



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 4, 2011

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 4, 2011, 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
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Deputy Administrator
J. Everett Moore	County Attorney

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

Mr. Baker called the meeting to order.

M 001 11 Amend and Approve Agenda

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend the Agenda by deleting "Local Law Enforcement Grant Request" and to approve the Agenda, as amended.

Motion Adopted by Voice Vote.

Current President

Mr. Baker stated that Mr. Phillips has served as President of the Sussex County Council for the Years 2009 and 2010.

Mr. Baker announced that "the floor is open for nominations".

M 002 11 Nominate and Appoint President

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to nominate and appoint Michael Vincent to serve as President of the Sussex County Council for the Year 2011.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea

M 003 11 **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to nominate and**
Nominate **appoint Sam Wilson to serve as Vice President of the Sussex County**
and Appoint **Council for the Year 2011.**

Vice

President **Motion Adopted: 5 Yeas.**

M 003 11 **Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**
(continued) **Mr. Phillips, Yea; Mr. Wilson, Yea;**
 Mr. Vincent, Yea

Committee **Mr. Baker reviewed the Committee and Board appointments that were**
and **made in 2010: Vance Phillips as the Council's representative on the**
Board **Delaware League of Local Governments; George Cole as the Council's**
Appoint- **representative on the National Association of Counties Board of Directors;**
ments **Joan Deaver as the Council's representative on the Pension Committee;**
 Sam Wilson as the Council's representative on the Sussex Conservation
 District Board of Directors; Sam Wilson as the Council's representative on
 the Sussex County Airport Committee; and Joan Deaver and Michael
 Vincent as the Council's representatives on the Sussex County Land Trust.

M 004 11 **A Motion was made by Mr. Phillips, seconded by Mr. Cole, that Michael**
Approve **Vincent represent the Council on the Delaware League of Local**
Changes to **Governments (to replace Vance Phillips) and that Vance Phillips represent**
Committee **the Council on the Sussex County Land Trust (to replace Michael Vincent).**
and

Board **Motion Adopted: 5 Yeas.**

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

M 005 11 **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to approve the**
Approve **following appointments for the Year 2011: Michael Vincent as the**
Committee **Council's representative on the Delaware League of Local Governments;**
and **George Cole as the Council's representative on the National Association of**
Board **Counties Board of Directors; Joan Deaver as the Council's representative**
Appoint- **on the Pension Committee; Sam Wilson as the Council's representative on**
ments **the Sussex Conservation District Board of Directors; Sam Wilson as the**
 Council's representative on the Sussex County Airport Committee; and
 Joan Deaver and Vance Phillips as the Council's representatives on the
 Sussex County Land Trust.

Motion Adopted: 5 Yeas.

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

M 006 11
Appoint
Legal
Counsel

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to reappoint the firm of Moore and Rutt, P.A. as the County’s lead legal counsel; the firm of Griffin & Hackett, P.A. as counsel for Planning and Zoning; and the firm of Smith, O’Donnel Feinberg & Berl, LLP as counsel for the Board of Adjustment.

M 006 11
(continued)

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 December 7 and 14, 2010 were approved by consent.

M 007 11
Adopt
Rules of
Procedure

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to adopt the Rules of Procedure, 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

Corre-
spondence

Mr. Moore read the following correspondence:

OPEN ARMS SOUP KITCHEN, ELLENDALE, DELAWARE.
RE: Letter in appreciation of grant.

MAJOR CHARLES J. (CHIP) SIMPSON, DELAWARE STATE POLICE.
RE: Email to Joe Thomas, Director of Emergency Operations, in appreciation of the “great work by you and your team” during the recent snowstorm.

LEAGUE OF WOMEN VOTERS OF SUSSEX COUNTY, DELAWARE,
NASSAU, DELAWARE.
RE: Letter in appreciation of grant.

WEST SIDE NEW BEGINNINGS, INC., WEST REHOBOTH CHILDREN
AND YOUTH PROGRAM, REHOBOTH, DELAWARE.
RE: Letter in appreciation of grant.

SUSSEX CENTRAL HIGH SCHOOL FOOTBALL BOOSTERS,
GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.

JOHN CARNEY, WILMINGTON, DELAWARE.
RE: Letter in appreciation of the County’s note of congratulations and best wishes following his election to the U.S. Congress.

FOOD BANK OF DELAWARE, MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

DELAWARE LIONS FOUNDATION, CAMDEN, DELAWARE.

