

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 8, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 8, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Robert B. Arlett	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

Councilman Sam Wilson was absent.

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 602 15
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to approve the Agenda, as posted.

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of December 1, 2015 were approved by consent.

**Corre-
spondence**

Mr. Cole read the following correspondence:

**DELAWARE GUIDANCE SERVICES FOR CHILDREN & YOUTH,
WILMINGTON, DELAWARE.**

RE: Letter in appreciation of grant.

BRIDGEVILLE SENIOR CENTER, BRIDGEVILLE, DELAWARE.

RE: Letter in appreciation of grant.

INDIAN RIVER SENIOR CENTER, MILLSBORO, DELAWARE.

RE: Letter in appreciation of grant.

CADBURY SENIOR LIFESTYLES, LEWES, DELAWARE.

RE: Letter in appreciation of grant.

Corre-
spondence
(continued)

CLOTHING OUR KIDS, MILLSBORO, DELAWARE.

RE: Letter in appreciation of grant.

**CANCER SUPPORT COMMUNITY, REHOBOTH BEACH,
DELAWARE.**

RE: Letter in appreciation of grant.

**MENTAL HEALTH ASSOCIATION IN DELAWARE, WILMINGTON,
DELAWARE.**

RE: Letter in appreciation of grant.

DELAWARE HOUSING COALITION, DOVER, DELAWARE.

RE: Letter in appreciation of grant.

**BOYS & GIRLS CLUBS OF DELAWARE, WILMINGTON,
DELAWARE.**

RE: Letter in appreciation of grant.

**DELMARVA CLERGY UNITED IN SOCIAL ACTION FOUNDATION,
ELLENDALE, DELAWARE.**

RE: Letter in appreciation of grant.

Public
Comments

Public Comments

Keavney Watson commented on his inability to find a job in Sussex County over the last two years.

Paul Reiger commented on farm ponds and how they should be regulated by zoning codes.

Dan Kramer commented that there are no traffic problems in the County and he commented on DelDOT's practice of "taking land".

DelDOT
Presentation
and
Discussion

DelDOT Secretary Jennifer Cohan and DelDOT's Director of Planning Drew Boyce were in attendance and presented: (1) an overview of projects that DelDOT is working on in Kent and Sussex counties that directly impact traffic flow (regional corridors) and (2) a proposal for Transportation Improvement Districts (TIDs) in Sussex County.

County
Engineer

Mr. Lawson introduced Hans Medlarz, the County's new County Engineer.

Adminis-
trator's
Report

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

1. Caroling on The Circle

The Sussex County Council would like to thank the community for participating in the 32nd annual Caroling on The Circle last night. We had a very successful night with hundreds of carolers and thus far have collected over 20,000 canned goods and nonperishable food

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

items for our less fortunate neighbors.

We remind everyone that the County is continuing to collect items until the end of the year, and will continue to distribute these goods to our local food pantries. We want to thank all of our volunteers, local businesses, and schools for helping to collect the food over the last month and for making this year's Caroling on The Circle a success!

2. Mildred King Luncheon

A reminder that Sussex County offices will close for a two-hour period on Friday, December 11th, to allow employees to attend the annual Mildred King Luncheon. County offices will close from 11:00 a.m. to 1:00 p.m. on that date. Members of the public with business to conduct are asked to plan accordingly. County offices will reopen promptly at 1:00 p.m.

**Pension
Review
and Update**

Mrs. Jennings, and Michael Shone of Peirce Park Group, the County's Pension Investment Consultant, discussed the County's pension performance and the Pension Committee's recommendation on changing the investment policy statements to make them more consistent.

Summary of the Pension Investment Analysis

- Market value was \$70,739,340 as of September 30, 2015
- Year-to-date loss of \$296,000
- Continued strong performance in the third quarter by ranking in the top 36 percent when compared to peer group

Summary of the OPEB Investment Analysis

- Market value was \$30,057,238 as of September 30, 2015
- Year-to-date loss of \$55,000
- Very strong performance in the third quarter by ranking in the top 19 percent when compared to peer group
- Outperformed the benchmark by almost 1 percent

Mr. Shone stated that no changes are recommended for the Pension Fund or the OPEB Fund at this time.

Investment Policy Updates

The Pension Committee reviewed both the Pension and Pension Benefit (OPEB) Investment Policy Statements at the November meeting. The Committee, with the assistance of Peirce Park Group, made the recommendation to change the investment policy statements that accomplish the following goals:

Pension Review and Update (continued)

- **Make the Pension and OPEB Investment Policy Statements as similar as possible.**
- **Update the investment guidelines and restrictions**
- **Make the investment policy statements easier to read**
- **Remove any unnecessary or redundant language**

Mrs. Jennings and Mr. Shone provided a summary of the proposed changes to the investment policy statements.

In response to questions, Mrs. Jennings reported that the Pension Fund is approximately 87% funded and the OPEB Fund is approximately 72% funded.

**M 603 15
Adopt Investment Policy Changes/
Pension and Pension Benefit Plans**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council adopt the Investment Policy Changes to both the Pension and the Pension Benefit Plans, as recommended by the Pension Committee and Peirce Park Group.

Motion Adopted: 4 Yeas, 1 Absent.

