and have met with the organization to discuss opportunities for additional community land trust houses in Sussex County. DSCLT has three homes under contract in Ingram Village in Ellendale, and three more homes planned for 2017.**
- **Section 3 relates to an Affordable and Fair Housing Marketing Plan, the County has not yet received official approval from the Department of Justice; however, the County continues to proceed as if it were approved. One of the items implemented is hosting an annual Sussex County Homebuyer Fair in September.**
- **Under Section 4, regarding housing discrimination complaints, Brandy Nauman, Fair Housing Compliance Officer, receives and reviews complaints of housing discrimination against the County. In the last six months, one complaint was received, reviewed and investigated, and subsequently was withdrawn by the complainants.**
- **A reporting requirement is the Semi-Annual Compliance Report on all fair housing activities. This report was submitted to the Department of Justice on September 28th.**
- **The County's Fourth Annual Fair Housing Training was held on June 9, 2016. The Community Development and Housing Department works closely with the Human Resources Department to ensure that any new employees hired in a department that is affiliated with administration, housing, land use or zoning receives fair housing training within 30 days of their effective date of hire.**
- **The County created an affordable and fair housing webpage in 2013. Compliance reports and notice of public hearings and meetings and other events are posted on the website. The webpage will continue to be updated regularly.**
- **The County is required to report any changes that relate to County zoning and land use laws and regulations that address affordable housing construction, especially those processed under the Moderately Priced Housing Unit Program (MPHU) or Rental Program. Correspondence was recently submitted regarding the recently approved Rental Program Ordinance Amendment which was adopted by Council in November.**

**U.S. Department of Housing & Urban Development Voluntary Compliance Agreement**

- **Under Section 3, the County is required to review and evaluate the three Analysis of Impediments to fair housing, which the County did and created a priority fair housing plan to address those impediments and has corresponded with HUD to revise those plans and has recently submitted a revised plan to them in May 2016. One item recently implemented was to ensure that the County's Fair Housing Policy and**

**Fair  
Housing  
Update  
(continued)**

**Affordable Housing Support Policy are advertised clearly through the County's Planning and Zoning Office; the material is now available in the subdivision application, the County's webpage, and the office's bulletin board.**

- **Under Section 3, regarding the Strong Communities Initiative and the RFP status, the County is required to perform an internal evaluation of the fourteen rural communities in the County. The results of this evaluation were presented to the Council in October 2016. From that data, a prioritization policy regarding infrastructure and improvements to the rural communities was developed. Both items are available on the Department's webpage.**
- **The County submitted to HUD its eighth and final semi-annual compliance report on all of its activities and efforts on September 28, 2016. A response was received from HUD on November 28, 2016 seeking additional clarification. A letter of response from the County was submitted on December 5, 2016 addressing the clarifications and with a request to meet with them with hopes of ensuring the formal close of the VCA by the end of 2016.**

**The  
Estuary/  
Agreements**

**Hans Medlarz, County Engineer, presented a request for the approval of an agreement for the Use of Existing Infrastructure with Estuary Development, LLC to allow the wastewater originating from the approved project as well as off-site equivalent dwelling units to be conveyed through the existing transmission system previously constructed by the County. Under the proposed arrangement, most of The Estuary development and an adjacent, existing subdivision will be connected to a local pump station tied to the existing regional forcemain. In return for utilization of said forcemain, Estuary Development, LLC will contribute \$101,532.68 for the perpetual use of these transmission facilities. A later phase of The Estuary will connect to a future County pump station under a separate cost share agreement to be established at a later date.**

**Mr. Medlarz reported that, in the case where a development entity installs infrastructure larger than required for their project alone, the County assumes the cost of over-sizing by means of a credit to the developer. The Estuary Development, LLC has already installed regional infrastructure originally requested by the County now requiring such an Oversizing Agreement crediting the initial over-sizing cost back to the Developer. The value based on as-bid prices presented by the developer totals \$310,490.00. This credit will be applied to the System Connection Charges and the inspect fees expended.**

**M 717 16  
Approve  
Agreements/  
The  
Estuary**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, to approve The Estuary Over-Sizing Infrastructure Agreement and the Use of Existing Infrastructure Agreement, both dated November 22, 2016.**

**Motion Adopted: 5 Yeas.**

**M 717 16  
(continued)**

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

**Request to  
Post  
Notices/  
Camp  
Arrowhead  
Annexation**

**John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Camp Arrowhead Annexation to the Sussex County Unified Sanitary Sewer District (Angola Neck Area) consisting of 423.5± acres. The expansion request was submitted by the Diocesan Council for Camp Arrowhead. The Camp will be responsible for the pump station on their parcel and a force main to a connection point near the Woods on Herring Creek. Mr. Ashman reported that the Engineering Department has included the adjacent State lands to form a contiguous boundary including the parcel to the west side of Camp Arrowhead Road in the middle of the State lands (after a call from the property owner about a potentially failing system that may need a connection in the near future). The parcels will be responsible for system connection charges of \$5,775.00 based on current rates. Mr. Ashman noted that there is a MOU component associated with this annexation that defines what buildings on the Camp parcel will be connected and fees to be paid. The Camp has an immediate need for sewer for new facilities to be constructed; the Camp also wants to connect their bathhouses and an existing system needs to get off-line. The proposed expansion does not bring in all of their buildings which have multiple septic systems; they plan to bring other buildings on-line in the future as funds are available. Mr. Ashman noted that the Camp parcel consists of approximately 2.2 acres of the approximately 423.5± acres (most of which is State-owned property).**

