



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 20, 2010

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 20, 2010, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	President
Michael H. Vincent	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Samuel R. Wilson, Jr.	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. Phillips.

Mr. Phillips called the meeting to order.

M 218 10 A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to approve
Approve the Agenda, as posted.
Agenda

Motion Adopted: 5 Yeas.

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

Minutes The minutes of April 13, 2010 were approved by consent.

Corre- Mr. Moore read the following correspondence:
spondence

REV. MARVIN L. MORRIS AND LORRAINE MORRIS, HOUSE OF RUTH, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

AMERICAN RED CROSS, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

DIXIE BOUCHER, MANUFACTURED HOUSING COMMITTEE.

RE: Email questioning who can grant amnesty to Jeanne Sisk and Frank DeMio.

Supporting Child Health **John Hollis, Director of Community Relations of Nemours Health and Prevention Services, thanked the Council for its continued support of the Sussex Child Health Promotion Coalition, whose mission is to engage the entire community in a collaborative effort to improve the health of children, youth and families in Sussex County and to work together to make Sussex County Delaware's children the healthiest in the Nation.**

M 219 10 Adopt Resolution Supporting Child Health **A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to Adopt the Resolution entitled "A RESOLUTION BY THE SUSSEX COUNTY COUNCIL TO SUPPORT COMMUNITY EFFORTS TO FOSTER HEALTHY EATING AND ACTIVE LIVING HABITS AMONG SUSSEX COUNTIANS".**

Motion Adopted: 5 Yeas.

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

Proclamation **A Proclamation was presented to William Vanderwende and Debbie Absher of the Sussex Conservation District "PROCLAIMING APRIL 25 TO MAY 2, 2010 AS *HABITAT STEWARDSHIP WEEK*".**

Storm Water Responsibilities **The Council discussed storm water responsibilities in Sussex County, i.e. as they pertain to the Sussex Conservation District; State of Delaware, Division of Soil and Water; Delaware Department of Transportation; tax ditch organizations and homeowners' associations, etc.**

Mr. Baker reported that (1) the County maintains and administers bonding for storm water projects on behalf of the Sussex Conservation District and (2) the County participated in joint funding for a Level of Service Assessment Report in April 2008. Mr. Baker explained that, as per the County Building Code, County inspectors check for a six inch drop 10 feet out from a house as well as gutters, etc. In addition, basements are required to be sealed with french drains.

In response to questions, Andy Wright, Building Code Supervisor, reported on waterproofing requirements and he stated that the County began requiring slopes from houses in March 2005.

Mrs. Deaver questioned if a house being constructed in an older subdivision has to have a drainage plan. Mr. Wright responded that the County does

not have any requirements to address this.

Mr. Cole questioned if the County performs any follow-up inspections on drainage plans in subdivisions as lots are improved, i.e. driveways, aprons, ditches, swales, etc.

**M 220 10
Direct
Staff to
Review
the
County's
Policy on
Drainage
Plans**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to direct staff to review the County's policy on reviewing drainage plans and to present a recommendation to the Council.

Motion Adopted: 4 Yeas, 1 Abstention.

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

**Adminis-
trator's
Report**

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

1. APCO Awards

As per the attached press release, we are pleased to announce that the Mid-Eastern Chapter of APCO has awarded the Sussex County Emergency Operations Center and staff the following awards for the State of Delaware:

Telecommunicator of the Year:

Christopher Moore – Winner

Todd A. McCabe – Runner-Up

Center Director of the Year:

Joseph L. Thomas – Runner-Up

RF Technologist of the Year:

Harry (Chip) Larson – Winner

IT Technologist of the Year:

Jessica Hamonko – Winner

Unit Citation Award:

Sussex County EOC and SUSCOM - Winner

These awards are in recognition of the outstanding service provided by our staff at the 9-1-1 Center. They especially recognize our contributions during specific serious emergencies.

2. County Government Day

The County Government Day program, as in previous years, will

Adminis-
trator's
Report
(continued)

occur tomorrow, April 21, 2010, in the County Council Chambers beginning at 9:00 a.m. As per the attached agenda, a mock County Council session will be held with Boys State and Girls State representatives. A number of interesting issues will be presented by department heads and considered by the group. This is always an interesting event and helps encourage interest in County government. The representatives from Boys State and Girls State are Sussex County junior students picked by each school district.

3. **Dog Control Revenue Report**

As of April 19, 2010, a total of \$57,640 has been collected by County staff for dog licenses since December 2009.

4. **Inland Bays Regional Wastewater Treatment Facility – Ground Breaking**

Attached is a Media Advisory issued by the USDA Rural Development office announcing a ceremonial ground breaking on April 23, 2010, at 1:00 p.m. The ground breaking will occur at the Inland Bays Regional Wastewater Treatment Facility administration building off of Cannon Road near Long Neck. This upgrade will expand the treatment capacity from 1.46 million gallons per day to two million gallons per day, enabling an additional 2,529 customers to be served by central sewer in the Oak Orchard, Long Neck, and Angola areas.

5. **Scrap Tire Drop-off Day – Seaford**

As per the attached press release from the Delaware Department of Natural Resources and Environmental Control, scrap tires may be dropped off by Delaware residents on Saturday, April 24, from 9:00 a.m. until 3:00 p.m. at the Seaford boat ramp parking lot on Nanticoke Avenue in Seaford.

6. **Ponders Tract Trail Opening**

As per the attached invitation, The Nature Conservancy will be holding a Trail Opening at the Ponders Tract at the Pemberton Forest Preserve in Milton at 1:00 p.m. on April 21, 2010. The Sussex County Council contributed \$750,000 toward the cost of purchasing this property to be preserved.