RE: Letter in appreciation of grant.

**Corre-
spondence
(continued)**

THE WELLNESS COMMUNITY, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

CATHOLIC CHARITIES, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

KENT-SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

YMCA OF DELAWARE, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**SUSSEX COUNTY HABITAT FOR HUMANITY, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of Human Service Grant.

READ ALOUD DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

CAPE HENLOPEN FOOD BASKET, INC., LEWES, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**DELAWARE GUIDANCE SERVICES FOR CHILDREN AND YOUTH,
INC., WILMINGTON, DELAWARE.**

RE: Letter in appreciation of Human Service Grant.

THE ARC OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**SUSSEX COUNTY HOUSING SERVICES, INC., GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of Human Service Grant.

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

RE: Letter in appreciation of Human Service Grant.

LA ESPERANZA, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**CAPE HENLOPEN SENIOR CENTER, REHOBOTH BEACH,
DELAWARE.**

RE: Letter in appreciation of Human Service Grant.

BRIDGEVILLE SENIOR CENTER, BRIDGEVILLE, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**FAMILIES, INDIVIDUALS & COMMUNITIES CONFERENCE,
MILFORD, DELAWARE.**

**Corre-
spondence
(continued)**

RE: Letter in appreciation of Human Service Grant.

ALZHEIMER'S ASSOCIATION, NEWPORT, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

LEWES SENIOR CENTER, LEWES, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

EASTER SEALS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**Snow
Storm
Report**

Mr. Baker and Joe Thomas, Director of Emergency Operations, reported on the December 26, 2010 snow storm which dumped 12+ inches of snow on many parts of the County. Mr. Baker expressed appreciation to all those who gave their time to assist those that needed help including the fire service, Delaware National Guard, DelDOT, State Police, Delaware Emergency Management Association, Sussex County EMS, County employees and many others. Mr. Thomas stated that a State of Emergency was in effect from 4:00 p.m. on Sunday until 6:00 p.m. on Monday.

**DelDOT
Capital
Transportation
Program
Request/
Proposed
Revision
to Priority
List**

Mr. Baker reported that, in September, he reviewed with the Council the County's Capital Transportation Program recommendations. A request was submitted to DelDOT for consideration; on Page 2 of the Program Request, dated September 16, 2010, the Council's major priorities are outlined; East-West Improvements are listed as the first priority, with the County Airport listed as the ninth highest priority. Page 16 includes the Sussex County Airport descriptive information. Mr. Baker suggested, for the Council's consideration, that the County revise the priorities to make the design for moving Park Avenue to line up with Arrow Safety Road the number one priority. The goal is that, expediting this design project, which at this time is not eligible for Federal Aviation Administration funding, would enable the County to accelerate the 1,000 foot extension project for the Airport runway. The estimated cost for the change on Park Avenue is approximately \$5.7 million. The design is estimated to cost possibly \$700,000. The goal would be that DelDOT would approve the County's request to amend their priorities in Sussex County, pursue the design of the Park Avenue route change, and thereafter fund the needed road improvement. This would reduce the remaining cost share for the runway extension to about \$7.3 million. Mr. Baker noted that the County would pursue other options for possible funding, or partial funding, for the runway extension. Mr. Baker noted that there are some transportation advantages to the realignment of Park Avenue; it is the entrance to the

County's Industrial Park which sees substantial truck traffic and it is a truck route and a bypass around Georgetown. Additionally, the road does not have shoulders and lining it up with Arrow Safety Road would provide a more direct route to Route 113.

Mr. Cole questioned if there are other airports in the area with 1,000 foot runways.

(continued) Mr. Cole stated that he could not support the Park Avenue design as the number one priority when there are so many road problems in the County.

M 008 11
Approve
Revising
DelDOT
Capital
Transportation
Program
Priority
Request

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, that the Sussex County Council approves revising the DelDOT Capital Transportation Program priority request to make the design for the realignment of Park Avenue a higher priority (current the #9 priority).

Motion Adopted: 5 Yeas.

