



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 25, 2011

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 25, 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. Vincent.

Mr. Vincent called the meeting to order.

M 056 11 Amend and Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by deleting "Approval of Minutes"; by deleting "Inland Bays Regional Wastewater Facility, Expansion No. 1, Change Order"; by deleting "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

Corre-

Mr. Moore read the following correspondence:

spondence

DELAWARE COMMUNITY FOUNDATION, WILMINGTON, DELAWARE.

RE: Letter thanking the Council for its recent contribution to the Sussex Child Health Promotion Coalition Operating Fund at the Delaware Community Foundation.

CALVARY UNITED METHODIST CHURCH.

RE: Letter in appreciation of Human Service Grant (for food and clothes for the needy).

JUNIOR ACHIEVEMENT, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**Corre-
spondence
(continued)**

YMCA OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

DELAWARE ADOLESCENT PROGRAM, INC., WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**Procla-
mation
Honoring
Paramedic
Service/
20 Year
Anniversary**

The Council presented a Proclamation to Bob Stuart, Director of Emergency Medical Services, entitled “A PROCLAMATION TO HONOR SUSSEX COUNTY EMERGENCY MEDICAL SERVICES UPON ITS 20TH ANNIVERSARY”. Mr. Baker stated that Sussex County EMS was established on January 15, 1991 to provide state-of-the-art lifesaving paramedic services to the citizens of Sussex County and that Sussex County EMS began with a single paramedic unit and 12 members that has since evolved into an eight-unit, 107 member force.

**Adminis-
trator’s
Report**

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

1. Delaware Solid Waste Authority Report

As per the attached letters from the Delaware Solid Waste Authority, a total of 62,337 pounds of recycled material was received during the quarter ending December 31, 2010, at the West Complex parking lot.

2. Sussex County Prescription Drug Discount Card Program

Attached is a report from the National Association of Counties regarding the Sussex County Prescription Drug Discount Card Program. As per the report, a total of 324 individuals used this card during the month of December. The average price savings during December was 28.89 percent, equating to a total of \$17,167 saved by users of this card. Attached is information regarding this card that is free and available to be used by anyone as long as it is not combined with another drug card.

3. **Airport Advisory Committee Agenda**

As per the attached notice, the Sussex County Airport Advisory Committee will be meeting on January 26 at 7:00 p.m. at the Sussex County Emergency Operations Center. A number of issues are on the agenda to be discussed including emergency response, bylaws changes, airport update, and review of proposed airport policies. We wish to thank the members of the Committee for their public service assisting the County with airport issues.

Adminis-
trator's
Report
(continued)

4. **Manufactured Housing Committee Meeting – January 26, 2011**

The Sussex County Manufactured Housing Committee will be meeting on January 26 in the Sussex County Council Chambers at 10:00 a.m. Attached is a copy of the agenda that includes discussion of previous ordinances, administrative variances, and other issues.

5. **Pension Committee Meeting – January 27, 2011**

The Sussex County Council Pension Committee will meet on January 27 at 1:30 p.m. in the Sussex County Council Chambers. There will be discussion regarding investments, financial advisor options for service, membership, and ordinances.

6. **Delaware Department of Natural Resources and Environmental Control – Notice of Intent**

Attached is a draft schedule of projects for a proposed Notice of Intent list to be submitted to the Delaware Department of Natural Resources and Environmental Control. The Clean Water Advisory Council requests this list annually from each government interested in constructing wastewater infrastructure. This list represents a rough plan for the near future regarding various projects to be tackled. Of course, expenditures for each project must be approved by the Sussex County Council before work is done. Some of these projects require public hearings and public meetings prior to County Council approval.

7. **Substantial Completion**

The Engineering Department granted Substantial Completion to Barrington Park (a/k/a Coventry at Barrington Park), Agreement No. 733-1, on January 19, 2011. The developer is Tyre Farm, L.L.C., and the project is located at the southwest corner of the Road 353 and Road 352 intersection in the Millville Expansion of the Bethany Beach Sanitary Sewer District, consisting of 49 single-family lots.

