

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 2, 2016**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 2, 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

Call to Order	<p>The Invocation and Pledge of Allegiance were led by Mr. Vincent.</p> <p>Mr. Vincent called the meeting to order.</p>
M 076 16 Approve Agenda	<p>A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to approve the Agenda, as posted.</p> <p>Motion Adopted:     5 Yeas.</p> <p>Vote by Roll Call:    Mrs. Deaver, Yea; Mr. Cole, Yea;                                  Mr. Arlett, Yea; Mr. Wilson, Yea;                                  Mr. Vincent, Yea</p>
Minutes	<p>The minutes of January 26, 2016 were approved by consent.</p>
Corre- spondence	<p>Mr. Moore read the following correspondence:</p> <p>UNION     UNITED     METHODIST     CHURCH,     BRIDGEVILLE, DELAWARE.</p> <p>RE: Letter in appreciation of food donation.</p>
Public Comments	<p><u>Public Comments</u></p> <p>Janet Ambrose spoke on behalf of the League of Women Voters of Sussex County in regard to extension requests and the public's inability to access information pertaining to the requests. Ms. Ambrose read a prepared statement from the League's Board of Directors.</p>
Report	<p>Mr. Lawson read the following information in his Administrator's Report:</p>

**Administrator's  
Report  
(continued)**

**1. Attorney General – Common Interest Community Ombudsman Meeting**

The Attorney General's Common Interest Community Ombudsman Office will host a joint public meeting to seek public input on issues affecting common interest communities in Sussex County.

The meeting will take place on Saturday, February 6, 2016, at 10:00 a.m. at the Sussex County Association of Realtors® office located at 23407 Park Avenue, Georgetown, Delaware. A copy of the agenda is attached.

**2. Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, Family Entertainment Center and Lewes Crossing (aka Deep Valley Farm) – Offsite Sanitary Sewer – Beaver Dam Road received Substantial Completion effective January 27<sup>th</sup>.

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

**Dewey  
Water  
Agreement**

Mrs. Jennings reported that Sussex County purchases bulk water from the City of Rehoboth to distribute to its customers in Dewey Beach. Due to the expiration of the previous agreement, Engineering and Finance requests Council's approval to enter into a new agreement with the City of Rehoboth for the purchase of bulk water.

Mrs. Jennings reviewed the agreement, with the recommended changes. All changes were made for clarification purposes only; the changes have been reviewed by the County Attorney, the County Engineer, the County Finance Director, and the City of Rehoboth. As in the previous agreement, the contract will be for a term of four years and the rates will increase 6 cents per 1,000 gallons per year. This increase, will be paid using the service charges collected by the Dewey Water customers. This increase, if not absorbed in other areas of the water budget, will equate to about \$4.00 a year per equivalent dwelling unit (EDU).

**M 077 16  
Approve  
Dewey  
Water  
Agreement**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council enter into an Agreement with the City of Rehoboth Beach to purchase water from the City to supply users within the Dewey Beach Water District; the Agreement shall be for a period of four years terminating on December 31, 2020.

**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 078 16  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 from Mrs. Deaver's Councilmanic Grant Account to the Greater Lewes Foundation for the Children's Learning Garden.**

**Motion Adopted: 5 Yeas.**

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

**M 079 16  
County-  
wide  
Youth  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$1,000.00 from Countywide Youth Grants to the Girl Scouts of the Chesapeake Bay Council for Unit 30's expenses.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CDBG**

**A Public Hearing was held on the development of a Community Development Block Grant application, which is to be submitted to the Delaware State Housing Authority. The Community Development Block Grant (CDBG) is a federal grant from the Department of HUD to the Delaware State Housing Authority (DSHA). Kent and Sussex Counties compete for the funding by making application to the DSHA.**

**Brad Whaley, Director of Sussex County Community Development & Housing, announced that the purpose of the Public Hearing is to give the citizens the opportunity to participate in the application process. Mr. Whaley stated that Sussex County's application will consist of projects in the County and in the municipalities. He reported that staff has met with all the municipalities who have asked for the County's assistance to make application to the DSHA.**

