

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 31, 2012

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 31, 2012, 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
Susan M. Webb	Finance Director
Everett Moore	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 402 12 Amend and Approve Agenda	<p>A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by deleting “Job Applicants’ Qualifications” and “Personnel” under “Executive Session”; and to approve the Agenda, as amended.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Minutes	<p>The minutes of July 24, 2012 were approved by consent.</p>
Corre- spondence	<p>Mr. Moore read the following correspondence:</p> <p>STATE OF DELAWARE, DIVISION OF STATE POLICE, DOVER, DELAWARE.</p> <p>RE: Letter in appreciation of grant for Camp Barnes.</p>
Adminis- trator’s Report	<p>Mr. Lawson read the following information in his Administrator’s Report:</p> <p>1. <u>Delaware State Police Activity Report – June 2012</u></p> <p>Per the attached Delaware State Police activity report for June, there were 4,467 total traffic arrests and 1,460 criminal arrests. Of that 1,460, 437 were felony and 1,023 were misdemeanor criminal arrests. Of the total hours on duty spent, 43 percent were spent on criminal investigations.</p>

**Administrator's
Report
(continued)**

2. Sussex County Paramedics Acknowledgement

Bob Stuart, Director of Sussex County Emergency Medical Services, shared with Council the attached letters acknowledging and thanking his staff for their recent outstanding service. The letters were sent from, among others, the members of the Korean War Veterans Association, the Trap Pond Partners, and the Greenwood Volunteer Fire Company for the paramedics' presence during a recent funeral for one of their members. Congratulations to Bob and his staff for a job well done.

3. New Online Payment Fees

This week the County will mail its annual property tax bills to over 124,000 recipients. Citizens have a number of options to pay these bills, including through use of the Internet with an online payment. Historically, the County has contracted with a third party vendor who in turn charges a fee to customers who use the service. These fees can be as high as 2.5 percent of a citizen's total tax bill. It is possible this fee, commonly referred to as a "convenience fee," deters citizens from using the online payment solution. In fact, only 4.6 percent of payments were made online last year.

In an effort to promote online payments, effective tomorrow, August 1st, the County will remove the percentage surcharge and only charge a one-time, flat fee of \$1.00 per transaction. It is our hope that this simple flat fee will improve our customer service, enhance our efficiency, and increase the number of users who pay online. Citizens can find more information on the County's website and are encouraged to try our online payment option.

4. Sussex County Association of Realtors Luncheon

The Sussex County Association of Realtors will host their annual luncheon for the County Council today at 12:30 p.m. at the Sussex Pines Country Club. The Council will recess at the conclusion of today's regular meeting and reconvene for the luncheon at Sussex Pines.

5. Sussex County Council Meeting

Please note, County Council will hold its regularly scheduled meeting next Tuesday, August 7, at 1:00 p.m. in Council Chambers.

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

**Review
and
Approval
of Airport
Policies**

Jim Hickin, Director of Airport and Industrial Park Operations, reported that the Sussex County Airport Advisory Committee has been discussing and developing the Minimum Standards Policy document since January 2010 and the Committee voted unanimously at its June 27th meeting to recommend that the Council adopt the document as County policy. The proposed policy, Minimum Standards for Commercial Aeronautical Activity, states the terms and conditions that the Council has established for aviation businesses at the Airport.

Mr. Hickin explained that, as the owners of the Sussex County Airport, the Council has the right to establish the terms and conditions for the public's use of the property, including use by commercial activities (businesses). He noted, however, that the Council has agreed with the FAA (in grant agreements) that these terms and condition will be "reasonable and not unjustly discriminatory". This means that the users of the Airport that are "similarly situated" must be subject to the same terms and conditions for use of the Airport. Mr. Hickin noted that some of the terms and conditions were addressed when the Rules and Regulations Policy was adopted.

Mr. Hickin reported that the minimum standards are to be met by aviation businesses at the Airport; businesses should be encouraged to exceed the standards, in order to better serve the public. Standards included in the Policy include how to receive County approval to operate a business on the County's property, types of certifications required, equipment requirements, hours of operation, insurance requirements, and others.

Benefits of a Minimum Standards Policy are: ensures there is a certain level of service provided to the public, encourages business development, provides a level playing field, and protects the public from unsafe service providers.

Mr. Hickin noted that in April 2009, the Council rescinded the airport policies in effect at that time and directed staff to develop a new set of policies. Since that time, the Council established the Sussex County Airport Advisory Committee and chartered them to provide recommendations on airport policies.

