

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 5, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 5, 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
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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 001 16
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

**Election
of Officers**

Mr. Lawson stated that in accordance with Title 9 Section 7002 (e) of the Delaware Code, the County Council must elect officers at its first regularly scheduled meeting each January.

**M 002 16
Elect
President**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to elect Michael H. Vincent to serve as President of the Sussex County Council in 2016.

Motion Adopted: 5 Yeas.

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

**M 003 16
Elect
Vice
President**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to elect Samuel R. Wilson, Jr. to serve as Vice President of the Sussex County Council in 2016.

Motion Adopted: 5 Yeas.

**M 003 16
(continued)**

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

**Council
Member
Appoint-
ments**

Mr. Vincent referenced Council Member appointments for consideration, as follows: Michael Vincent to the Delaware League of Local Governments; George Cole as the Council's representative on the National Association of Counties Board of Directors; Samuel Wilson as the Council's representative on the Sussex Conservation District Board of Directors; Robert Arlett as the Council's representative on the Sussex County Airport Committee; and Joan Deaver and George Cole as the Council's representatives on the Sussex County Land Trust, for the calendar year 2016. It was noted that a list of the appointments was included in Council Packets for this meeting and that the appointments are the same as in 2015.

**M 004 16
Approve
Council
Member
Appoint-
ments**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approves the Council Member appointments to the respective assignments, as presented.

Motion Adopted: 5 Yeas.

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

**Legal
Appoint-
ments**

Mr. Vincent referenced the appointments of the County Attorney and Assistant County Attorney who shall serve at the pleasure of the County Government.

**M 005 16
Appoint
Legal
Staff**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, that the Sussex County Council reappoints its current legal staff: Everett Moore of Moore & Rutt as County Attorney who shall serve at the pleasure of Council and whose firm shall serve as counsel to the Board of Adjustment and Sussex County Government; and Vince Robertson of Griffin & Robertson as Assistant County Attorney who shall serve at the pleasure of Council and whose firm shall serve as counsel to the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

**Rules of
Procedure**

Mr. Lawson advised that there are no proposed changes to the Rules of Procedure.

**M 006 16
Approve
Rules of
Procedure**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council approves the Rules of Procedure of the Sussex County Council of Sussex County, Delaware, effective January 5, 2016, as presented.

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 December 15, 2015 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**THE FOOD PANTRY AT WESLEY UNITED METHODIST CHURCH,
LAUREL, DELAWARE.**

RE: Letter in appreciation of food donations from Caroling on The Circle.

GENERATIONS HOME CARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE LIONS FOUNDATION, CAMDEN, DELAWARE.

RE: Letter in appreciation of grant.

**DELAWARE COMMUNITY FOUNDATION, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of grant.

**SUSSEX COUNTY VOLUNTEER DELAWARE 50+ ADVISORY
COUNCIL, GEORGETOWN, DELAWARE.**

RE: Letter in appreciation of grant.

**JUNIOR ACHIEVEMENT OF DELAWARE, WILMINGTON,
DELAWARE.**

RE: Letter in appreciation of grant.

BOYS & GIRLS CLUBS OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

**SUSSEX COUNTY HABITAT FOR HUMANITY, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of grant.

DELAWARE SPCA, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

Mr. Cole read the following correspondence:

Corre-
spondence
(continued)

WEST SIDE NEW BEGINNINGS, REHOBOTH, DELAWARE.
RE: Letter regarding the Board of Adjustment's Public Hearing on the proposed Immanuel Shelter to be located in West Rehoboth.

Public
Comments

Public Comments

Paul Reiger commented on: (1) the bonus that was given to County employees in December 2015 and (2) the membership of the Planning and Zoning Commission.

Dan Kramer commented on: (1) grants to non-profits and (2) maps on the County's website.

Consent
Agenda

Consent Agenda

M 007 16
Approve
Items
Under
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. 1017
Sussex County Project No. 81-04
Showfield
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

Wastewater Agreement No. 994
Sussex County Project No. 81-04
The Woods at Arnell Creek
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

Motion Adopted: 5 Yeas.

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

Adminis-
trator's
Report

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Coastal Club – Pump Station and Force Main, effective December 14th; Lewes Crossing (aka Deep Valley Farm) – Phase 4, effective December 16th; and Bishop's Landing – Phase 2, effective December 17th.

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

Bank Resolutions Mrs. Jennings announced there were no Bank Resolutions for consideration since the officers of the Sussex County Council did not change.

