



# **SUSSEX COUNTY COUNCIL**

## **AGENDAS & MINUTES**

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 31, 2012**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 31, 2012, 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>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Susan M. Webb</b>	<b>Finance Director</b>
<b>Everett Moore</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 067 12 Amend and Approve Agenda**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Agenda by deleting "Executive Session – Job Applicants' Qualifications, Personnel, Pending/Potential Litigation, and Land Acquisition pursuant to 29 Del. C. §10004(b)" and by deleting "Possible Action on Executive Session Items"; and to approve the Agenda, as amended.

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

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

#### **Approve Minutes**

The minutes of January 17 and 24, 2012 were approved by consent.

#### **Corre- spondence**

Mr. Moore read the following correspondence:

**BOYS & GIRLS CLUB OF DELAWARE, WILMINGTON, DELAWARE.**  
**RE: Letter in appreciation of Human Service Grant.**

#### **Fore- closure**

Gerry Kelly of the Delaware Attorney General's Office was in attendance to present an overview of the Delaware Foreclosure Mitigation Program. The

Mediation Program	Foreclosure Mediation Program requires lenders to meet with homeowners to discuss alternatives to foreclosure <i>before</i> a homeowner loses their home. Mr. Kelly stated that one of the goals of this program is to make homeowners aware of their options and to warn them to beware of, and to report, foreclosure scams.
Fore-closure Mediation Program (continued)	<p>Mr. Kelly shared some foreclosure statistics: sheriff sales in Sussex County have increased from 269 in 2008 to 609 in 2011; the top five zip codes most affected by sheriff sales in Sussex County in 2011 were Millsboro (89), Seaford/Blades (71), Laurel (56), Lewes (51) and Milton and Rehoboth/Dewey (37). He noted that, in Delaware (Quarter 3 – 2011), there were 19,860 loans with installments past due or in foreclosure; it is estimated that there are another 1,600 (approximately) ready to go into foreclosure. From January 1 through 18, 2012, there were 92 foreclosure complaints in Sussex County; 38 complaints were filed on January 18, 2012 (the day before the Mandatory Mediation Program went into effect).</p> <p>Mr. Kelly stated that homeowners can contact the Attorney General's Office at 1-800-220-5424 to learn how they may be able to save their home.</p>
Assessment Review Board	Mr. Lawson reported that Ron Patterson currently serves on the Assessment Review Board and that his term will expire in February; appointments to this Board are made by the Council and are for a term of five years. Mr. Patterson is Councilman Cole's appointment.
M 068 12 Reappoint Member to Assessment Review Board	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reappoint Ron Patterson to the Sussex County Assessment Review Board, effective February 1, 2012 for a term of five (5) years.</p> <p>Motion Adopted: 3 Yeas, 2 Absent.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Absent; Mr. Wilson, Absent; Mr. Vincent, Yea</p>
Administrator's Report	<p>Mr. Lawson read the following information in his Administrator's Report:</p> <ol style="list-style-type: none"><li><u><b>The Reserve at North Bethany – Substantial Completion</b></u><p>The Sussex County Engineering Department reports Substantial Completion of The Reserve at North Bethany which includes the North Bethany Expansion of the Bethany Beach Sanitary Sewer District. Substantial Completion was effective January 25, 2012. Included with this report is a fact sheet on the project.</p></li><li><u><b>Delaware State Police Activity Report for December 2011</b></u></li></ol>

The Delaware State Police report a total of 3,509 traffic arrests and 1,194 criminal arrests for the month of December 2011. In all, Delaware State Police had 24,805 hours on duty, of which 42 percent were spent on criminal investigations. A copy of the December report is attached.

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

**3. CodeRED Alert System**

CodeRED is a web-based service designed specifically to enable local government officials to record, send, and track personalized cell phone, home phone, and text messages to their employees in a matter of minutes.

Sussex County recently acquired the CodeRED system and will begin to notify its employees of any emergency that may affect them. Over the last few weeks, the County has asked the employees of their preferred method of notification. We conducted several test calls and text messages and can report nearly a 100 percent connection rate.

CodeRED will be administered by County Administration to notify our employees of any incident, including weather or other emergency that may interrupt the workplace. CodeRED enables us to send a message to every employee within a matter of seconds. County employees have been instructed on the use of CodeRED and full implementation begins tomorrow, February 1, 2012.

