



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 8, 2008

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 8, 2008 at 6:30 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
Dale R. Dukes	Member
George B. Cole	Member
Vance Phillips	Member
David Baker	County Administrator
Susan M. Webb	Finance Director
Hal Godwin	Assistant to the County Administrator
James D. Griffin	County Attorney

M 270 08 Amend and Approve Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to amend the Agenda by deleting the following under Old Business – Conditional Use No. 1758, Bridle Ridge Properties, LLC and Conditional Use No. 1759, Bridle Ridge Properties, LLC; by deleting Collective Bargaining listed under Executive Session; by deleting Land Acquisition listed under David Baker; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

M 271 08 Approve Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the minutes of March 11, 2008.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

Adminis- trator's Report

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

1. South Coastal Library Ground Breaking Ceremony

Adminis-
trator's
Report
(continued)

As per the attached press release and announcement, a groundbreaking ceremony will be held at the South Coastal Library on Kent Avenue in Bethany Beach at 1:00 p.m. on April 11, 2008. As noted, the expansion of the South Coastal Library will double the current 10,000 square foot building. The Honorable Senator Thomas Carper will be in attendance at the ceremony.

2. Citizen Corps Program

Paramedic Carl Davis, Sussex County Citizen Corps Coordinator, will lead a training session on Saturday, April 12, 2008 from 8:30 a.m. to 5:00 p.m. for Sussex County citizens who would like to participate in training for the Community Emergency Response Team in Sussex County. This program will be held at the Sussex County Administrative Offices, West Complex, 9 S. DuPont Highway, Georgetown. Contact Carl Davis at 302-339-2828 for further information.

3. Delaware State Police Report

Attached to this Report was a report from the Delaware State Police for February 2008. The Delaware State Police responded to 3,501 complaints during the month in Sussex County. During February, 3,091 traffic arrests and 1,196 criminal arrests were also made by the State Police.

4. Sussex County Emergency Communication Specialists' Petition Request

Per the State of Delaware Public Employment Relations Board (PERB), on April 4, 2008, the Communication Workers of America Local 13101 requested to withdraw its petition to be certified as the exclusive bargaining representative for Sussex County Emergency Communication Specialists I and II. According to PERB, an election will not be held.

Local
Law
Enforce-
ment
Grant
Request

Mr. Godwin presented the following request for funding through the Revenue Sharing for Local Law Enforcement Grant Program:

Town of Frankford	\$5,788.18	For various equipment, including patches, guns, vehicle outfitting, jackets, ammunition, etc.
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M 272 08
Approve
Local
Law

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the Revenue Sharing for Local Law Enforcement Grant in the amount of \$5,788.18 to the Town of Frankford.

Enforcement Grant Request	Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Wastewater Agreement	Mr. Godwin presented a Wastewater Agreement for the Council's consideration.
M 273 08 Approve Wastewater Agreement/ Herring Pointe	A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 882, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Herring Pointe Development, Inc., for wastewater facilities to be constructed in Herring Pointe (Pumping Station and Force Main), located in the Angola Neck Sanitary Sewer District. Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
New Emergency Operations Center Update	Joseph Thomas, Director of Emergency Operations, announced that, on Wednesday, April 1, 2008, the County activated its new 911 Emergency Operations Center, a \$13 million state-of-the-art facility. Mr. Thomas stated that approximately two years ago, on March 3, 2006, the ground breaking was held for the new facility. The 18,000 square foot facility can accommodate 16 dispatchers at one time, with room to expand in the future.
Angola Sanitary Sewer District/ Temporary Wastewater Treatment and Disposal/ Bid Results	Michael Izzo, County Engineer, presented the Bid Results and a Cost Comparison for the Woods on Herring Creek Interim Service Alternatives. In August 2007, a referendum was passed for the Woods on Herring Creek and several months later, the County took over the operations and maintenance of the collection system, transmission system, and wastewater treatment plant. Mr. Izzo reported on the bid results which consisted of three bids: (1) The West Bay Park bid was rejected since DNREC has determined that capacity does not exist to serve the Woods on Herring Creek. (2) The Artesian Bid was rejected since the plant has not been started up, the spray fields are not planted and a contract with a farmer to manage the crop does not exist. (3) The Tidewater bid was rejected since the costs are too high to be affordable by the residents and it does not represent the most feasible alternative. Mr. Izzo stated that Tidewater has advised that they believe they can lower their bid. (Bruce Patrick was in attendance representing Tidewater.) Mr.

Izzo advised that the County could not re-negotiate the bid/price since the scope of work would not be changing.

Bid Results (continued)	Mr. Izzo stated that, following an evaluation of the bids, the County Engineering Department recommends that all of the Bids be rejected and the Project re-bid immediately.
M 274 08 Reject All Bids for Temporary Wastewater Treatment & Disposal/ Angola SSD	<p>A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that all bids submitted for Sussex County Project No. 07-06, Temporary Wastewater Treatment and Disposal, be rejected and that the project be re-bid immediately.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea</p>
Land Acquisition Proposal	<p>Michal Izzo, County Engineer, presented a proposal to purchase land from Betty Jane Truitt for a parcel of land which is located at the end of Runway 10-28 and in the Runway Protection Zone. The FAA requires that the County control the property located in the Runway Protection Zone. Mr. Izzo noted that the existing entrance to the Industrial Park is close to this property and that the County purchased approximately 36 acres from the Van Auken family, which is adjacent to this property. The County is recommending the purchase of an additional three-quarter of an acre that would allow for the construction of an entrance for the Industrial Park some time in the future; this would increase the proposed property purchase from 5.1 acres to 5.8 acres. The contract value is \$394,500.00; the purchase of the property, with the exception of the additional property, is grant-eligible by the FAA. The FAA grant has already been approved and once the contract goes to settlement, the County can submit a request for reimbursement of the funds.</p>
M 275 08 Approve Purchase of Property from Betty Jane Truitt	<p>A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approves the purchase of 5.875± acres, in accordance with the Contract of Sale executed with Betty Jane Truitt, and authorizes the Assistant County Attorney to complete the transfer of the property.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea</p>

**Design
Contract
Proposal**

Russell Archut, Assistant County Engineer, presented a Design Contract for the Roof Replacement Project at the County Administrative Building.

