



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 22, 2011

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 22, 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 101 11 Amend and Approve Agenda

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend the Agenda by deleting "Pending/Potential Litigation" 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

Minutes

The minutes of February 15, 2011 were approved by consent.

Corre- spondence

Mr. Moore read the following correspondence:

VILLAGE IMPROVEMENT ASSOCIATION OF REHOBOTH BEACH,
DELAWARE.

RE: Letter in appreciation of grant.

Discussion

Mr. Baker discussed a proposal for a draft ordinance regarding windmills

of a Draft Ordinance Relating to Windmills

Discussion of a Draft Ordinance Relating to Windmills (continued)

that was previously discussed on February 15, 2011. He noted that a primary purpose of the draft ordinance is to provide a means to allow the construction of windmills on residential lots less than 5 acres; the proposed draft ordinance would enable residential property owners with lots of less than 5 acres to install a windmill with certain restrictions. Most of those restrictions are imposed by State legislation, i.e. the setback must be the maximum height of the turbine, various sound requirements, and compliance with airport hazard regulations. One item that is not addressed by State legislation is that the County has a 100 foot height limit on windmills. For windmills on non-residential properties greater than 5 acres, the proposed draft ordinance would provide some additional rules. Per the proposed draft ordinance, windmills greater than 200 feet would only be allowed in industrial zoning districts.

On February 15th, a number of questions arose to be answered regarding the proposal:

- 1) A question was posed regarding what type of engineering certification would be required in regard to the construction of the wind turbine.

The following language change is being recommended:

Applicant shall submit an engineering certification for the foundation and windmill structure in regard to the construction of the wind turbine.

This change has been reviewed with the County Engineer. Normally, the manufacturer of the windmill would provide an engineer's certification regarding the windmill structure. A separate engineer's certification would be beneficial regarding the foundation of the windmill.

- 2) A question was posed regarding lighting. The proposed regulation would require lighting on the windmill for every 50 feet of height, which is similar to the County's regulations regarding cell towers.

Questions arose regarding FAA requirements; FAA has various requirements regarding lighting. The FAA may not require lighting unless the windmill is above 200 feet high. Lighting is typically required by the FAA for windmills close to airports. There are separate FAA rules for wind turbine farms regarding lighting.

Mr. Baker questioned if the Council wishes to place the windmills in the same category as cell towers, as it currently exists, and if not, the sentence could be deleted in the draft ordinance and there would be no reference to cell towers.

- 3) A question arose regarding how the County will know whether or not the wind turbine is continuing to generate electricity and is continuing to be used. County staff could request from the property owner proof that the windmill is still operational. The property owner could supply proof that the windmill is continuing to generate electricity upon review of the

manufacturer's metering equipment, which is common to all windmill applications. There is metering with each windmill built that indicates the electricity generated and the savings to the property owner.

**Discussion
of a Draft
Ordinance
Relating to
Windmills
(continued)**

Mr. Cole stated that the ordinance needs to address the life span of the windmills. Mr. Moore responded that State legislation does limit what regulations can be placed on windmills and that he is unsure if this meets those criteria.

There was no objection from Council that (1) the language regarding lighting every 50 feet remain in the draft ordinance and (2) the language regarding engineering certification be incorporated in the draft ordinance.

Mr. Vincent asked Mr. Moore to finalize the draft ordinance for presentation to Council for the purpose of introduction.

**Adminis-
trator's
Report**

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

1. Delaware Department of Transportation - Public Workshop

The Delaware Department of Transportation is holding a public workshop regarding the construction of a maintenance facility on Newton Road, west of the intersection of Route 13 and Route 404. The workshop will be held in the Delaware State Police Troop 5 conference room in Bridgeville on Tuesday, March 1, 2011, from 4:00 p.m. to 7:00 p.m. Attached is a notice regarding the workshop.

2. Airport Advisory Committee Agenda - February 23, 2011

Attached is an agenda for the Sussex County Airport Advisory Committee which will meet at the Sussex County Emergency Operations Center at 7:00 p.m. on February 23, 2011.

3. Dog Licensing

Licensing for all dogs for 2011 that are six months of age or older is required by March 1, 2011. Attached is an information and application form regarding licensing. This application is available on-line. Licenses will be issued by the County during regular working hours here. Since December 2009, the County has collected \$120,600 in dog licensing fees.

