

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 12, 2013**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 12, 2013, 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>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</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 527 13  
Approve  
Agenda**

**A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to approve the Agenda, as posted.**

**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 October 29 and November 5, 2013 were approved by consent.**

**Corre-  
spondence/  
Announce-  
ments**

**Mrs. Deaver announced that the University of Delaware Institute of Public Administration has scheduled a course entitled "Municipal Regulations and the "Takings" Issue". The course will be held on Thursday, November 14<sup>th</sup>, in Dover.**

**Mr. Cole referenced an article in a newspaper from West Virginia regarding coyotes.**

**Veterans Day was November 11, 2013; Mr. Phillips recognized Councilmembers and Veterans George Cole, Michael Vincent, and Sam Wilson for their service to our country.**

**Presen-  
tation**

**Randal Wiedemann of R.A. Wiedemann & Associates, Inc. gave a presentation on the Sussex County Airport Business Plan, a plan funded by the Delaware Department of Transportation. Mr. Wiedeman reported that**

**Presentation/  
Sussex  
County  
Airport  
Business  
Plan  
(continued)**

the key issues identified in the airport study started when there was a “SWOT” analysis (strengths, weaknesses, opportunities and threats) performed. Representatives of the Airport Advisory Committee, the Georgetown Chamber of Commerce, and Sussex County attended a workshop at which time input was received for the business plan.

Mr. Wiedemann reviewed the Business Plan. Revenue enhancement options examined were: airport branding, retain/expand the PATS operation, Delaware Technical & Community College partnership, Delaware Flight School Partnership, Industrial Park Expansion, and rates and charges adjustments. Mr. Wiedemann discussed the benefits of airport branding, presented suggested name changes for the airport, and he reviewed the following: management options, revenue enhancement options, a market area comparison, financial performance, economic impact, airport layout, seeking hangar rentals, lease agreement updates, airport rules and regulations, an updated security system, implementing a safety training program, and benefits of runway expansions.

A link to the full presentation on the Sussex County Airport Business Plan can be found on the County’s website at [www.sussexcountype.gov](http://www.sussexcountype.gov).

**Adminis-  
trator’s  
Report**

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

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet November 18 at 10:00 a.m. at Heritage at Milford Senior Living, 500 South DuPont Boulevard, in Milford. A copy of the agenda is attached. Lisa Bond, Deputy Director, Delaware Division of Services for Aging and Adults with Physical Disabilities, and Katie Macklin, Alzheimer’s Association, will be speaking on the *Delaware State Plan on Alzheimer’s*.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Senators – Phase 1C received Substantial Completion effective November 6, 2013.

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

Mrs. Deaver expressed concerns about the coordination of public transportation services, the proposed cuts in paratransit services, and the proposed increase in fees in paratransit services.

**Investment  
Portfolio  
Analysis**

Gina Jennings, Finance Director, announced that Dominick D’Eramo, Director of Fixed Income with the Wilmington Trust Company, was in attendance and would be discussing the County’s investment portfolio (Sussex

**Investment  
Portfolio  
Analysis  
(continued)**

**County – Reserve Liquidity Account).**

**Mrs. Jennings reported that the investment account was opened a year ago and the structure has not been changed since its modification in January. The portfolio is constructed foremost around the safety of its principal. The year-to-date return is .773 percent, which equates to \$813,659 annually (net of fees). If these funds were maintained in the County’s operating money market account, the County would have realized \$183,000. Mrs. Jennings stated that the change in the County’s investment policy has been a success and the County is seeing a positive return on funds while continuing to keep its assets secure.**

**Mr. D’Eramo discussed the economy: the Fed’s expected timetable for tapering their asset purchase program; U.S. Treasury yields; and volatility increasing over the quarter (December 2012 – September 2013). Mr. D’Eramo reported that inflation levels are below target (2 percent) and unemployment levels are higher than where they would like them to be (6.5 percent or less). Unemployment levels are currently at 7.3 percent; inflation levels are at 1.5 to 1.7 percent.**