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

Proposal
to Sell
Land/
Daisey
Avenue
Ocean
View

Hal Godwin referenced the newly adopted policy for selling real estate and he presented a proposal to sell a portion of the 16 Daisy Avenue, Ocean View, property (Tax Parcel # 134 12.00 2022) owned by Sussex County Engineering Department. The property (75 feet by 342 feet – 25,000 square feet) is the site of Pump Station 96 and is located in a subdivision known as Foreside Commons. Mr. Godwin stated that the County has no need for the back section of the lot; the Engineering Department has stated that they only need 75 feet wide by 100 feet deep and that the rest of the property could be disposed of. Mr. Godwin noted that no other department in the County has a need for the property. The property has been appraised and there are two appraisals: Value 1 is \$59,000 and Value 2 is \$101,500. This is an estimate of what the back portion of the property is worth if the County keeps a larger footprint versus a smaller footprint of the front portion of the lot. The property was purchased in September 1999 at a cost of \$42,200.

Mr. Godwin stated that he believes there should be a contingency in the sales agreement that the buyer must obtain a variance from the Town of Ocean View which would allow the County to retain a smaller lot than their Code allows and that the expense should be borne by the buyer.

Mr. Godwin noted that this proposal is the result of an adjoining property owner's request to purchase the property. Mr. Godwin stated that, if the Council agrees to dispose of the property, the next step would be to advertise the property for sale.

M 009 11
Advertise

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council directs staff to advertise a portion of County-owned land in

Land for Sale **Ocean View, Delaware, for sale in the local papers for three consecutive weeks; this will be a sealed bid sale of Sussex County real estate to be processed according to the County policy; the parcel number of the subject parcel is 134 12.00 2022; no transfer of ownership will take place without satisfaction of all contingencies and final approval by Sussex County Council.**

M 009 11 **Motion Adopted: 5 Yeas.**
(continued)

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

It was noted that the advertisement should state that the County has the right to accept or reject any bid.

Adminis- Mr. Baker read the following information in his Administrator's Report:
trator's

Report

1. Delaware Department of Transportation Public Workshop

Attached is information received from the Delaware Department of Transportation regarding a public workshop with a goal to receive public comment regarding improvements at Route 13 and Allens Mill Road/Iron Hill Road. The meeting will be held on January 10 at the Delmar Middle and Senior High School between 4:00 p.m. and 7:00 p.m.

2. New Elected Officials

On behalf of the Sussex County Council and Sussex County government, we look forward to working with our newly elected officials—Mr. George Cole, Mr. Vance Phillips, Ms. Cindy Green, Mr. Scott Dailey, and Mr. Jeff Christopher. We congratulate them on their election and wish them the best of luck during their term.

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

**Proposed
Bank
Resolutions**

Mrs. Webb presented Proposed Resolutions to change the authorized signers on the County's deposit accounts.

**M 010 11 A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adopt
Adopt Resolution No. R 001 11 entitled "AUTHORIZING THE PAYMENT
R 001 11 FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT
 WITH THE WILMINGTON TRUST COMPANY BEARING THE
 SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT,
 PRESIDENT; SAMUEL R. WILSON, JR., VICE PRESIDENT; OR
 SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY
 BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK**

OR WITHDRAWAL”.

Motion Adopted: 5 Yeas.

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

M 011 11 A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adopt
Adopt Resolution No. R 002 11 entitled “AUTHORIZING THE PAYMENT
R 002 11 FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT
WITH THE WILMINGTON TRUST COMPANY BEARING THE
FACSIMILE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT,
PRESIDENT; SAMUEL R. WILSON, JR., VICE PRESIDENT; OR
SUSAN M. WEBB, FINANCE DIRECTOR”.

Motion Adopted: 5 Yeas.

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

M 012 11 A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adopt
Adopt Resolution No. R 003 11 entitled “CASH MANAGEMENT ACCOUNT
R 003 11 RESOLUTION”.

Motion Adopted: 5 Yeas.

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

M 013 11 A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adopt
Adopt Resolution No. R 004 11 entitled “AUTHORIZING THE PAYMENT
R 004 11 FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT
WITH THE CITIZENS BANK BEARING THE SIGNATURES OF ANY
TWO OF MICHAEL H. VINCENT, PRESIDENT; SAMUEL R. WILSON,
JR., VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR;
AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE
SIGNATURE IS ON CHECK OR WITHDRAWAL”.

Motion Adopted: 5 Yeas.

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

M 014 11 A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adopt
Adopt Resolution No. R 005 11 entitled “AUTHORIZING THE PAYMENT
R 005 11 FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT

WITH THE FULTON BANK BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; SAMUEL R. WILSON, JR., VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.

