



SUSSEX COUNTY COUNCIL

MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 16, 2012

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 16, 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
David Rutt	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 528 12
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting "Job Applicants' Qualifications" and "Personnel" 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

**Approve
Minutes**

The minutes of October 9, 2012 were approved by consent.

**U of D
Agriculture
Extension
Program**

On behalf of the College of Agriculture and Natural Resources, the University of Delaware, and the Carvel Research and Education Center, Dr. Mark Isaacs thanked the Council for its continued support. Dr. Isaacs gave an overview of how they use the funding allocated by the County: poultry diagnostic and research efforts in the Lasher Laboratories, field crop research, poultry research, extension safety programs, and the overall extension program (in Georgetown). The Council presented a check in the amount of \$69,049.00 to Dr. Isaacs.

**Proclamation/
Conflict
Resolution** **A Proclamation entitled “A PROCLAMATION TO RECOGNIZE NATIONAL CONFLICT RESOLUTION DAY” was presented to Debi Zistl, Program Director of the Center for Community Justice at People’s Place in Milford.**

**Draft
Ordinance/
Clerk of
Peace Fees** **The Council discussed a Draft Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY RELATING TO FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND CIVIL UNIONS”. This Ordinance sets the fees the Clerk of the Peace charges for marriage and civil union ceremonies for Delaware residents, non-residents and active United States military personnel.**

George Parish, Clerk of the Peace, stated that the respective Clerks of the Peace of each Marriage Bureau in the State of Delaware have been engaged in a continuous dialogue in attempting to achieve unanimity in established fees. Mr. Parish stated that he endorses the proposition to extend Delaware resident fees to all active United States military personnel without regard to their legal residency. The proposition would apply to all Sussex County Marriage Bureau fees. This approach would provide an opportunity for the Sussex County Council to express its gratitude for active military personnel. Mr. Parish noted that the provision was implemented in New Castle and Kent counties in April 2012.

Mr. Wilson suggested that the fees be waived for active military personnel. It was noted that this could be discussed during the Public Hearing process.

**Introduc-
tion of
Proposed
Ordinance** **Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY RELATING TO FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND CIVIL UNIONS”.**

The Proposed Ordinance will be advertised for Public Hearing.

**Adminis-
trator’s
Report** **Mr. Lawson read the following information in his Administrator’s Report:**

1. Delaware Solid Waste Authority Reports

There were 48,114 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of June, July, August, and September 2012. Attached are reports for each month.

2. CERT/RACES Open House

The Community Emergency Response Team (CERT) and Radio Amateur Civil Emergency Service (RACES) will hold a joint Open House on Sunday, October 21, from 1:00 to 4:00 p.m. at the Sussex

County Emergency Operations Center. The Open House will provide an opportunity for the public to meet members of these two volunteer groups serving Sussex County in time of disaster and learn about their activities, as well as the function of the Sussex County Emergency Operations Center. The recently renovated Ham Radio station will also be open for tours. For more information, contact KB3HEV@gmail.com or citizencorps@sussexcountypde.gov.

**Report
(continued)**

(Attachments to the Administrator's Report are not attachments to the minutes.)

**Proposed
Loan
Resolutions**

Mrs. Webb presented two Proposed Loan Resolutions for the Council's consideration.

**M 529 12
Adopt
Loan
Resolution/
Oak
Orchard
SSD**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt the Loan Resolution entitled "A RESOLUTION OF THE SUSSEX COUNTY COUNCIL OF THE COUNTY GOVERNMENT AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS SEWER TREATMENT FOR THE OAK ORCHARD SANITARY SEWER DISTRICT" (\$6,182,000).

Motion Adopted: 5 Yeas.

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

**M 530 12
Adopt
Loan
Resolution/
Angola
Neck
SSD**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt the Loan Resolution entitled "A RESOLUTION OF THE SUSSEX COUNTY COUNCIL OF THE COUNTY GOVERNMENT AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS SEWER TREATMENT FOR THE ANGOLA NECK SANITARY SEWER DISTRICT"

Motion Adopted: 5 Yeas.

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

**Wastewater
Agreement**

Mr. Godwin presented a Wastewater Agreement for the Council's consideration.

**M 531 12
Execute**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, for

- Wastewater Agreement/ The Villages at Herring Creek**
M 531 12 (continued)
- Sussex County Project No. 81-04, Agreement No. 349-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and The Villages at Herring Creek, LLC, for wastewater facilities to be constructed in The Villages at Herring Creek, Phase 2, located in the Angola Neck Sanitary Sewer District.**
- 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 106/ Lease Extension**
- Robert Stuart, Director of EMS, presented a Proposed Addendum to a Lease Agreement with the Mid Sussex Rescue Squad, Inc. (Paramedic Station 106). The Lease Agreement was approved by the Council on October 25, 2011; the Lease has been in effect since 2003. Mr. Stuart stated that the proposal is for an extension of the Lease for an additional six months due to the fact that construction has been delayed on the new paramedic station. There are no changes to the terms of the Lease Agreement.**
- M 532 12 Approve Lease Addendum/ Paramedic Station 106**
- A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves the Lease Addendum for Paramedic Station 106 between Sussex County Council and Mid-Sussex Rescue Squad, Inc., as per the terms and conditions of the Addendum.**
- 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 533 12 Councilmanic Grant**
- A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$250.00 from Mr. Vincent's Councilmanic Grant Account to the Delaware Express U12 Fastpitch Softball Team for tournament expenses.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- M 534 12 Councilmanic Grant**
- A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to CHEER for the Deck The Halls fundraiser.**
- Motion Adopted: 5 Yeas.**

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

M 535 12 Councilmanic Grant A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$200.00 (\$100.00 each from Mr. Phillips' and Mr. Vincent's Councilmanic Grant Accounts) to the Laurel Middle School for the Red Ribbon Fall Festival (drug awareness event).

Motion Adopted: 5 Yeas.

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

Additional Business/DNREC Proposal Under Additional Business, Mr. Phillips commented that the next meeting of the Source Water Assessment and Protection Program's Citizen and Technical Advisory Committee is scheduled for November 7th and that a topic of discussion at that meeting will be on-site wastewater treatment and disposal systems. Mr. Phillips stated that DNREC's proposal may significantly increase the cost to homeowners. A suggestion was made to invite a representative from the County's Engineering Department and a representative from DNREC to a future Council meeting to discuss this issue.

10/23/12 Meeting Mr. Lawson reported that the draft agenda for the October 23rd Council meeting is light and he asked if the meeting should be cancelled.

M 536 12 Cancel 10/23/12 Meeting A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to cancel the October 23, 2012 Council meeting due to a light agenda.

Motion Adopted: 5 Yeas.

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

M 537 12 Go Into Executive Session At 10:32 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to pending/potential litigation and personnel.

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 10:35 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 personnel. The Executive Session concluded at 11:39 a.m.
M 538 12 Reconvene Regular Session	At 11:42 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
Action	No action was required on Executive Session items.
M 539 12 Adjourn	At 11:42 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council