**Mr. D’Eramo reviewed Sussex County’s investment portfolio and he stated that the return is 78 basis points, the fee is 20 basis points, and the net return is 58 basis points. Mrs. Jennings noted that, in comparison, the regular investments show 15 basis points. Mr. D’Eramo noted that the portfolio contains fixed income only (treasuries and agencies); it is a laddered approach where they are maintaining principal preservation and providing liquidity; the yield is the outcome of these two constraints. Mrs. Jennings noted that this entire portfolio is all fixed income (no equities). Mr. D’Eramo concluded by saying that the County’s portfolio will probably continue to perform at the same levels since the Federal Reserve has been clear that the short rates will remain zero to 25 basis points into 2015.**

**Wastewater  
Agreement**

**Hal Godwin, Deputy County Administrator, presented a Wastewater Agreement for the Council’s consideration.**

**M 528 13  
Approve  
Wastewater  
Agreement/  
Americana  
Bayside/  
Phase 1/  
Revision 3**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 341-3, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Carl M. Freeman Communities, for wastewater facilities to be constructed in Americana Bayside – Phase 1 – Revision 3, located in the Fenwick Island 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**

**Grant Requests**

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

**M 529 13 Councilmanic Grant**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 (\$800.00 from Mr. Phillips' Councilmanic Grant Account and \$200.00 from Mr. Cole's Councilmanic Grant Account) to the Fenwick Island Lions Club for program expenses.**

**Motion Adopted: 5 Yeas.**

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

**Mrs. Deaver questioned why the Council encourages groups to come back every year for funding and she stated that, perhaps these types of grants should be included in the budget.**

**M 530 13 Councilmanic Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to the Sussex County Foster Parent Association for their Annual Holiday Party.**

**Motion Adopted: 5 Yeas.**

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

**M 531 13 Councilmanic Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$700.00 (\$500.00 from Mr. Cole's Councilmanic Grant Account, \$100.00 from Mr. Phillips' Councilmanic Grant Account, and \$100.00 from Mr. Vincent's Councilmanic Grant Account) to the Rehoboth Concert Band for operating 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 532 13 Councilmanic Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$600.00 (\$500.00 from Mr. Vincent's Councilmanic Grant Account and \$100.00 from Mr. Phillips' Councilmanic Grant Account) to the Town of Blades Kids Christmas for bazaar 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 533 13  
Council-  
manic  
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 (\$600.00 from Mr. Phillips' Councilmanic Grant Account and \$100.00 each from Mr. Cole's, Mrs. Deaver's, Mr. Vincent's and Mr. Wilson's Councilmanic Grant Accounts) to the Mason Dixon Woodworkers for toys for needy children.

**Motion Adopted: 5 Yeas.**

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

**Grant  
Request/  
Punkin  
Chunkin  
Association**

Mr. Phillips discussed the grant request from the Punkin Chunkin Association. He stated that he asked that the letter be sent; that with the recent publicity, he wished to make a grant to them to defray some of their costs; that he wants it to be understood that the grant funding (taxpayer dollars) are to be used not only for operating expenses but also donations to charities as the Association makes hundreds of thousands of dollars in contributions to charities; and that one area of fees charged by the County for the 2013 event is for the Mobile Command Unit (\$40.00 per hour) for a total invoice of \$1,720.00.

Mr. Wilson commented that the Punkin Chunkin Association has money in the bank. In response to questions, Mrs. Jennings reported that, in 2012, the Association had \$576,000 in cash and cash investments. Mr. Wilson noted that, in light of this information, the Association does not need to complain about how Sussex County treats them.

Mr. Phillips referenced that the Association operates a \$600,000 event each year; last year, after Superstorm Sandy and a decrease in attendance, they had to use some of their reserve to pay their bills. Mr. Phillips stated that he believes this event should remain in Sussex County.

Mrs. Jennings noted that there have been no past Councilmanic Grants for this event. The last County grant was in 2009 in the amount of \$4,600.00.