M 014 11
(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 015 11
Adopt
R 006 11

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adopt Resolution No. R 006 11 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE FULTON BANK BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; SAMUEL R. WILSON, JR., VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR”.

Motion Adopted: 5 Yeas.

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

M 016 11
Adopt
R 007 11

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adopt Resolution No. R 007 11 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON SAVINGS FUND SOCIETY, FSB BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; SAMUEL R. WILSON, JR., VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.

Motion Adopted: 5 Yeas.

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

M 017 11
Adopt
R 008 11

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adopt Resolution No. R 008 11 entitled “AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE PNC BANK BEARING THE SIGNATURES OF ANY TWO OF MICHAEL H. VINCENT, PRESIDENT; SAMUEL R. WILSON, JR., VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.

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 018 11 A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the
Approve recommendation of the Sussex County Engineering Department, for Sussex
Wastewater County Project No. 81-04, Agreement No. 954-1, that the Sussex County
Agreement/ Council execute a Construction Administration and Construction
Herola Inspection Agreement between Sussex County Council and Herola Family,
Family, LLC for wastewater facilities to be constructed in Herola Family, LLC,
LLC Phase 2, located in the West Rehoboth Expansion of the Dewey Beach
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**

Consultant Selection for Building Construction Projects Michael Izzo, County Engineer, reviewed a proposed consultant selection for engineering and architectural services for building construction projects. Mr. Izzo noted that the consultant selection process is per directives of the Council and the Delaware State Code (Chapter 29 Section 69). The Consultant Selection Committee consisted of Michael Izzo (County Engineer), Julie Cooper (Project Engineer), Andrea Wall (Contracts Administrator), Kathy Roth (Internal Auditor), Carol Fitzgerald (Director of Libraries), and Hal Godwin (Deputy County Administrator). Mr. Izzo reported that the Committee reviewed submittals from eleven qualified firms and interviewed the top five firms. The three firms chosen as being the best able to accommodate the County's needs are ranked as follows:

- | | |
|---------------------------------|----------------------------------|
| 1. Davis, Bowen & Friedel, Inc. | (offices in Salisbury & Milford) |
| 2. Becker Morgan Group, Inc. | (offices in Salisbury & Dover) |
| 3. George, Miles & Buhr, LLC | (offices in Salisbury & Seaford) |

Mr. Izzo reported that the Committee is recommending the selection of all three firms for a period of three years, the period of time directed by the Council. The top-ranked firm, Davis, Bowen & Friedel is recommended by the Committee to provide architectural and engineering services for the proposed Greenwood library project. The proposed expansion project includes a \$3 million project budget to provide a minimum 10,000 square foot expansion of the existing 3,600 square feet structure. The project site is

on Mill Street within the limits of the Town of Greenwood. Mr. Izzo noted that, with the Council's approval, the County would negotiate a contract with Davis, Bowen & Friedel for the design of the Greenwood Library expansion and that a proposed contract would be presented to the Council for approval. Mr. Izzo noted that the funds for the Greenwood Library Project are included in the Fiscal Year 2011 Budget and that the funding consists of a 50 percent match from the State.

M 019 11
Approve
Consultant
Selection/
Assign
Greenwood
Library
Expansion
to Davis
Bowen &
Friedel

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Consultant Selection Team, that Davis, Bowen & Friedel, Inc.; Becker Morgan Group, Inc.; and George, Miles & Buhr, LLC be selected to provide architectural engineering services for building projects for a three-year period effective January 4, 2011 with the Greenwood Library Expansion project being assigned to Davis, Bowen & Friedel, Inc.

Motion Adopted: 5 Yeas.

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

OOSSD
Contract

Michael Izzo, County Engineer, recommended that Substantial Completion be granted to Teal Construction, Inc. for the Oak Orchard Sanitary Sewer District, Expansion Area No. 1, Contract.

M 020 11
Grant
Substantial
Completion/
OOSSD
Expansion
Area
No. 1

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Engineering Consultants, CABA Associates, Inc., and the County Engineering Department, that the Sussex County Council grants Substantial Completion, effective November 30, 2010, for Sussex County Contract No. 09-12, Oak Orchard Sanitary Sewer District, Expansion Area No. 1, to Teal Construction, Inc. and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.

Motion Adopted: 5 Yeas.

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

Requests

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

M 021 11
Community
Grant

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 from Mr. Vincent's Community Grant Account to the Seaford Library and Cultural Center for operating costs.

Motion Adopted: 5 Yeas.