Jeff Reed, Chairman of the Advisory Committee, stated that, after receiving a lot of input, the Committee developed the best set of policies that they could. The Committee has asked that the Council accept the Minimum Standards, as written.

Mr. Cole questioned whether or not the Policy can be modified. Mr. Reed stated that the policy will be reviewed again in 36 months. It was noted, however; that the Committee can ask and/or the Council can consider amendments prior to that time and amendments can be made, subject to the approval of the Council.

M 403 12
Adopt
Airport
Policies/
Minimum
Standards/
Commercial
Aero-
autical
Activity

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Airport Advisory Committee, that the Sussex County Council adopts the Sussex County Airport Policies, Volume IV, Minimum Standards for Commercial Aeronautical Activity, as presented.

Motion Adopted: 5 Yeas.

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

Delaware
Transit
Corporation
Program
Budget
Request

Mrs. Webb reported that, as per the Delaware Code, the State of Delaware is responsible for establishing a budget for the allocation of State grant monies to various senior agencies in the county that provide transportation services. Over the past few years, DART, a division of DelDOT, has maintained the funding for these programs at a total level of \$796,862.00. The County's responsibility is to annually approve a recommended funding amount for each agency.

Mrs. Webb recommended that the Council consider allocating the budget amounts based on the same level for each agency as in previous years, as follows:

Nanticoke Senior Center	\$ 44,959.30
Indian River Senior Center	2,100.00
Laurel Senior Center	99,082.94
Lewes Senior Center	27,120.41
Cape Henlopen Senior Center	43,065.65
CHEER, Inc.	<u>580,533.70</u>
TOTAL	\$ 796,862.00

M 404 12
Approve
Allocation
of Funds
for Senior
Agencies
(Transportation)

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the allocation of State grant funds to various senior agencies within Sussex County at the same level as last year, as presented.

Motion Adopted: 5 Yeas.

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

Paramedic
Station
104/100
Lease/
Correction
to Motion
on 7/17/12

Robert Stuart, Director of EMS, referenced the Council's Motion to approve the Lease Agreement for Paramedic Station 104/100, which was approved on July 17th. Mr. Stuart advised that in the Proposed Motion on that date, the Landlord was incorrectly identified. In the Motion, the Landlord was identified as Storage Solutions, LLC when the correct name of the landlord is Colonial East, L.P. (as identified in the actual Lease Agreement).

**M 405 12
Approve
Lease
Agreement**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the Lease Agreement between Colonial East, L.P. and Sussex County, Delaware, for the use of the building owned by them as described therein by Sussex County EMS as Paramedic Station 100/104 as per the terms and conditions of the lease.

Motion Adopted: 5 Yeas.

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

**Airport
Wetland
Mitigation
Project/
C/O**

Juel Gibbons, Project Manager, presented Change Orders for the Airport Wetland Mitigation Project, Contract No. 11-06. The Change Orders are for string line trimming/mowing to remove invasive plant species (\$6,682.23) and reflagging of shrubs (\$1,542.35). The total amount of the two Change Orders is \$8,224.58.

**M 406 12
Approve
Change
Orders/
Airport
Wetland
Mitigation
Project**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Change Order Nos. 1 and 2 for Sussex County Project No. 11-06, Airport Wetland Mitigation Project, be approved, which increases the contract amount by \$8,224.58, for a new total of \$429,037.58.

Motion Adopted: 5 Yeas.

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

**Inland
Bays RWF
Expansion/
Phase 2A/
Pole
Building/
C/Os**

Juel Gibbons, Project Manager, presented Change Orders for the Inland Bays Regional Wastewater Facility Expansion, Phase 2A, Pole Buildings, Contract No. 12-09. The Change Orders are for the addition of a trench drain and concrete curb to building (\$14,439.00); the connection of a stone apron of the building to the existing road (\$1,872.00); and additional 600 feet of fencing (\$8,786.00). The total amount of the Change Orders is \$25,097.00)

**M 407 12
Approve
Change
Orders/
Inland
Bays RWF
Expansion/
Phase 2A/
Pole
Building
C/Os**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Change Order Nos. 1, 2 and 3 for Sussex County Project No. 12-09, Inland Bays Regional Wastewater Facility Expansion, Phase 2A, Pole Buildings, be approved, which increases the contract amount by \$25,097.00 for a new total of \$245,060.00 and that Substantial Completion be granted effective July 21, 2012 and any held retainage be released in accordance with the contract documents.