Included with this report is a fact sheet on the project.

2010 Private Activity Volume Cap Reassign- ment	<p>Mrs. Webb reported that correspondence has been received from the Department of Finance, State of Delaware, requesting that any portion of the 2010 Private Activity Bond Volume Cap Allocation in the amount of \$27,380,000 assigned to Sussex County, which will not be allocated either to a qualified project or identified as eligible for carry-forward, be reassigned to the State for reallocation. This request is made annually to allow the State to maximize usage of its Private Activity Bond Volume Cap.</p> <p>Mrs. Webb reported that, during 2010, the County did not have any projects apply for the funding.</p>
M 057 11 Reassign- ment of 2010 Private Activity Bond Volume Cap	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the reassignment of the 2010 Private Activity Bond Volume Cap in the amount of \$27,380,000 to the State of Delaware.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Financial Review	<p>Mrs. Webb presented the financial review for the six months ended December 31, 2010. Total revenues were 2.40 percent over budget and total expenditures were .46 percent under budget; excess of revenues over expenditures was \$671,952.22.</p>
Greenwood Library Feasibility Study Proposal	<p>Michael Izzo, County Engineer, presented a proposal to authorize a Feasibility Study for the Greenwood Library. Previously, the County Council selected Davis Bowen & Friedel to be the architect for the proposed project.</p> <p>Mr. Izzo explained that the proposed project is for a 10,000 square foot expansion; this is the minimum size that would have to be constructed to be eligible for state funding. Mr. Izzo reported that Carol Fitzgerald, County Librarian, submitted a grant application to the State; the grant application referenced a project in the \$3 million range. If this is the case, the State would provide a \$1.5 million grant and the County would be responsible for a 50 percent match. The Friends of the Greenwood Library have committed to raise \$150,000 for the project.</p> <p>Mr. Izzo stated that one of the issues that needs to be resolved is whether the project is best served by maintaining the existing structure and expanding another 7,000 square feet (to bring it to 10,000 square feet) or to start from scratch and build a 10,000 square foot library building. Another issue is to decide if it is possible to have a 10,000 square foot facility that is all one story.</p>

Mr. Izzo reported that Davis, Bowen & Friedel is proposing to perform a Feasibility Study at a cost of \$15,900.00, which would include some preliminary design work and would consider all of the alternatives. Once the study has been performed, a recommendation will be made to the Council regarding the best option.

**M 058 11
Authorize
Greenwood
Library
Feasibility
Study** **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Contract Amendment No. 1 with Davis, Bowen & Friedel be approved in the amount of \$15,927.00 to complete a Feasibility Study and initiate preliminary design for the Greenwood Public Library.**

**M 058 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**

[Prior to the vote, the Council raised questions regarding the proposal and Mr. Phillips requested that an estimate be prepared of the additional operational costs that will be incurred as a result of the proposed expansion.]

Shirley Everline read a letter into the record which was written by Jim Westhoff in support of the Greenwood Library Expansion.

**Miller
Creek
SSD/
Potential
Sewer
Service
for
Tanglewood
and
Oak Acres** **John Ashman, Director of Utility Planning, presented information regarding potential sewer service to the Tanglewood and Oak Acres communities as a part of the Miller Creek Sanitary Sewer District. Mr. Ashman reported that on February 12, 2008, the County Council approved the Bayard Expansion of the Miller Creek Sanitary Sewer District. At the Public Hearing for this expansion, there were requests from residents of the Oak Acres and Tanglewood subdivisions to be included in the expansion. The Engineering Department sent out polling letters to those communities to gauge their interest. The Engineering Department amended the proposed boundary according to the response from this poll, which is the boundary that was approved on February 12, 2008.**

Mr. Ashman explained that the driving force of the expansion was a project known as the Estuary; this project was to be largely responsible for the infrastructure to serve the expansion area. Due to the recent economy, the Estuary project has failed to move forward with the necessary regional infrastructure to serve these two existing communities. For this reason, the Engineering Department is proposing an option for service to these two communities. Mr. Ashman explained that the Engineering Department is proposing to use remaining grant monies from the Miller Creek project to assist in the cost of this project. Because of the lapse in time since the boundary expansion to date, the Engineering Department is proposing a public meeting with the residents of these two communities to discuss the impact the communities would face due to the construction of this project.