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

**Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 022 11 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give**
Community **\$1,000.00 (\$200.00 from each Community Grant Account) to the Dr. Martin**
Grant **Luther King, Jr. Organization for celebration events.**

M 022 11 **Motion Adopted: 5 Yeas.**
(continued)

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

M 023 11 **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$500.00**
Community **from Mr. Wilson's Community Grant Account to the Bridgeville**
Grant **Community Action Agency for food baskets for needy families.**

Motion Adopted: 5 Yeas.

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

M 024 11 **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00**
Community **(\$300.00 from Mr. Cole's Community Grant Account, \$100.00 from Mr.**
Grant **Vincent's Community Grant Account, and \$100.00 from Mrs. Deaver's**
Community Grant Account) to the Delaware Blue Hens 16U Baseball Team
for tournament costs.

Motion Adopted: 5 Yeas.

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

**Purpose of
Executive
Session**

**Mr. Baker noted that the Executive Session would be for the purpose of
discussing Personnel only.**

M 025 11 **At 11:10 a.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to**
Go Into **go into Executive Session for the purpose of discussing issues relating to**
Executive **personnel.**
Session

Motion Adopted by Voice Vote.

Executive **At 11:12 a.m., an Executive Session was held in the Caucus Room of the**
Session **Council Chambers for the purpose of discussing issues relating to**
personnel. The Executive Session concluded at 11:30 a.m.

M 026 11 **At 11:32 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, to**

Reconvene Regular Session	come out of Executive Session and to reconvene the Regular Session. Motion Adopted by Voice Vote.
Action	Mr. Moore stated that no action was required on Executive Session issues.
Additional Business	Under Additional Business, Sandy Spence of the League of Women Voters reminded the Council of the expired terms of two Board of Adjustment members.
M 027 11 Recess	At 11:34 a.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess until 1:30 p.m. Motion Adopted by Voice Vote. ***
M 028 11 Reconvene	At 1:33 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, to reconvene the Council meeting. Motion Adopted by Voice Vote.
Legal Counsel	Vince Robertson, Assistant County Attorney, was present to serve as the Council's legal counsel for the afternoon session.
Public Hearing on C/U No. 1874	A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.1621 ACRES, MORE OR LESS" (Conditional Use No. 1874) filed on behalf of Ed Hileman Drywall, Inc. Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on December 9, 2010 at which time the Commission deferred action. (See the minutes of the meeting of the Planning and Zoning Commission dated December 9, 2010.) Mr. Lank read a summary of the Commission's Public Hearing. Mr. Lank reported that two additional agency comments have been received since the Public Hearing before the Commission. Mr. Lank summarized the letters and the letters were made a part of the record. The Council found that Frank Kea of Solutions IPeM, representative for the Applicant, was present. Mr. Kea stated that Mr. Hileman acquired the

**Public
Hearing
on C/U
No. 1874
(continued)**

property in 2005 and he obtained a building permit in 2009 for a storage building; that his original intent was to store his personal vehicles and belongings in the building; that he started using the building for his drywall business for storage of materials, vehicles and equipment; that he received a letter of violation from the County Planning and Zoning Department and he then immediately began the process for a Conditional Use; that he hopes to continue using the building for the drywall business; that DelDOT did not require a Traffic Impact Study; that there is a gravel parking lot where the employees park during the work day; that the parking lot provides 8 spaces which is sufficient for the number of employees; and that one building, a porta-john and a dumpster are currently located on the site.

There were no public comments and the Public Hearing was closed.

**M 029 11
Defer
Action
on C/U
No. 1874**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on Conditional Use No. 1874 filed on behalf of Ed Hileman Drywall, Inc.

Motion Adopted: 5 Yeas.

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

**Public
Hearing
on C/U
No. 1875**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.73 ACRES, MORE OR LESS” (Conditional Use No. 1875) filed on behalf of Frederick J. Taylor, Jr.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on December 9, 2010 at which time the Commission recommended approval with the following conditions:

1. No more than six (6) vehicles shall be displayed for sale on the property at any one time.
2. No junked or inoperable vehicles shall be stored on the property.
3. The vehicles for sale shall be located only in those areas designated as areas for the display of vehicles for sale on the site plan.
4. The hours of operation shall be limited to 7:00 a.m. until 5:00 p.m. Monday through Saturday.
5. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
6. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
7. The Applicant shall comply with all DelDOT entrance requirements.
8. The Final Site Plan shall be subject to the review and approval of the

Sussex County Planning and Zoning Commission.

