

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 11, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 11, 2014, 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
Vance Phillips	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 077 14
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting "Discussion of Planning and Zoning Process" and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of February 4, 2014 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

LEWES IN BLOOM, LEWES, DELAWARE.

RE: Letter in appreciation of grant funding.

**CALVARY CAFÉ AND COMMUNITY CLOTHES CLOSET, MILFORD,
DELAWARE.**

**RE: Letter in appreciation of the County's past support of Calvary Café,
which closed effective December 2013.**

**Adminis-
trator's
Report**

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

1. **FOIA Roadshow Presentation**

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

In two weeks, on February 25, 2014, Deputy Attorney General Jason Staib will present information regarding the Freedom of Information Act, commonly known as FOIA. The AG's office is scheduled to present what they are referring to as their FOIA Roadshow to a number of Delaware municipalities in Sussex County.

The Attorney General's presentation will provide Council and staff the opportunity to learn how their office interprets the law's requirements and to ask specific questions regarding the County's efforts to remain compliant with FOIA.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Millville by the Sea – Sub-phase 2C-2, received Substantial Completion effective February 6, 2014.

3. Sussex County Paramedics Compete in JEMS International Games Competition

We would like to congratulate the Sussex County EMS (SCEMS) Competition Team on their fourth place finish at this year's JEMS International Games Competition held in Washington, D.C. last week. The team, consisting of Drew Vickers, Kevin Erb, Jason Hanson, and Brandon Rogers, did an outstanding job as 19 teams from across the region, country, and the world (Australia and England) competed this year.

In the last 10 years SCEMS has competed in the JEMS Games, our competition teams have finished fifth or better every year and have won six medals in the 10 years SCEMS has competed.

4. Charles P. Spicer, Jr.

It is with sadness we inform you that Charles Spicer, County pensioner, passed away on February 8, 2014. Mr. Spicer served as Clerk of the Peace from January 1987 through 1994 and Sheriff from January 1995 until his retirement in 1999. We would like to express our condolences to the Spicer family. Information on Mr. Spicer's services is forth-coming.

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

**Wetlands
Ad-Hoc
Committee**

Mrs. Deaver referenced the wetlands committee meetings that Hal Godwin, Deputy County Administrator, attends and she stated that she would like to catch up on what they are doing. Mr. Lawson responded that Mr. Godwin is the County's appointed member to the Wetlands Ad-Hoc Committee and is in attendance at a meeting of that Committee on this date. Mr. Lawson

(continued) noted that Mr. Godwin will report to the Council on the Committee's activities.

Insurance Procurement Process Mrs. Jennings discussed the County insurance procurement process; every three years, the County bids its insurance package, including automobile, general liability, law enforcement, public officials, employment practices, workers compensation, umbrella, property, boiler & machinery, outfall pipeline, crime, and airport. Mrs. Jennings reported that the Request for Proposals (RFP) will be finalized the week of February 17th and will be advertised. Intents to bid are expected in March with final proposals to be received in May. The final results will be reported to the Council in June.

Financial Report for the Quarter Ending 12/31/13 Mrs. Jennings reviewed the Quarterly Financial Report as of December 31, 2013. She reported that revenues are positive; that the largest increase is transfer tax at 45 percent; that building and construction revenue is approximately 40 percent over budget; and that, overall, total revenues are 13 percent over budget. Mrs. Jennings reported that expenses are in line with or under budget. In regards to capital improvements, Mrs. Jennings reported that the County has spent \$4 million in projects so far this year, primarily airport projects. Mrs. Jennings also reported that the County is spending approximately \$1.8 million of appropriated reserves and there is \$5.3 million in the budget to be spent. In response to a question raised by Mrs. Deaver regarding the Pension Fund, Mrs. Jennings responded that \$1 million in additional funding has been added to the Pension Fund (in addition to the annual requirement).

Greenwood Library Project/Change Order Julie Cooper, Project Engineer, presented a request for a Change Order in the amount of \$1,622.50 for the Greenwood Library project. The Change Order is for a new yard drain added between the railroad tracks and the building entrance plaza to prevent ponding and water flow across the main entrance to the library.

M 078 14 Approve Change Order No. 5/ Greenwood Library Project A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, based upon the recommendation of the Consulting Architect, that Change Order No. 5 for Sussex County Project 07-05, Greenwood Library, be approved in the amount of \$1,622.50, thereby increasing the contract total from \$2,779,330.76 to \$2,780,953.26.

Motion Adopted: 5 Yeas.

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

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

M 079 14 Grant A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$700.00 (\$500.00 from Mr. Phillips' Councilmanic Grant Account and \$200.00 from Mr. Cole's Councilmanic Grant Account) to the Indian River High School

M 079 14 for the Indian River Soccer boosters to purchase championship rings.

**Council-
manic
Grant**

Motion Adopted: 5 Yeas.

(continued)

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

M 080 14 A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$3,500.00 from Mr. Wilson's Councilmanic Grant Account to the Town of Georgetown for the purchase of or construction of a stage.

**Council-
manic
Grant**

Motion Adopted: 5 Yeas.

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

M 081 14 A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$5,000.00 (\$3,000.00 from Mr. Vincent's Councilmanic Grant Account and \$2,000.00 from Mr. Phillips' Councilmanic Grant Accounts) to the Town of Laurel for building repairs to the Laurel Heritage Museum.

**Council-
manic
Grant**

Motion Adopted: 5 Yeas.

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

Introduction of Proposed Zoning Ordinances Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR ANTIQUE AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS" (Conditional Use No. 1982) filed on behalf of Gary L. Ennis – Southern Delaware Classic Cars, LLC (Tax Map I.D. 532-19.00-54.07, part of).