Mrs. Deaver noted that the County has been providing emergency services at this event for years and that the cost of the services has not been reimbursed to the County. She stated that the event is a liability nightmare and a concern. She also stated that she misspoke during a radio interview regarding the grants the County has provided to the Punkin Chunkin Association.

Mr. Lawson noted that, in August 2013, the Ordinance relating to Special Events was adopted by the Council and as a result, an invoice was sent to the Punkin Chunkin Association for services provided by EMS/EOC.

Mr. Lawson reported that the County and the State Police have Command Units at the event. He noted that Joe Thomas, Director of EOC, Bob

**Grant Request/ Punkin Chunkin (continued)**      **Stuart, Director of EMS, and the State Police all agree that the Command Units are absolutely necessary; the State Police also agree. Mr. Lawson advised that the entire communications of running the event goes in and out of the two command units. Mr. Wilson stated that he believes the County’s 911 Center should be able to handle the extra activity.**

**M 534 13 Reduce Invoice Sent to Punkin Chunkin Association for Services**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to reduce the invoice issued by Sussex County to the Punkin Chunkin Association by \$1,000.00 (from \$1,720.00 to \$720.00).**

**Motion Adopted:      3 Yeas, 2 Nays.**

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

**M 535 13 Councilmanic Grant**      **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$720.00 from Mr. Phillips’ Councilmanic Grant Account to the Punkin Chunkin Association.**

**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 Ordinance**      **Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HAIR SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.767 ACRE, MORE OR LESS (Conditional Use No. 1974) filed on behalf of Sara Kay I. Phillips.**

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

**Phillips/ Question Regarding Change of Zone Application**      **Mr. Phillips presented a question to the Council and County Attorney. He stated that he has a little piece of property which is in the works for rezoning to commercial and he would like to represent himself (at the Public Hearings before the Planning and Zoning Commission and County Council) to avoid attorney fees; he questioned if there is any problem with that. Mr. Moore responded that he doesn’t foresee a problem with Mr. Phillips representing himself; however, he should recuse himself from any vote on the matter. Mr. Phillips asked if there was any objection from Council. Mrs. Deaver stated that she would like to consider it.**

**Additional Business**      **Under Additional Business, Paul Reiger was present and he referenced his previous discussions at Council during the Additional Business portion of the meeting. Mr. Reiger discussed the following: a problem with zoning in**

**Additional  
Business  
(continued)**

the area; a problem with 100 ducks in the area; a problem with an owner allowing animals to be run over in the road creating a public hazard; concern regarding a neighbor being permitted to do things that disrupt other neighbors; the use of barbed wire fencing; drainage issues; and the need for an ordinance pertaining to ducks, excluding wildlife game birds. Mr. Phillips stated that he would meet with Mr. Reiger following the end of the meeting to discuss his concerns.

Under Additional Business, Dan Kramer complained about problems with accessing information on the County's new website. Mr. Kramer also referenced traffic problems on Route One and he noted that there is no problem if you compare it to traffic on the beltway.

**M 536 13  
Go Into  
Executive  
Session**

At 11:31 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to personnel and 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 11:32 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 matters relating to personnel and pending/potential litigation. The Executive Session concluded at 11:47 a.m.

**M 537 13  
Reconvene  
Regular  
Session**

At 11:49 a.m., a Motion was made by Mr. Wilson, 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**

**Recommen-  
dation/  
Personnel  
Matter**

Mr. Lawson reported that it is his recommendation along with the recommendation of Karen Brewington, Director of Human Resources, to appoint Chris S. Keeler as the Acting Director of Assessment, for a period of six months to replace Director Eddy Parker, who intends to retire effective December 16, 2013.

**M 538 13  
Appoint-  
ment/**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to appoint Chris S. Keeler as the Acting Director of Assessment, for a period of six months, to replace Director Eddy Parker, who intends to retire effective December 16, 2013.

**M 538 13**  
**Acting**  
**Director of**  
**Assessment**  
**(continued)**

**Motion Adopted: 5 Yeas.**

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

**M 539 13**  
**Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 11:50 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**