**M 276 08
Execute
Contract
for
Adminis-
trative
Building
Roof
Replace-
ment
Project**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council hereby authorizes its President to execute Amendment No. 2, dated June 19, 2007, to its contract with Studio JAED to provide design services for the Administrative Building Roof Replacement Project at a cost not to exceed \$37,527.58

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

**Old
Business
(C/U
No. 1728)**

The Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE STORAGE AND STEEL TRUSS MANUFACTURING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 24.83 ACRES, MORE OR LESS” (Conditional Use No. 1728) filed on behalf of MTC Properties.

The Planning and Zoning Commission held a Public Hearing on this application on March 5, 2008 at which time they deferred action. On March 19, 2008, the Commission recommended that the application be approved with conditions.

The County Council held a Public Hearing on this application on March 18, 2008 at which time action was deferred.

Mr. Dukes announced that he was not present during the Public Hearing on March 18th and for this reason, he would not be participating in the discussion and the vote on this application.

**M 277 08
Adopt
Ordinance
No. 1965
(C/U
No. 1728)**

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt Ordinance No. 1965 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE STORAGE AND STEEL TRUSS MANUFACTURING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 24.83 ACRES, MORE OR LESS” (Conditional Use No. 1728) filed on behalf of MTC Properties, with the following conditions:

**M 277 08
Adopt
Ordinance
No. 1965
(C/U
No. 1728)
(continued)**

1. All fabrication shall be done inside of the buildings. Outside storage of raw materials and finished product shall be permitted, but shall be screened from view of roadways and neighboring properties to the north.
2. The location for future possible roadway connections to neighboring properties shall be shown on the Final Site Plan.
3. The Applicant has proposed a phasing plan for the expansion of the existing truss manufacturing facility. The phasing plan shall be noted on the Final Site Plan.
4. The Applicant shall comply with all of DelDOT's requirements, including the closure of the existing entrance. When the existing entrance is removed, its former location shall be seeded and mulched.
5. A lighted sign, not to exceed 32 square feet per side or facing, shall be permitted.
6. All dumpsters on the property shall be screened from view. Their location shall be shown on the Final Site Plan.
7. All outside lighting shall be downward screened so it does not shine onto adjacent roadways or neighboring properties.
8. The stormwater management system serving the property shall be designed and maintained using Best Management Practices to promote groundwater recharge.
9. The hours of operation shall be from 7:00 a.m. to 5:00 p.m., Monday through Friday.
10. As stated by the Applicant, no improvements shall be within 160 feet of the closest wetlands.
11. All parking areas and outside storage areas shall be shown on the Final Site Plan.
12. The Tax Ditch Easement shall be shown on the Final Site Plan.
13. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 4 Yeas, 1 Abstention.

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Abstained; Mr. Rogers, Yea;
Mr. Jones, Yea**

- Requests** Susan Webb presented grant requests for the Council's consideration.
- M 278 08 Grant** A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$200.00 (\$100.00 each from Mr. Jones' and Mr. Phillips' Councilmanic Grant Accounts) to Sussex Central Football Boosters for their Annual Golf Tournament Fundraiser.
- M 278 08 Councilmanic Grant (continued)** Motion Adopted: 5 Yeas.
Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea
- Defer Action** No action was taken on the grant requests from the Laurel Historical Society and the Boys & Girls Club of Western Sussex.
- M 279 08 Councilmanic Grant** A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00 (\$250.00 each from Mr. Dukes' and Mr. Phillips' Councilmanic Grant Accounts) to the Laurel Chamber of Commerce for the Annual Independence Day Celebration.
Motion Adopted: 5 Yeas.
Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea
- M 280 08 County Council Grant** A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 from County Council Grants to the Olde Tymers Softball League for improvements to their softball fields.
Motion Adopted: 5 Yeas.
Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea
- Introduction of Proposed Ordinance** Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO MODIFY CONDITION NO. 10 IMPOSED ON ORDINANCE NO. 1573 FOR CHANGE OF ZONE NO. 1475, THE APPLICATION OF RIBERA-ODYSSEY, LLC FOR "THE PENINSULA", A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, TO EXTEND THE TIME TO CONSTRUCT AND OPEN FOR USE THE GOLF CLUBHOUSE AND NATURE CENTER FACILITIES" (Change of Zone No. 1657) filed on behalf of Ribera-Odyssey, LLC. The Proposed Ordinance will be advertised for Public Hearing.
- M 281 08** At 7:14 p.m., a Motion was made by Mr. Dukes, seconded by Mr. Phillips,

Regular Session/ Executive Session	to recess the Regular Session and to go into Executive Session for the purpose of discussing land acquisition and personnel. Motion Adopted: 5 Yeas.
M 281 08 (continued)	Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Executive Session	At 7:15 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Sussex County Council Chambers. The Council discussed land acquisition and personnel issues. The Executive Session concluded at 7:49 p.m.
M 282 08 Come Out of Executive Session and Reconvene Regular Session	At 7:50 p.m., a Motion was made by Mr. Rogers, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session. Motion Adopted: 5 Yeas. Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 283 08 Adjourn	A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 7:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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