Motion Adopted: 5 Yeas.

M 407 12
(continued)

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

**Inland Bays
RWF Exp.
Phase 2A
C/O**

Juel Gibbons, Project Manager, presented a Change Order for the Inland Bays Regional Wastewater Facility (IBRWF) Expansion, Phase 2A, Contract No. 12-11. The Change Order is a close-out Change Order that decreases the contract amount as a result of a reduction in quantities used. The reduction is in the amount of \$19,302.16.

M 408 12
Approve
C/0 for
Inland Bays
RWF Exp.
Phase 2A

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department and its consultant, Davis, Bowen and Friedel, that Change Order No. 3 for Sussex County Project No. 12-11, Inland Bays Regional Wastewater Facility Expansion Phase 2A be approved, which decreases the contract amount by \$19,302.16 for a new total of \$669,451.47.

Motion Adopted: 5 Years.

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

**M 409 12
Grant
Substantial
Completion/
Inland Bays
RWF Exp.
Phase 2A**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Substantial Completion be granted and any held retainage be released for Sussex County Project No. 12-11, Inland Bays Regional Wastewater Facility Expansion, Phase 2A, effective July 10, 2012.

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. Webb presented grant requests for the Council's consideration.

M 410 12
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$200.00 from Mr. Vincent's Councilmanic Grant Account to the Immanuel House of Praise Church for Community Outreach Day.

Motion Adopted: 5 Yeas.

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

M 411 12 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the City of Seaford Police Department for Community Night Out.**

Motion Adopted: 5 Yeas.

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

M 412 12 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$500.00 from Mr. Wilson's Councilmanic Grant Account to Coverdale Crossroads Community Council for their Summer Enrichment/Cultural Program.**

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. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT, A CR-1 COMMERCIAL RESIDENTIAL DISTRICT, A MR MEDIUM DENSITY RESIDENTIAL DISTRICT, AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES, A CAMPGROUND, AND AN OUTDOOR AMUSEMENT PLACE, WHERE PERMITTED AS CONDITIONAL USES, TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 38.53 ACRES, MORE OR LESS" (Conditional Use No. 1944) filed on behalf of Castaways Bethany, LLC. (Tax Map I.D. # 1-34-9.00-21.00 and 24.00)**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS, ON TWO (2) PARCELS" (Change of Zone No. 1719) filed on behalf of Castaways Bethany, LLC. (Part of Tax Map I.D. # 1-34-9.00-21.00/24.00)

Mr. Cole 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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.02 ACRES, MORE OR LESS"

Intro- ductions (continued)	(Change of Zone No. 1720) filed on behalf of Castaways Bethany, LLC. (Part of Tax Map I.D. # 1-34-9.00-21.00) The Proposed Ordinances will be advertised for Public Hearing.
Additional Business	Under Additional Business, Linda McGinty expressed her concern over the loss of religious freedoms and asked the Council to keep prayer in Council meetings. Under Additional Business, Dan Kramer commented on the grant request from Immanuel House of Praise Church and he referenced “vote buying”.
M 413 12 Recess and Go Into Executive Session	At 10:38 a.m., a Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session to discuss issues relating to pending/potential litigation and land acquisition. Motion Adopted: 5 Yeas. Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
Executive Session	At 10:40 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to pending/potential litigation and land acquisition. The Executive Session concluded at 11:23 a.m.
M 414 12 Reconvene Regular Session	At 11:25 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips, 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. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
Executive Session Business	Mr. Moore announced that, during the Executive Session, there were discussions concerning updates on land acquisition issues as well as pending/potential litigation issues and Legal Counsel gave some recommendations.
M 415 12 Follow Legal Counsel Recom- mendations	A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Council follow the recommendations of Legal Counsel, as discussed in Executive Session on this date. Motion Adopted: 5 Yeas.

M 415 12
(continued)

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

M 416 12
Recess

At 11:26 a.m. a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to recess for the purpose of attending a luncheon with the Sussex County Association of Realtors; the Council will adjourn at the end of the luncheon (at Sussex Pines Country Club in Georgetown).

Motion Adopted: 5 Yeas.

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

Reconvene/ Luncheon

At 12:40 p.m., the Council reconvened at Sussex Pines Country Club for the purpose of attending a luncheon hosted by the Sussex County Association of Realtors. There was no business conducted at the luncheon.

M 417 12
Adjourn

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to adjourn at 1:40 p.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,

Re Am

Robin A. Griffith
Clerk of the Council