I would like to thank the Human Resources Department and the Information Technology Department for their assistance in getting this valuable software up and running and helping us stay in communication with our employees.

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

**Draft  
Ordinance  
Relating to  
Council-  
manic  
Election  
Districts**

Mr. Moore presented a Draft Ordinance entitled "AN ORDINANCE TO REPEAL ORDINANCE NO. 2227 RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING COUNCILMANIC ELECTION DISTRICTS".

Mr. Moore explained that the Draft Ordinance contains changes to two areas that were requested by the Board of Elections and previously presented to Council. He noted that the only other proposed change is in an area with zero population.

**Introduction  
of Proposed  
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO REPEAL ORDINANCE NO. 2227 RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING COUNCILMANIC

**ELECTION DISTRICTS”.**

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

**Financial Report**            **Mrs. Webb presented the Financial Report for the Six Months Ending December 31, 2011.**

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

**M 069 12**            **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the**  
**Approve**            **recommendation of the Sussex County Engineering Department, for Sussex**  
**Wastewater**       **County Project No. 81-04, Agreement No. 917, that the Sussex County**  
**Agreement/**       **Council execute a Construction Administration and Construction**  
**Ingram**           **Inspection Agreement between Sussex County Council and Beaver**  
**Village**           **Properties, LLC, for wastewater facilities to be constructed in Ingram**  
                         **Village, located in the Ellendale Sanitary Sewer District.**

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

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

**Public**            **A Public Hearing was held on the development of a Community**  
**Hearing/**       **Development Block Grant application, which is to be submitted to the**  
**CDBG**           **Delaware State Housing Authority. The Community Development Block**  
                     **Grant (CDBG) is a federal grant from the Department of HUD to the**  
                     **Delaware State Housing Authority (DSHA). Kent and Sussex Counties**  
                     **compete for the funding by making application to the DSHA.**

**Brad Whaley, Director of Sussex County Community Development & Housing, stated that Sussex County’s application will consist of projects in the County and in the municipalities. He reported that staff has met with all the municipalities who have asked for the County’s assistance to make application to the DSHA. Mr. Whaley explained that the primary objective of the Community Development Block Grant Program is the development of viable urban communities, including decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. It is also a primary objective to alleviate physical and economic distress through the stimulation of private investment and community revitalization in areas of population out-migration or a stagnating or declining tax base. Eligible applicants are units of general local governments in Sussex and Kent counties, the Kent County Levy Court and the Sussex County Council. Mr. Whaley reported that there is approximately \$1,796,000 available for Sussex County, Kent County, and the municipalities (a 12 percent reduction over last year’s**

funding). Eligible projects include housing rehabilitation, demolition and code enforcement, and infrastructure projects, with a priority towards housing rehabilitation.

Mr. Whaley reported that, over the past ten years, the County has received \$10,750,000 in Community Development Block Grant funding and has been able to assist over 1,200 households.

Public  
Hearing/  
CDBG  
(continued)

Mr. Whaley reported that, currently, there are 750 people on the Countywide waiting list and an additional 400+ people on a rural community waiting list.

Mr. Whaley and Brandy Bennett reviewed a draft Resolution that listed the projects to be submitted to the Delaware State Housing Authority for CDBG funding, as follows:

**Application No. 1:**

Scatter Site, Rehab	\$ 313,000	Housing Rehabilitation
Scatter Site -	84,000	Emergency Rehabilitation
Emergency Rehab		
Scatter Site Hook-ups – Pinetown	60,000	Hook-ups - Sewer/Water
Dagsboro, Ocean View, Millville		
Cool Spring	96,000	Housing Rehabilitation
Coverdale	96,000	Housing Rehabilitation
Mt. Joy	96,000	Housing Rehabilitation
Rural Selbyville	96,000	Housing Rehabilitation
West Rehoboth	96,000	Housing Rehabilitation
Administration	<u>163,000</u>	
Total	\$1,100,000	

**Application No. 2:**

Blades	\$ 80,000	Housing Rehabilitation
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**Application No. 3:**

Bridgeville	\$ 140,000	Housing Rehabilitation
	\$ 36,000	Demolition

**Application No. 4:**

Delmar	\$ 105,000	Housing Rehabilitation
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**Application No. 5:**