(See the minutes of the meeting of the Planning and Zoning Commission dated December 9, 2010.)

Mr. Lank read a summary of the Commission's Public Hearing.

**Public
Hearing
on C/U
No. 1875**

Mr. Lank reported that two additional agency comments have been received since the Public Hearing before the Commission. Mr. Lank summarized the letters and the letters were made a part of the record.

The Council found that Frederick Taylor was present and he stated that he is requesting the Conditional Use for the purpose of displaying one to six vehicles for sale and that he wants to obtain a dealer's license.

There were no public comments and the Public Hearing was closed.

**M 030 11
Adopt
Ordinance
No. 2171
(C/U
No. 1875)**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to Adopt Ordinance No. 2171 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.73 ACRES, MORE OR LESS" (Conditional Use No. 1875) filed on behalf of Frederick J. Taylor, Jr., with the following conditions:

- 1. No more than six (6) vehicles shall be displayed for sale on the property at any one time.**
- 2. No junked or inoperable vehicles shall be stored on the property.**
- 3. The vehicles for sale shall be located only in those areas designated as areas for the display of vehicles for sale on the site plan.**
- 4. The hours of operation shall be limited to 7:00 a.m. until 5:00 p.m. Monday through Saturday.**
- 5. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- 6. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- 7. The Applicant shall comply with all DelDOT entrance requirements.**
- 8. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

Public

A Public Hearing was held on the Proposed Ordinance entitled "AN

**Hearing
on C/U
No. 1876**

ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE REPAIR, WELDING AND FABRICATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.52 ACRES, MORE OR LESS” (Conditional Use No. 1876) filed on behalf of Douglas R. Morgan.

**Public
Hearing
on C/U
No. 1876
(continued)**

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on December 9, 2010 at which time the Commission recommended approval with the following conditions:

- 1. Any security lights shall be installed or maintained on the buildings, and they shall be screened so that they do not shine on neighboring properties or roadways.**
- 2. No repair or fabrication work shall be performed outside.**
- 3. The use shall be limited to metal fabrication, welding and related activities.**
- 4. The hours of operation shall be limited to 6:00 a.m. to 6:00 p.m. Monday through Friday.**
- 5. There may be one lighted sign on the property advertising the business. The sign shall not exceed 32 square feet in size on either side.**
- 6. The location of dumpsters shall be shown on the Final Site Plan and shall be screened from view of neighboring properties and roadways.**
- 7. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission dated December 9, 2010.)

Mr. Lank read a summary of the Commission’s Public Hearing.

Mr. Lank reported that two additional agency comments have been received since the Public Hearing before the Commission. Mr. Lank summarized the letters and the letters were made a part of the record.

The Council found that Douglas Morgan was present on behalf of the application. He stated that he prefers that the hours of operation be 8:00 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays; that a pre-existing structure was on the site where he and his father did mechanical work on the side; that they tore the building down and constructed a new one; and that uses would include automotive repair, agriculture equipment repair, mechanical work, welding and fabrication.

David L. Wilson and Jack Fitzgerald spoke in support of the application.

There were no additional public comments and the Public Hearing was

closed.

M 031 11
Amend
Conditions
for C/U
No. 1876
M 031 11
Amend
Conditions
for C/U
No. 1876
(continued)

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend the conditions recommended by the Planning and Zoning Commission, as follows:

Amend Condition No. 3.

- 3. The use shall be limited to automotive repair, metal fabrication, welding and related activities.**

Delete Condition No. 4.

Motion Adopted: 5 Yeas.

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

M 032 11
Adopt
Ordinance
No. 2172
(C/U
No. 1876)

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2172 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE REPAIR, WELDING AND FABRICATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.52 ACRES, MORE OR LESS” (Conditional Use No. 1876) filed on behalf of Douglas R. Morgan, with the following conditions:

- 1. Any security lights shall be installed or maintained on the buildings, and they shall be screened so that they do not shine on neighboring properties or roadways.**
- 2. No repair or fabrication work shall be performed outside.**
- 3. The use shall be limited to automotive repair, metal fabrication, welding and related activities.**
- 4. There may be one lighted sign on the property advertising the business. The sign shall not exceed 32 square feet in size on either side.**
- 5. The location of dumpsters shall be shown on the Final Site Plan and shall be screened from view of neighboring properties and roadways.**
- 6. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing
on C/U
No. 1879**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.9652 ACRES, MORE OR LESS” (Conditional Use No. 1879) filed on behalf of Laurel Fire Department, Inc.