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

Requests

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

**M 102 11
Community**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$200.00 from Mr. Wilson's Community Grant Account to New Coverdale

- Grant** **Outreach Mission for utilities.**
- Motion Adopted:** **5 Yeas.**
- Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**
- M 103 11** **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00**
Community **(\$250.00 each from Mrs. Deaver's and Mr. Wilson's Community Grant**
Grant **Accounts) to Milford Senior High School for After-Prom Party expenses.**
- Motion Adopted:** **5 Yeas.**
- Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**
- M 104 11** **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00**
Community **(\$250.00 each from Mrs. Deaver's and Mr. Wilson's Community Grant**
Grant **Accounts) to Milford Memorial Hospital Auxiliary (MMH Auxiliary) for**
Hospital Fair expenses.
- Motion Adopted:** **5 Yeas.**
- Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**
- Additional** **Under Additional Business, Jo Klinge of Rehoboth Beach asked the Council**
Business **when the appointments to the Board of Adjustment will be made.**
- Executive** **Mr. Moore announced that the Council will be recessing for Executive**
Session **Session. After the Executive Session, the Council will reconvene for the**
Announce- **purpose of recessing for lunch after which the Council will go back into**
ment **Executive Session until approximately 6:30 p.m. After that time, the**
Council will recess until the Executive Session resumes at 8:30 a.m. on
Wednesday, February 23rd.
- M 105 11** **At 10:26 a.m., a Motion was made by Mrs. Deaver, seconded by Mr.**
Go Into **Phillips, to recess the Regular Session and to go into Executive Session for**
Executive **the purpose of discussing personnel issues.**
Session
- Motion Adopted by Voice Vote.**
- Executive** **At 10:45 a.m., an Executive Session of the Sussex County Council was held**
Session **in the Council Chambers for the purpose of discussing personnel issues.**
The Executive Session concluded at 11:44 a.m.
- M 106 11** **At 11:45 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver,**

Reconvene Regular Session **to come out of Executive Session and to reconvene the Regular Session.**
Motion Adopted by Voice Vote.

M 107 11 Recess **At 11:47 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess until 2:00 p.m.**

(continued) **Motion Adopted by Voice Vote.**

Luncheon Meeting **At 12:00 Noon, the Sussex County Council attended a luncheon meeting with the Sussex Conservation District at Sussex County's West Complex. The luncheon meeting concluded at 1:30 p.m.**

M 108 11 Reconvene **At 2:01 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to reconvene the Regular Session.**

Motion Adopted by Voice Vote.

M 109 11 Go Into Executive Session **At 2:02 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to recess the Regular Session and to go into Executive Session for the purpose of discussing personnel issues.**

Motion Adopted by Voice Vote.

Executive Session **At 2:04 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers for the purpose of discussing personnel issues. The Executive Session concluded at 5:45 p.m.**

M 110 11 Reconvene **At 5:46 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted by Voice Vote.

M 111 11 Recess **At 5:47 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess until 8:30 a.m. on Wednesday, February 23, 2011.**

Motion Adopted by Voice Vote.

Reconvene **The Sussex County Council reconvened on Wednesday, February 23, 2011, at 8:30 a.m. in the Council Chambers 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
J. Everett Moore	County Attorney

Karen Brewington Personnel Director

**M 112 11 At 8:30 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to
Reconvene reconvene the Regular Session.**

Motion Adopted by Voice Vote.

**M 113 11 At 8:31 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to
Go Into recess the Regular Session and to go into Executive Session for the purpose
Executive of discussing personnel issues.
Session**

Motion Adopted by Voice Vote.

**Executive At 8:32 a.m., an Executive Session of the Sussex County Council was held in
Session the Council Chambers for the purpose of discussing personnel issues.**

**At 11:58 a.m. the Executive Session was moved to the Caucus Room of the
Council Chambers for the purpose of lunch and at the same time to
continue discussions regarding personnel issues.**

The Executive Session concluded at 1:09 p.m.

**M 114 11 At 1:10 p.m., a Motion was made to come out of Executive Session and to
Reconvene reconvene the Regular Session.**

Motion Adopted by Voice Vote.

No action was necessary on Executive Session matters.

**M 115 11 At 1:12 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to
Adjourn adjourn.**

Motion Adopted by Voice Vote.

Respectfully submitted,

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