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 FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.6 ACRES, MORE OR LESS" (Conditional Use No. 1983) filed on behalf of Gerald W. and Emily W. Hocker (Tax Map I.D. 134-12.00-330.01).

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A LANDSCAPING

Introduction of Proposed Zoning Ordinances (continued) **BUSINESS AND SUPPLY AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS” (Conditional Use No. 1984) filed on behalf of Burton Realty Long Neck, LLC (Tax Map I.D. 234-23.00-11.00)**

The Proposed Ordinances will be advertised for Public Hearing.

Additional Business **Under Additional Business, Dan Kramer of Greenwood, questioned why inspectors do not stop when they see violations and he questioned if the County’s complaint-driven policy is a written or verbal policy. Mr. Kramer stated that he wants to know what kind of policy it is.**

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 ten years, the County and the communities within the County have received over \$12.4 million in Community Development Block Grant and HOME funding and have been able to assist over 1,600 households; the projects include housing rehabilitation, demolition, infrastructure, and sewer and water hook-ups. The CDBG program uses funds that Congress allocates to the Department of Housing and Urban Development; these funds are specifically for housing purposes which include safe, affordable housing and living environments. The funds also provide economic opportunities as contractors and their employees are hired to do the work.

Mr. Whaley advised that part of the CDBG requirements is that a status report be given. Mr. Whaley reported where the funding was allocated during 2013.

Eligible applicants are units of general local governments in Sussex and Kent counties, the Kent County Levy Court and the Sussex County Council. Mr. Whaley reported that, this year, there should be approximately \$1.6 million available for CDBG funding and between \$700,000 and \$900,000 in HOME funding for Sussex County, Kent County, and the municipalities. Eligible projects include housing rehabilitation, demolition and code

**Public
Hearing/
CDBG
(continued)**

enforcement, and infrastructure projects, with a priority towards housing rehabilitation.

Mr. Whaley reported that, currently there are 812 people on the County-wide waiting list and an additional 400+ people on a town/rural community waiting list.

Mr. Whaley noted that the public hearing on this date is the 14th public hearing that has been held to collect information to make application for funding.

Mr. Whaley explained that they also take input from the First State Strong Communities Board, RC&D Board, and Sussex Housing Group. Suggestions are taken to an Advisory Board and the Board makes the final approval as to what areas will be applied for.

DSHA scores and reviews each project to see which ones will receive funding.

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

Municipality Applications:

Blades (Rehab):	\$ 80,000.00
Bridgeville (Rehab):	\$140,000.00
Bridgeville (Demo):	\$ 36,000.00
Dagsboro (Rehab):	\$ 80,000.00
Delmar (Rehab):	\$ 80,000.00
Ellendale (Rehab):	\$ 80,000.00
Frankford (Rehab):	\$ 80,000.00
Greenwood (Rehab):	\$ 80,000.00
Georgetown (Infrastructure):	\$109,300.00
Georgetown (Rehab):	\$105,000.00
Laurel (Rehab):	\$140,000.00
Milford (Rehab):	\$105,000.00
Milton (Rehab):	\$105,000.00
Seaford (Rehab):	\$140,000.00
Selbyville (Rehab):	\$105,000.00

County Application:

Scattered Rehab:	\$400,000.00
Scattered Demo:	\$ 24,000.00
Scattered Emergency Rehab:	\$ 84,000.00
Scattered Hookups:	\$ 50,000.00
Cool Spring (Rehab):	\$ 80,000.00
Mount Joy (Rehab):	\$ 80,000.00
Rural Ellendale (Rehab):	\$ 80,000.00
Rural Millsboro/Dagsboro	\$ 80,000.00
West Rehoboth:	\$ 80,000.00
Administration	\$371,174.00

**Public
Hearing/
CDBG
(continued)**

TOTAL REQUESTED \$2,794,474.00

Mr. Whaley reported that there are 804 people on the County-wide waiting list and 400 on the rural areas and the town list.

Mr. Whaley stated that, in the past, the County Council has provided funding for emergency projects and in 2013, the Council provided \$230,000; with that funding, the Department was able to assist an additional 48 homes. In the current year (2014) the Council has allocated \$250,000 for emergency projects. To date, the Department has been able to help 41 households and should be able to assist another 15-20 households. Funding from the emergency project fund was also provided to the Hampton Circle relocation project (approved at the February 4, 2014 Council meeting).

Public comments were heard.

Dan Kramer of Greenwood questioned if the program pays for repairs to manufactured homes and Mr. Whaley responded "yes". Mr. Kramer also questioned if the program provides funding for homeless programs in churches. Mr. Whaley responded that CDBG funding does not go to churches.

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

**M 082 14
Adopt
R 002 13/
Submit
CDBG
Applications**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 002 13 entitled "AUTHORIZATION TO SUBMIT (COMMUNITY DEVELOPMENT BLOCK GRANT) APPLICATIONS".

Motion Adopted: 5 Yeas.

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

**M 083 14
Adopt
R 003 13/
Fair
Housing**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to Adopt Resolution No. R 003 13 entitled "RECOGNIZING THE IMPORTANCE OF FAIR HOUSING FOR THE CITIZENS OF SUSSEX COUNTY".

Motion Adopted: 5 Yeas.

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

**Next
Council
Meeting**

Mr. Lawson reported on the lack of agenda items for the Regular Session of the February 18th Council meeting and suggested that the Council convene at 1:00 p.m. with a Public Hearing scheduled at 1:30 p.m.

**M 084 14
Amend
Time of
2/18/14
Council
Meeting**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the time of the February 18, 2014 Council meeting to: 1:00 p.m. – Regular Session and 1:30 p.m. – Public Hearing.

Motion Adopted: 5 Yeas.

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

**M 085 14
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adjourn at 10:54 a.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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