

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 2, 2012**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 2, 2012, 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>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Vance Phillips</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Susan M. Webb</b>	<b>Finance Director</b>
<b>Everett Moore</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 505 12  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to amend the Agenda by deleting “Henlopen Landing, Phase 4” and by deleting “Job Applicants’ Qualifications”, “Personnel” and “Land Acquisition” under “Executive Session”; 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 September 18, 2012 were approved by consent.**

**Letter of  
Credit/  
Oakwood  
Village**

**Mr. Lawson reported that the Letter of Credit for Oakwood Village (Phase I) is scheduled to expire shortly and after contacting the Bank and the Developer, it is the recommendation of the Engineering Department to call the Letter of Credit.**

**Michael Izzo, County Engineer, stated that they are actively working with the Developer and it is the Developer’s intention to complete the work; however, the existing Letter of Credit is set to expire on Monday, October 8th. The Developer has advised that he hopes to provide a substitute security before the Letter of Credit expires. The purpose of taking action on this date is that in the event the Developer does not provide the substitute security, it will allow the County to call the Letter of Credit.**

**M 506 12  
Take  
Action on  
Letter of  
Credit/  
Oakwood  
Village**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council finds that Oakwood Village at Lewes, LLC has failed to complete the construction of Project No. 438, also known as Oakwood Phase I, while the security in the form of Letter of Credit No. SB9505040001 held by M&T Bank is set to expire on October 8, 2012 and should the Developer not provide a substitute security by 12:00 Noon on Friday, October 5, 2012, the Council authorizes its County Engineering and Finance Director to take action and draw funds from said Letter of Credit to complete the construction.

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator's  
Report**

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

**1. Delaware State Police Activity Report**

**Per the attached Delaware State Police activity report for August, there were 4,979 total traffic arrests and 1,719 criminal arrests. Of that 1,719, 556 were felony and 1,163 were misdemeanor criminal arrests. Of the total hours on duty spent, 43 percent were spent on criminal investigations.**

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

**Proposed  
Amend-  
ments to  
Investment  
Policy**

**Mrs. Webb presented possible amendments to the County's Investment Policy. She stated that, with the transition to MUNIS for the County's finance software, the County has been able to identify and improve its cash position. By using the pooled cash concept, the County has more flexibility to manage cash and, hopefully, realize a better return. Mrs. Webb stated that the County's current Investment Policy is outdated and needs to be reviewed as the investment world has changed drastically. She stated that the County needs some consideration to deal with reserve cash; the current policy allows the County to invest in government obligations as the collateral to support deposits, i.e. U.S. Treasuries or GNMA's (Ginnie Maes). On this date, Mrs. Webb made a recommendation to broaden this and allow some investments within a fixed income portfolio approach. Mrs. Webb referred to the proposed Investment Policy and she noted that the safety of the principal is the foremost objective; additionally, liquidity is important and the return and the yield of the investments. For the suitable and authorized investments, Mrs. Webb recommended that the County use a more fixed income approach with the reserve cash. She stated that the proposal provides a very low risk and a higher return than the County is currently seeing. Mrs. Webb noted that this applies to the reserve cash only and not the operating cash.**

**Proposed  
Amend-  
ments to  
Investment  
Policy  
(continued)**

In attendance were Nick Adams and Dominick D'Eramo of Wilmington Trust Company. Mr. D'Eramo explained the Fixed Asset Portfolio and the individual investments included. He stated that the process focuses on preserving capital, managing risk exposure, and providing consistent, value-added investment performance over the long term. Mr. D'Eramo stated that they transact and construct these portfolios for many government entities across the State, both locally and at the State level and that the portfolio being discussed on this date is for excess funds only, the reserve funds.

Mr. D'Eramo presented and reviewed a Sussex County Reserve Liquidity Account Sample Portfolio that includes government agencies only, i.e. Federal Farm Credit Bank, Federal Home Loan Bank, and Freddie Mae Bank. He noted that it is a laddered approach with maturities over a 6 year time frame. The proposal provides a way to yield 69 basis points. Mr. D'Eramo stated that, in constructing the portfolio, they have taken a very conservative approach where exposure is limited only to government agencies and they have taken into consideration liquidity needs and yield.

Mr. D'Eramo and Mr. Adams discussed the capabilities of the Wilmington Trust Company.

Mrs. Webb explained that, within the Investment Policy, any change to the County's investments would have to come before the Council. Additionally, a three month reporting to Council is required.

**M 507 12  
Adopt  
Investment  
Policy, as  
Amended**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council adopts the Investment Policy, as presented and amended.

**Motion Adopted: 5 Yeas.**

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

**MOU  
between  
the County  
and Friends  
of the  
Greenwood  
Library**

Mrs. Webb presented a Memorandum of Understanding between Sussex County and the Friends of the Greenwood Library. She noted that the library expansion project is currently underway. Mrs. Webb reported that the Friends have pledged \$150,000 towards the cost of construction for the building project. The Agreement outlines how the capital contributions will be paid over to the County; in accordance with the Agreement, the Friends will pay \$75,000 when a construction agreement is signed and \$75,000 when the project has been completed and open to public use.