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

Dog Control Update

Mrs. Jennings reported that the State of Delaware continues to plan on taking over dog control on January 1, 2016. Hetti Brown, Executive Director of the Office of Animal Welfare, gave an update on the transition and discussed a proposed Memorandum of Understanding that transfers the County's authority of dog control services to the Office of Animal Welfare. Ms. Brown explained that this agreement outlines the services that will be performed until Title 9, Chapter 9, concerning dogs, is permanently reassigned as a State responsibility in the Delaware Code. It was noted that the County will continue to pay \$56,885 a month for services.

**M 604 15
Approve Entering Into MOU/
Dog Control and Dangerous Dog Services**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council enter into a Memorandum of Understanding with the State of Delaware, Division of Public Health, Delaware Department of Health & Social Services, to grant authority to the State to enforce Delaware dog control and dangerous dog statutes.

Motion Adopted: 4 Yeas, 1 Absent.

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

Draft Ordinance

Mrs. Jennings presented a Draft Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,887,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH

Draft Ordinance/ Millville SSD (continued)

THE EXPANSION OF THE MILLVILLE SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". This Ordinance provides for the issuance of up to \$3,887,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the expansion of the Millville Sanitary Sewer District.

Introduction of Proposed Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,887,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EXPANSION OF THE MILLVILLE SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.

CAMA System/ Bid Award

Chris Keeler, Director of Assessment, presented for Council's consideration a contract with Tyler Technologies to purchase a Computer Assisted Mass Appraisal (CAMA) System. Mr. Keeler reported that this automated system is for maintaining property data, valuing property, notifying owners, and ensuring tax equity through uniform valuations. He advised that the goal of this implementation is to eliminate efficiencies associated with an antiquated system, improve taxpayer services by integrating with the current Munis and GIS systems, provide enhanced valuation services, improve internal controls, and provide increased accountability.

Mr. Keeler reviewed the implementation phases:

September 2016: Phase I – IAS World CAMA, includes IAS World Inquiry and Appeals Tracking and the IAS World Tax Extension

October 2016: Phase II – IAS World Field Mobile and IAS World Public Access

The cost of the contract, including installation, testing and training will not exceed \$963,040. Additionally, after the first 24 months, the next consecutive five years carry a fixed maintenance rate.

M 605 15 Approve Purchase of CAMA System

A Motion was made Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council approves the purchase of a Computer Assisted Mass Appraisal (CAMA) System from Tyler Technologies at a price not to exceed \$963,040.00.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Old
Business/
CU 2032**

The Council considered Conditional Use No. 2032 filed on behalf of Guillermo Vasquez, t/a F&N Vasquez Concrete, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on October 29, 2015 at which time action was deferred. On November 12, 2015, the Commission recommended that the application be denied.

(See the minutes of the meetings of the Planning and Zoning Commission dated October 29 and November 12, 2015.)

The Council held a Public Hearing on this application on December 1, 2015 at which time the Council deferred action for one week to allow time for Legal Counsel to research the Council's ability to approve a Conditional Use for a limited time (i.e. a period of 6 weeks).

Mr. Moore reported that he researched the possibility of Council approving a Conditional Use with a condition limiting the time period and found that County Code, Section 115-174, states that "approval of a Conditional Use under this article shall be valid for a period of three years after the date of approval". Mr. Moore advised that, from a policy standpoint, approving a Conditional Use for a limited time period would not be a good policy for the Council.

**M 606 15
Defer
Action
on
CU 2032**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on Conditional Use No. 2032 until January 12, 2016.

Motion Denied: 3 Nays, 1 Yea, 1 Absent.

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

DENIED

**M 607 15
Approve
CU 2032**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION COMPANY OFFICE, EQUIPMENT PARKING AND SHOP/YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.125 ACRES, MORE OR LESS" (Conditional Use No. 2032) filed on behalf of Guillermo Vasquez, t/a F&N Vasquez Concrete, LLC.

Motion Denied: 4 Nays, 1 Absent.

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

DENIED

Grants

Mrs. Jennings presented grant requests for consideration.

**M 608 15
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to the Good Samaritan Aid Organization for their Christmas Basket Program.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 609 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$250.00 from Mr. Vincent's Councilmanic Grant Account to Nanticoke Health Services for their Annual Holiday Appeal.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 610 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$100.00 (\$20.00 from each Councilmanic Grant Account) to Delaware Community Foundation for community leadership activities and philanthropic services.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 611 15
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$300.00 from Mrs. Deaver's Councilmanic Grant Account to Overfalls Maritime Museum Foundation for their Year-End Giving Campaign.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 612 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 (\$250.00 each from Mrs. Deaver's and Mr. Cole's Councilmanic Grant Account) to Coastal Concerts for community concerts, programs and events.

Motion Adopted: 4 Yeas, 1 Absent.

**Council
Members'
Comments**

Council Members' Comments

Mrs. Deaver commented on the Trans-Pacific Partnership Agreement.

Mr. Cole commented on gigantic chicken farms, which the County's Agricultural District does not address.

**M 615 15
Go Into
Executive
Session**

At 12:19 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to recess the Regular Session and go into Executive Session.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Executive
Session**

At 12:22 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to personnel, pending/potential litigation and land acquisition. The Executive Session concluded at 1:41 p.m.

**M 616 15
Reconvene
Regular
Session**

At 1:44 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 4 Yeas, 1 Absent.

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

**E/S
Action**

There was no action on Executive Session matters.

**M 617 15
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to adjourn at 1:44 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

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

{An audio recording of this meeting is available on the County's website.}