**Mr. Whaley reported that, over the past five years, the County and the communities within the County have received over \$6.8 million in Community Development Block Grant and HOME funding and have been able to assist 828 households and over 1,307 residents (including housing rehabilitation, demolitions, infrastructure projects, and sewer and water hook-ups).**

**Mr. Whaley advised that part of the CDBG requirements is that a status report be given. Mr. Whaley reported on the allocation of the funding during FY2014: approximately \$1.5 million was received in CDBG & HOME funding and 230 low-to-moderate income households received assistance. Mr. Whaley noted that more than 79% of these projects were**

(continued)

**completed by companies that qualify under Section 3 and/or WBE/MBE/VBE designations.**

**Mr. Whaley presented a status update for projects in 2015.**

**Mr. Whaley reviewed the income guidelines and other requirements to qualify for housing rehabilitation.**

**Mr. Whaley noted that the public hearing on this date is held to collect information to make application for funding. He also noted that in December 2015, a Citizens Participation Forum was held.**

**Mr. Whaley presented a list of the projects to be submitted to the Delaware State Housing Authority for CDBG funding, as follows:**

**Municipality Applications:**

<b>Blades (Rehabs):</b>	<b>\$ 80,000.00</b>
<b>Bridgeville (Rehabs):</b>	<b>\$140,000.00</b>
<b>Dagsboro (Rehabs):</b>	<b>\$ 80,000.00</b>
<b>Ellendale (Rehabs):</b>	<b>\$ 80,000.00</b>
<b>Greenwood (Rehabs):</b>	<b>\$ 80,000.00</b>
<b>Georgetown (Rehabs):</b>	<b>\$105,000.00</b>
<b>Laurel (Rehabs):</b>	<b>\$140,000.00</b>
<b>Milford (Rehabs):</b>	<b>\$105,000.00</b>
<b>Milton (Rehabs):</b>	<b>\$105,000.00</b>
<b>Seaford (Rehabs):</b>	<b>\$140,000.00</b>
<b>Selbyville (Rehabs):</b>	<b>\$105,000.00</b>

**County Application:**

<b>Scattered Rehab:</b>	<b>\$370,000.00</b>
<b>Scattered Demo:</b>	<b>\$ 60,000.00</b>
<b>Scattered Emergency Rehab:</b>	<b>\$ 78,000.00</b>
<b>Scattered Hookups:</b>	<b>\$ 40,000.00</b>
<b>Handicapped Accessibility</b>	<b>\$ 48,000.00</b>
<b>Cool Spring (Rehabs):</b>	<b>\$ 60,000.00</b>
<b>Coverdale (Rehabs):</b>	<b>\$ 60,000.00</b>
<b>Mount Joy (Rehabs):</b>	<b>\$ 60,000.00</b>
<b>Pinetown (Rehabs):</b>	<b>\$ 60,000.00</b>
<b>Rural Ellendale (Rehabs):</b>	<b>\$ 60,000.00</b>
<b>West Rehoboth (Rehabs):</b>	<b>\$ 60,000.00</b>

**TOTAL REQUESTED** **\$2,116,000.00**

**Mr. Whaley noted that the total funding available is \$2,000,000 - \$2,500,000 for Sussex and Kent Counties and that the Delaware State Housing Authority will review the applications and determine how the funding will be awarded.**

**Public  
Hearing/  
CDBG  
(continued)**

Mr. Whaley stated that, over the years, the County Council has provided funding for emergency projects: FY2013 - \$220,000; FY2014 - \$250,000; FY2015 - \$300,000; and FY2016 - \$100,000. Mr. Whaley reviewed the primary uses for this funding and the number of households assisted.

Mr. Cole suggested that the Council consider allocating additional funding for this program in the FY2017 Budget.

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

**M 080 16  
Adopt  
R 001 16**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Resolution No. R 001 16 entitled "RECOGNIZING THE IMPORTANCE OF FAIR HOUSING".

**Motion Adopted: 5 Yeas.**

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

**M 081 16  
Adopt  
R 002 16**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 002 16 entitled "AUTHORIZATION TO SUBMIT (COMMUNITY DEVELOPMENT BLOCK GRANT) APPLICATIONS".