Mr. Cole expressed concern about the costs and stated that it would be cheaper for the residents to fix their failing septic systems.

M 059 11 A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the
Authorize Sussex County Council authorizes the Sussex County Engineering
a Public Department to hold a public meeting to discuss impacts and potential costs
Meeting/ for the installation of a sanitary sewer system to serve the Tanglewood/Oak
Tanglewood Acres area in the Miller Creek Sanitary Sewer District, as presented on
and Oak January 25, 2011.

Acres Areas/ Motion Adopted: 5 Yeas.
Miller Creek
SSD

M 059 11 Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
(continued) Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea

Board Mrs. Deaver questioned the status of her nomination to the Board of
of Adjustment.

Adjustment Mr. Vincent responded that he is awaiting a report back from Legal
Issues Counsel in regards to the workshop with the Board of Adjustment held on
 August 17, 2010.

Mr. Moore stated that, since the workshop, Legal Counsel has brought before the Council the draft ordinances relating to administrative variances and manufactured homes. Mr. Moore stated that he and Mr. Berl are scheduled to meet to discuss if there are any additional suggestions to be presented after which a report will be given to the Council. Mr. Vincent stated that following receipt of the report, the matter(s) will be placed on the agenda for a vote, possibly within a two week time frame.

Additional Under Additional Business, John Walsh stated that the workshop with the
Business Board of Adjustment was held seven months ago and that no guidance has been provided to the Board by the Council. Mr. Walsh referenced the two expired terms on the Board of Adjustment. He also referenced the comments of the members of the Board made at the workshop that they weren't really sure what their job is. Mr. Walsh stated that this indicates a personnel problem. Mr. Walsh stated that members of the Board of Adjustment and the Planning and Zoning Commission should be required to attend programs offered by the University of Delaware Institute of Public Policy.

Under Additional Business, Roberta Hemmerich questioned if there are any bios on members of the County Boards or Commissions and she stated that if there isn't, there should be and they should be made available to the public. Ms. Hemmerich questioned when news can be expected regarding the hiring of a County Planner.

Under Additional Business, Sandy Spence stated that she has learned that there has been a job posting for a County Planner and she expressed concern regarding the salary level. Ms. Spence urged the Council to raise the salary level so that the County can get a qualified and certified person to fill the job.

**Future
Agenda
Items**

Mrs. Deaver questioned the status of the Adequate Public Facilities Ordinance. Mr. Vincent responded that the drafting of this ordinance was subject to a request from Mr. Phillips for a cost analysis. Mr. Phillips stated that he does not have a problem with a workshop being held.

**Future
Agenda
Items
(continued)**

Mr. Phillips stated that the Council has received a letter from Patti Grimes of the Economic Development Action Committee and that the Committee is making recommendations to stimulate the economy. Mr. Phillips asked that this matter be placed on the Council Agenda.

Mr. Cole requested that a future agenda include a discussion on the creation of an Environmentally Sensitive District around the Nanticoke Watershed.

**M 060 11
Go Into
Executive
Session**

At 11:02 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess and to go into Executive Session for the purpose of discussing issues relating to pending/potential litigation.

Motion Adopted by Voice Vote.

**Executive
Session**

At 11:04 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 12:15 p.m.

**M 061 11
Reconvene
Regular
Session**

At 12:16 p.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted by Voice Vote.

Mr. Moore announced that the Executive Session was held to discuss strategies concerning litigation and that no action was required.

**M 062 11
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 12:17 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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