Private Activity Bond Private Activity Bond Volume Cap Reassignment 2015 Mrs. Jennings reported that the County has received correspondence from the State Department of Finance requesting that the unused portion of the County's annual Private Activity Bond Volume Cap be reassigned to the State. The State plans to allocate it to the State Housing Authority. Private Activity Bonds (PABs) are tax-exempt bonds issued by public entities to provide low cost financing for private projects that serve a public purpose. Federal tax law imposes a number of restrictions and requirements on the issuance of PABs. These bonds are for private entities and have no impact on Sussex County government. The IRS requires state and local governments to serve as conduits for these tax-exempt bonds so they will be regulated properly. Mrs. Jennings reported that, typically, every year at this time, the County reassigns its unused portion to the State and she recommended that the Council reassign the County's 2015 unused Private Activity Bond volume cap of \$30,150,000 to the State of Delaware. Mrs. Jennings noted that Sussex County's 2016 allocation is estimated to be \$30,290,000, which represents 10 percent of the State's total allocation.

M 008 16 Reassign Unused Private Activity Bond Volume Cap A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council reassigns the County's 2015 unused Private Activity Bond Volume Cap in the amount of \$30,150,000 to the State of Delaware.

Motion Adopted: 5 Yeas.

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

Inland Bays RWF Switchgear Replacement Hans Medlarz, County Engineer, commented on the Inland Bays Regional Wastewater Facility Switchgear Replacement Project (No. 14-17) and he reported that the Engineering Department ran into some inconsistencies in the bidding process. Mr. Medlarz stated that, following a review of the documents, it is recommended that the County reject the bids, revise the documents, and rebid the project.

M 009 16 Inland Bays RWF Switchgear Replacement/Reject Bids and Rebid Project A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council reject all bids received on December 17, 2015 for Project 14-17, Inland Bays Regional Wastewater Facility – Switchgear Replacement, and authorizes the Engineering Department to rebid the project.

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

**M 010 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 (\$500.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to the Cape Henlopen Food Basket for their emergency food service program. **

Motion Adopted: 5 Yeas.

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

**M 011 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from Mr. Vincent's Councilmanic Grant Account to St. John's United Methodist Church for the Seaford Community Food Closet.

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
Zoning
Ordinances**

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 20,833 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1792) filed on behalf of Ray C. & Candice E. Sammons (Tax Map I.D. No. 531-8.00-26.01) (911 Address: 2568 Oak Grove Road, Seaford).

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF CONDITIONAL USE NO. 1474 (LANDSCAPING BUSINESS) TO UTILIZE A WAREHOUSE FOR THE STORAGE OF WINE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.109 ACRES, MORE OR LESS" (Conditional Use No. 2040) filed on behalf of Sposato Imports (Tax Map I.D. No. 235-22.00-21.01) (911 Address: 16181 Hudson Road, Milton).

Introduction of Proposed Zoning Ordinances (continued)

Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.0 ACRES, MORE OR LESS" (Conditional Use No. 2041) filed on behalf of Scott Randall Witzke (Tax Map I.D. No. 532-19.00-7.00) (911 Address: 8137 Delmar Road, Delmar).

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5,000 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2042) filed on behalf of Beachfire Brewing Company, LLC (Tax Map I.D. No. 334-13.20-24.00) (911 Address: 19841 Central Avenue, Rehoboth).

The Proposed Ordinances will be advertised for Public Hearing.

Proclamation/ Indian River High School Boys' Soccer Team

The Council recognized the Indian River High School Boys' Soccer Team upon winning the Delaware Interscholastic Athletic Association Division II title as State Champions for the 2015 season. A Proclamation entitled "A PROCLAMATION TO HONOR THE INDIAN RIVER HIGH SCHOOL BOYS' SOCCER TEAM UPON WINNING THE 2015 DIAA DIVISION II CHAMPIONSHIP" was presented to members of the team who were in attendance.

M 012 16 Go Into Executive Session

At 10:33 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to pending litigation.

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 10:35 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 pending litigation. The Executive Session concluded at 11:08 a.m.

M 013 16 Reconvene Regular Session

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

Motion Adopted: 5 Yeas.

**M 013 16
(continued)** **Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

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

**M 014 16
Adjourn** **A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to adjourn at
11:11 a.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.}

**** Correction to minutes approved on February 9, 2016 -
Page 6, Motion M 010 16 & resulting format changes**