**M 508 12  
Accept  
MOU**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, that the Sussex County Council accepts the Memorandum of Understanding between Sussex County Council and the Friends of the Greenwood Library.

**Motion Adopted: 5 Yeas.**

**M 508 12  
(continued)**

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

**Delaware's  
Housing  
Locator  
Website**

Brad Whaley and Brandy Bennett, Community Development & Housing Department, presented information on the new website, Delaware Housing Search ([delawarehousingsearch.org](http://delawarehousingsearch.org)). The website provides a free statewide housing search for rentals and for purchase. The website was designed to be easy to use and includes detailed listings with pictures, maps, and more. Users can find everything from accessible homes to rentals and affordable homes for sale (listed rentals include market rate and publicly assisted housing – listed homes to buy are publicly assisted housing only). Delaware Housing Search is a partnership of many non-profit and government organizations, including Sussex County.

Steve Hudson, Director of Technical Engineering, presented a proposed lease amendment with AT&T who has equipment located on the Dewey Beach Water Tower site. The original lease was granted in 2009 and the requested amendment allows for the use of three additional positions on the tower. Sussex County would benefit from an additional \$400.00 per month fee for the additional positions and an enhanced AT&T phone coverage which would improve the 911 call system.

**M 509 12  
Approve  
Lease  
Amendment  
with AT&T/  
Dewey  
Beach  
Water  
Tower**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Lease Amendment No. 1 with New Cingular Wireless PCS, LLC by AT&T Mobility for the placement of additional communications equipment on the Dewey Beach Water Tower at the lease rates and positions stipulated in the Agreement.

**Motion Adopted:** 5 Yeas.

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

**Request  
to Prepare  
and Post  
Notices/  
Millville  
SSD  
Expansion**

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the expansion of the Millville Sanitary Sewer District to include approximately 82 parcels, more or less. The parcels are located along State Route 26 (Atlantic Avenue) and are contiguous to the existing district. Mr. Ashman explained that the primary reason for this request is that DelDOT has identified the Route 26 Corridor from St. Georges Church to the canal for widening and improvements. In order to be proactive and complete the mainline regional work in this area prior to the DelDOT disturbance, the County needs to begin working on the installation of the gravity lines and forcemain in the Phase III area of Route 26. Once DelDOT has completed its work, it would be approximately 5 years before they would allow the County to re-disturb the area. The Engineering Department has been coordinating with DelDOT on their plans for the

<b>Request to Prepare and Post Notices/ Millville SSD Exp. (continued)</b>	<b>Route 26 corridor and has incorporated the realignment of the St. George's Church intersection and various other sections into consideration when developing plans for this area. The expansion will consist of approximately 335.0 acres. The owners of the parcels will be responsible for system connection charges of \$6,164.00 per rates from July 1, 2011 to June 30, 2012. It is proposed that the Public Hearing will take place in January 2013.</b>
<b>M 510 12 Authorize to Prepare and Post Notices/ Millville SSD Expansion</b>	<p><b>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Engineering Department to prepare and post notices for the expansion of the Millville Sanitary Sewer District to include parcels primarily along Atlantic Avenue (State Route 26) from St. George's Church to Bethany Crest, as presented.</b></p> <p><b>Motion Adopted: 5 Yeas.</b></p> <p><b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</b></p>
<b>Grant Requests</b>	<p><b>Mrs. Webb presented grant requests for the Council's consideration.</b></p>
<b>M 511 12 Councilmanic Grant</b>	<p><b>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,100.00 (\$220.00 from each Councilmanic Grant Account) to the Beebe Medical Foundation for the 25th Annual Beebe Ball which benefits the hospital's goal to expand care for those with abnormal heart rhythms.</b></p> <p><b>Motion Adopted: 4 Yeas, 1 Nay.</b></p> <p><b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Nay; Mr. Vincent, Yea</b></p>
<b>M 512 12 Councilmanic Grant</b>	<p><b>A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$2,000.00 (\$400.00 from each Councilmanic Grant Account) to the Town of Georgetown to sponsor the 2012 Mayor's Return Day Celebration.</b></p> <p><b>Motion Adopted: 5 Yeas.</b></p> <p><b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</b></p>
<b>Introduction of Proposed Ordinances</b>	<p><b>Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICE USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.03 ACRES, MORE OR</b></p>

**Introduction of Proposed Ordinances (continued)**      **LESS” (Conditional Use No. 1948) filed on behalf of Sharon L. Sherwood and Van Sherwood.**

**Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE RELOCATION OF THE ACCESS EASEMENT TO THE PROPOSED BORROW PIT (CU #1897) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.1571 ACRES, MORE OR LESS” (Conditional Use No. 1949) filed on behalf of the Banks Family Farm Preservation Trust.**

**Mr. Phillips 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.25 ACRES, MORE OR LESS” (Change of Zone No. 1723) filed on behalf of John M. Gilman.**

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

**There was no additional business.**

**M 513 12 Recess and Go Into Executive Session**      **At 11:05 a.m., a Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to pending/potential litigation.**

**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 11:07 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. The Executive Session concluded at 11:43 a.m.**

**M 514 12 Reconvene Regular Session**      **At 11:45 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.**

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

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

**M 515 12  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 11:45 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**