**M 718 16  
Authorize  
Posting of  
Notices/  
Camp  
Arrowhead  
Annexation**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Engineering Department is authorized to prepare and post notices for the Camp Arrowhead Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area), as presented on this date.**

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
CU 2059**

**Under Old Business, the Council discussed Conditional Use No. 2059 filed on behalf of Julie Norwood.**

**The Planning and Zoning Commission held a Public Hearing on this application on September 22, 2016 at which time action was deferred; on November 17, 2016 the Commission recommended approval with conditions.**

**The County Council held a Public Hearing on this application on October 25, 2016 at which time action was deferred.**

**Old  
Business/  
CU 2059  
(continued)**

**Janelle Cornwell, Planning and Zoning Director Appointee, read a summary of the Commission's recommendation of approval.**

**Ms. Cornwell reported that an email was received on December 5, 2016 from DelDOT granting approval to the entrance off of Retz Lane.**

**M 719 16  
Adopt  
Ordinance  
No. 2478  
(CU 2059)**

**A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to Adopt Ordinance No. 2478 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2059) filed on behalf of Julie Norwood, with the following conditions:**

- A. In addition to these conditions, the applicant must comply with the relevant conditions imposed by Conditional Use No. 1981, identified as Ordinance No. 2344, granted to Robert and Julie Norwood to operate an office for a cleaning service.**
- B. This use as a beauty salon must occur within the structure that currently exists on the property.**
- C. Access to the property must be from Retz Lane. There shall not be any direct access to the property or this use from Route 24. The entrance installed on Route 24 must be removed and landscaped to control the use.**
- D. The Final Site Plan shall clearly show the parking areas and spaces set aside for this use as well as the parking areas and spaces set aside for the cleaning service office. Both uses shall comply with the parking requirements set forth in the Sussex County Zoning Code.**
- E. As proposed by the applicant, there shall be no more than 4 stylists working within the salon at any one time.**
- F. As stated by the applicant, the hours of operation shall be from 9:00 a.m. until 6:00 p.m., Tuesday through Friday, and 9:00 a.m. through 2:00 p.m. on Saturdays.**
- G. Only one lighted sign, not to exceed 32 square feet per side, shall be permitted on the property. This single sign must be used to advertise the beauty salon business and the cleaning service.**
- H. This conditional use is on the same property as Conditional Use No. 1981/Ordinance No. 2344 and Julie Norwood was identified as an applicant on both. Since no Final Site Plan has been submitted in the prior application at this time, the applicants shall submit a single Final Site Plan that consolidates this Conditional Use with Conditional Use No. 1981/Ordinance No. 2344. This consolidated Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**



**M 722 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**

**M 723 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$2,500.00 from Mr. Arlett's Councilmanic Grant Account to the Gumboro Community Association for operations / community services.**

**Motion Adopted: 5 Yeas.**

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

**M 724 16  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to give \$500.00 (\$250.00 each from Mr. Wilson's and Mrs. Deaver's Councilmanic Grant Accounts) to Delmarva Clergy United in Social Action Foundation for needy children.**

**Motion Adopted: 5 Yeas.**

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

**M 725 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$250.00 from Mr. Vincent's Councilmanic Grant Account to Nanticoke Health Services for Holiday Prescription Drug Funding.**

**Motion Adopted: 5 Yeas.**

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

**Introduction  
of Proposed  
Ordinances**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPECIAL NEEDS SCHOOL (SUSSEX CONSORTIUM) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 25.0 ACRES, MORE OR LESS" (Conditional Use No. 2070) filed on behalf of Cape Henlopen School District (Tax I.D. No. 235-27.00-20.00) (911 Address: 17344 Sweetbriar Road, Lewes).**



**Introduction of Proposed Ordinances (continued)**

**Mr. Vincent 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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.71 ACRES, MORE OR LESS” (Change of Zone No. 1816) filed on behalf of Bruce Fisher (Tax I.D. No. 131-19.00-10.01) (911 Address: 20446 Camp Road, Bridgeville).**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 141.086 ACRES, MORE OR LESS” (Change of Zone No. 1817) filed on behalf of Liborio Ellendale, LLC (Tax I.D. No. 230-26.00-115.00, 115.04, 122.00, and 230-31.00, 33.00) (911 Address: None Available).**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Council Members' Comments and County Administrator's Comments**

**Council Members' Comments**

**Joan Deaver compliment the Planning and Zoning Department operations.**

**Rob Arlett thanked staff and all involved with the Mildred King Luncheon held on December 2, 2016.**

**Mr. Lawson reported on a letter received from Karen Kelley thanking the County and especially the Engineering Department for helping with problems in the Woods at Walls Creek. Mr. Lawson noted that the development was completed with bond funds.**

**M 726 16 Go Into Executive Session**

**At 11:02 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to Collective Bargaining and Land Acquisition.**

**Motion Adopted: 5 Yeas.**

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

**Executive Session**

**At 11:05 a.m., an Executive Session of the Sussex County Council was held for the purpose of discussing matters relating to Collective Bargaining and Land Acquisition. The Executive Session concluded at 11:33 a.m.**

**M 727 16  
Reconvene  
Regular  
Session**

**At 11:36 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted: 5 Yeas.**

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

**There was no action on Executive Session matters.**

**M 728 16  
Adjourn**

**At 11:36 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn.**

**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.}*