Ellendale	\$ 80,000	Housing Rehabilitation
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**Application No. 6:**

<b>Public Hearing/ CDBG (continued)</b>	<b>Frankford</b>	<b>\$ 80,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 7</u></b>		
	<b>Greenwood</b>	<b>\$ 80,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 8</u></b>		
	<b>Georgetown</b>	<b>\$ 169,745</b>	<b>Infrastructure</b>
		<b>\$ 105,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 9:</u></b>		
	<b>Laurel</b>	<b>\$ 175,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 10:</u></b>		
	<b>Milford</b>	<b>\$ 175,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 11:</u></b>		
	<b>Millsboro</b>	<b>\$ 105,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 12:</u></b>		
	<b>Milton</b>	<b>\$ 105,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 13:</u></b>		
	<b>Seaford</b>	<b>\$ 175,000</b>	<b>Housing Rehabilitation</b>
	<b><u>Application No. 14:</u></b>		
	<b>Selbyville</b>	<b>\$ 175,000</b>	<b>Housing Rehabilitation</b>

Mr. Whaley stated that, in the past, the County Council has provided funding for emergency projects and that in this year's budget, the Council provided \$60,000.00. Mr. Cole commented on the length of the waiting list and he recommended that the Council consider contributing more funding to this effort.

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

<b>M 070 12 Adopt R 003 12/ CDBG Resolution</b>	<b>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 003 12 entitled "ENDORISING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING TODD F. LAWSON,</b>
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**COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS”.**

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

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

**M 071 12 A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt  
Adopt Resolution No. R 004 12 entitled “RECOGNIZING THE IMPORTANCE  
R 004 12/ OF FAIR HOUSING FOR THE CITIZENS OF SUSSEX COUNTY”.**

**Fair**

**Housing  
Resolution**

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

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

**Grant**

**Requests Mrs. Webb presented grant requests for the Council’s consideration.**

**M 072 12 A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$250.00  
Community from Mr. Vincent’s Community Grant Account to God’s Food Wagon for  
Grant operating costs.**

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

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

**M 073 12 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 Sussex County  
Grant Science Fair for operating costs and awards.**

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

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

**M 074 12 A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$200.00  
Community from Mr. Vincent’s Community Grant Account to the Nanticoke Rotary  
Grant Club for costs associated with the Paramedic Annual Awards Dinner.**

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

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

**M 075 12**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$250.00**  
**Community**      **(\$50.00 from each Community Grant Account) to the Delaware Breast**  
**Grant**            **Cancer Coalition for the 9th Annual Southern Lights of Life event.**

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

**M 075 12**      **Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;**  
**(continued)**      **Mr. Phillips, Absent; Mr. Wilson, Absent;**  
                    **Mr. Vincent, Yea**

**M 076 12**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00**  
**Community**      **from Mrs. Deaver's Community Grant Account to the People to People**  
**Grant**            **Student Ambassador Program for Aallyah Reese to attend a leadership**  
                    **summit in China.**

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

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

**Introduction**      **Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE**  
**of Proposed**      **TO AMEND CONDITION NO. 8 OF THE CONDITIONS OF**  
**Ordinances**      **APPROVAL IN ORDINANCE NO. 2204 FOR CONDITIONAL USE NO.**  
**(continued)**      **1862 FOR NANTICOKE SHORES ASSOCIATES, LLC AS IT RELATES**  
                    **TO EARTHEN BERMS AROUND THE PERIMETER OF THE**  
                    **PROPERTY FOR A CAMPGROUND/RV PARK TO BE LOCATED ON**  
                    **A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN**  
                    **RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.81 ACRES OF**  
                    **A 138 ACRE TRACT" (Conditional Use No. 1926) filed on behalf of**  
                    **Nanticoke Shores Associates, LLC.**

**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**  
**CONVENIENCE STORE WITH GAS PUMPS TO BE LOCATED ON A**  
**CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK**  
**HUNDRED, SUSSEX COUNTY, CONTAINING 8.88 ACRES, MORE OR**  
**LESS" (Conditional Use No. 1927) filed on behalf of Two Farms, Inc.**

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

**M 077 12**      **At 11:01 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole,**  
**Adjourn**        **to adjourn.**

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



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

**Respectfully submitted,**

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