**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**

**Old  
Business/  
CZ 1765**

Under Old Business, the Council considered Change of Zone No. 1765 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 29,289 SQUARE FEET, MORE OR LESS" filed on behalf of Red Mill Pointe, LLC. (Tax Map I.D. No. 334-1.00-5.00) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on this application on March 12, 2015 at which time action was deferred. On April 9, 2015, the Commission recommended that the application be denied.

The County Council held a Public Hearing on this application on April 21, 2015 at which time action was deferred and the record was left open for the submittal of an updated survey by the Applicant. Lawrence Lank, Director

**Old  
Business/  
CZ 1765**

of Planning and Zoning, commented that the issue was DelDOT originally stated that they wanted the front half of the property for dedication to Route 1.

Mr. Lank reported that a letter dated December 3, 2015 was received from Hal Dukes on behalf of the Applicant. In his letter, he stated that they have been working with DelDOT over the past several months and finally received a letter saying there is no immediate plan to widen the highway in front of this parcel. Mr. Lank summarized two letters from DelDOT dated November 6 and December 2, 2015. The letter from Hal Dukes and the two letters from DelDOT were made a part of the record.

Mr. Lank distributed copies of the survey requested by the Council.

**M 082 16  
Adopt  
Ordinance  
No. 2435/  
CZ 1765**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2435 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 29,289 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1765) filed on behalf of Red Mill Pointe, LLC.

**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 2017**

Under Old Business, the Council considered Conditional Use No. 2017 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS" filed on behalf of Eli and Victoria Zacharia (Tax Map I.D. 334-18.00-7.00) (911 Address – 20336 John J. Williams Highway, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on August 13, 2015 at which time the Commission deferred action. On September 24, 2015, the Commission recommended that the application be denied.

The County Council held a Public Hearing on this application on September 22, 2015 at which time the Council deferred action and left the record open to allow the Applicant to obtain a feasibility study from DNREC that their current septic capacity is adequate for the proposed use,

**Old Business/  
CU 2017  
(continued)**      a two unit multi-family dwelling structure within the existing dwelling by conversion of the garage into an apartment. Lawrence Lank, Director of Planning and Zoning, clarified that it is a house with a garage, and the garage is proposed to be converted to an apartment.

Lank reported that on December 30, 2015, DNREC issued Permit No. 231402 to upgrade the existing septic system to allow an increase in the number of bedrooms from 4 to 5 and on January 8, 2016, a Certificate of Satisfactory Completion was issued for the upgrade.

Council members and Mr. Lank discussed garage/studio apartments, multi-family dwelling structures containing two units, separate and attached buildings, guest houses, “mother-in-law” suites, etc.

It was noted that no new structures are proposed.

**M 083 16  
Defer  
Action on  
CU 2017**      A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Conditional Use No. 2017 filed on behalf of Eli and Victoria Zacharia.

**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  
Ordinance**      Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR THE PURPOSE OF CORRECTING THE NUMBER OF UNITS FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 385 ACRES, MORE OR LESS” (Change of Zone No. 1795) filed on behalf of Bay Forest Club, LLC c/o Natelli Communities, Inc. (Tax Map I.D. No. 134-8.00-15.02 and numerous other parcels) (911 Address: None Available).

The Proposed Ordinance will be advertised for Public Hearing.

**Council  
Members’  
Comments**      **Council Members’ Comments**

Mr. Vincent commented on his attendance at the Delaware League of Local Governments meeting on January 28, 2016 and the discussion that took place regarding beach replenishment funding. A discussion followed regarding funding for beach replenishment, having input on how money is spent (County funding), the possibility of user fees, the beaches as revenue generators, etc.

**M 084 16**  
**Go Into**  
**Executive**  
**Session**

**At 11:20 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session.**

**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 11:23 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 collective bargaining, personnel, and pending litigation. The Executive Session concluded 11:47 a.m.**

**M 085 16**  
**Reconvene**  
**Regular**  
**Session**

**At 11:51 a.m., a Motion was made by Mr. Arlett, seconded by Mrs. Deaver, 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**

**E/S Action**

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

**M 086 16**  
**Adjourn**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 11:51 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.}*