**Public
Hearing
on C/U
No. 1879
(continued)**

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on December 9, 2010 at which time the Commission recommended approval with the following conditions:

- 1. Any security lighting shall be screened away from neighboring properties and County roads.**
- 2. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission dated December 9, 2010.)

Mr. Lank read a summary of the Commission’s Public Hearing.

Mr. Lank reported that two additional agency comments have been received since the Public Hearing before the Commission. Mr. Lank summarized the letters and the letters were made a part of the record.

Mr. Lank distributed copies of an Exhibit Book provided by the Applicant. The Exhibit Book included diagrams and letters of support.

The Council found that Bill Hearn of the Laurel Fire Department was present with Dennis Schrader, Attorney and Mark Dusbiber of Delaware Architects, LLC. They stated that the application is for a fire substation; that the site is currently vacant; that the site is in the service area of the Laurel Fire Department; that the site is adequate in size to accommodate the use; that the site is located in a Low Density Area according to the County’s Comprehensive Land Use Plan; that there is sufficient area on the site for on-site septic and water; that no transportation improvements will be required; that a Traffic Impact Study was not required as it will remain with a Level of Service A; that the project was reviewed and approved by the State Fire Prevention Commission; that the substation will contain two truck bays; that the building height is planned to be 27 feet; that the building is not designed for public activities; that no siren is proposed; that the Department has been operating a temporary substation on Sycamore Road since 2004 after receiving approval from the State Fire Prevention Commission; that the Department needs a facility on the easterly side of Route 13; and that the substation will improve response time.

There were no public comments and the Public Hearing was closed.

**M 033 11
Adopt
Ordinance
No. 2173
M 033 11
Adopt
Ordinance
No. 2173
(C/U
No. 1879)
(continued)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2173 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.9652 ACRES, MORE OR LESS” (Conditional Use No. 1879) filed on behalf of Laurel Fire Department, Inc., with the following conditions:

- 1. Any security lighting shall be screened away from neighboring properties and County roads.**
- 2. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing
on C/U
No. 1880**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16.62 ACRES, MORE OR LESS” (Conditional Use No. 1880) filed on behalf of Ellendale Volunteer Fire Company, Inc.

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on December 9, 2010 at which time the Commission recommended approval with the following conditions:

- 1. Any security lighting shall be screened away from neighboring properties and County roads.**
- 2. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission dated December 9, 2010.)

Mr. Lank read a summary of the Commission’s Public Hearing.

Mr. Lank reported that two additional agency comments have been

received since the Public Hearing before the Commission. Mr. Lank summarized the letters and the letters were made a part of the record.

Mr. Lank distributed copies of an Exhibit Book provided by the Applicant. The Exhibit Book included diagrams and letters of support.

**Public
Hearing
on C/U
No. 1880
(continued)**

The Council found that Jay Jones, Fire Chief of the Ellendale Volunteer Fire Company, was present with Dennis Schrader, Attorney and Mark Dusbiber of Delaware Architects, LLC. They stated that the application is for a fire substation to be located near Lincoln; that the site is currently vacant and being used for agricultural purposes; that there will not be any public activities at the site; that no siren is proposed; that one third of the company service area is in the Lincoln area; that a fire substation at this site will decrease response times to the area which is at the northern end of fire service district; that their fire district has experienced tremendous growth over the last few years; that the substation is proposed to have three truck bays with a drive through design; that the building is proposed to contain 8,100 square feet with a height of 32 feet; that the site is located in a Low Density Area according to the County's Comprehensive Land Use Plan; that there is sufficient area for an on-site septic and well; that no new road improvements are necessary; and that the application has been reviewed by the State Fire Prevention Commission.

Public comments were heard.

David Wilson spoke in support of the application.

There were no additional public comments and the Public Hearing was closed.

**M 034 11
Adopt
Ordinance
No. 2174
(C/U
No. 1880)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2174 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16.62 ACRES, MORE OR LESS" (Conditional Use No. 1880) filed on behalf of Ellendale Volunteer Fire Company, Inc., with the following conditions:

1. Any security lighting shall be screened away from neighboring properties and County roads.
2. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

**Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 035 11 A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at
Adjourn 2:38 p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

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