7. **Substantial Completion**

The Engineering Department granted Substantial Completion to Windhurst Manor – Phase 3, Agreement No. 838, on April 14, 2010. The developer is Millville Associates, L.L.C., and the project is located 1,775 feet south of the intersection of Roads 26 and 352, west

side of Road 352, in the Millville Expansion of the Bethany Beach Sanitary Sewer District, consisting of five attached multi-family units. Included with this report is a fact sheet on the project.

**Legislative
Update**

Mr. Godwin presented the following Legislative Update:

**Legislative
Update
(continued)**

**HOUSE BILL NO. 194 – AN ACT TO AMEND TITLES 3 AND 29 OF
THE DELAWARE CODE RELATING TO THE LICENSING OF
VENUES WHICH DID NOT CONDUCT HARNESS RACING DURING
1992 AS VIDEO LOTTERY AGENTS**

Mr. Godwin reported that there are several amendments to this Bill, including the amendment that he was asked to support on behalf of the County (Amendment No. 3). Mr. Godwin referenced the letter signed by the Council President which was previously distributed to all Council members and which supports an amendment to allow the Sussex County Council to appoint members to the Sussex County Lottery Redevelopment Committee; the Amendment calls for 2 members to be appointed by the President of Sussex County Council and 1 member to be appointed by the Vice President of Sussex County Council.

**M 221 10
Support
Amend-
ments to
House
Bill
No. 194**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council supports and recommends the following change to Amendment No. 3 to House Amendment No. 5 to House Bill No. 194: “3 members appointed by the Sussex County Council”.

Motion Adopted: 5 Yeas.

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

**HOUSE BILL NO. 352 – AN ACT TO AMEND TITLE 27 OF THE
DELAWARE CODE RELATING TO RELIGIOUS CAMP MEETINGS**

This Bill deletes antiquated code provisions requiring churches and religious organizations to obtain a permit from a commission (composed of the Sheriff, County Council President and Clerk of the Peace of each respective county) to conduct camp meetings and outdoor religious meetings.

**M 222 10
Support
House
Bill
No. 352**

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to support House Bill No. 352, as written.

Motion Adopted: 5 Yeas.

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

Mr. Phillips, Yea

**HOUSE BILL NO. 333 – AN ACT TO AMEND TITLE 9 OF THE
DELAWARE CODE RELATING TO THE ENFORCEMENT OF AN
ORDER TO CONNECT TO A SANITARY SEWER**

This Bill deletes enables the Sussex County government to proceed in either the Justice of the Peace Court or the Court of Chancery to compel connection of a property to an existing County Sanitary Sewer District.

**M 223 10
Support
House
Bill
No. 352**

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to support House Bill No. 352, as written.

Motion Adopted: 5 Yeas.

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

**All
Hazards
Emergency
Operations
Plan
RFP**

Hal Godwin and Joe Thomas, Director of Emergency Operations Center, presented a proposal to issue a RFP (Request for Proposals) for professional services to update the All Hazards Emergency Operations Plan for Sussex County. Mr. Godwin and Mr. Thomas explained that the Plan documents how the EOC responds to emergencies within the County; that the current Plan was revised in 2004; that the updated Plan should allow for proper coordination with local jurisdictions located within Sussex County; that although this Plan is not mandated by FEMA, there is funding attached to the Plan; and that the cost is estimated to be approximately \$50,000.00.

**M 224 10
Authorize
RFP for
All
Hazards
Emergency
Operations
Plan**

A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to authorize a RFP (Request for Proposals) for professional services to update the All Hazards Emergency Operations Plan for Sussex County.

Motion Adopted: 5 Yeas.

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

**Extension
of the
Millville
Expansion
of the
BBSSD/
H & D
Townhouses**

John Ashman, Director of Utility Planning, requested permission to prepare and post notices for the extension of the Millville Expansion of the Bethany Beach Sanitary Sewer District to include three parcels of land located along the south side of Beaver Dam Road (H & D Townhouses). The three parcels are a portion of the project with the balance being located on the north side of Beaver Dam Road and already in the District. Mr. Ashman noted that the area requesting annexation is contiguous to the existing sanitary sewer district. Pending approval, a Public Hearing is tentatively scheduled for June 8, 2010.

- M 225 10**
Prepare
and Post
Notices/
Millville
SSD Exp.
M 225 10
(continued)
- A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Millville Expansion of the Bethany Beach Sanitary Sewer District to include properties of Peter DeMarie II, Felix Medina and Carlos Velasquez, part of a project known as H & D Townhouses along Beaver Dam Road, as presented on April 20, 2010.
- Motion Adopted: 5 Yeas.
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea
- Old**
Business/
C/Z
No. 1677
- The Council discussed Change of Zone No. 1677 filed on behalf of Old Towne Point, LLC.
- Lawrence Lank, Director of Planning and Zoning, reported that a letter was received on April 19, 2010 from John Sergovic, Attorney for Olde Towne Point, LLC, requesting that Change of Zone No. 1677 be withdrawn as the Applicant intends to explore its opportunities to file a modified application in the future.
- M 226 10**
Accept
Withdrawal
of C/Z
No. 1677
- A Motion was made by Mr. Wilson, seconded by Mr. Cole, to accept the withdrawal of Change of Zone No. 1677 filed on behalf of Olde Towne Point, L.L.C.
- Motion Adopted: 5 Yeas.
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea
- Commercial**
Zoning
District
Proposals
- The Council discussed commercial zoning district proposals, which were outlined in a memo from Paul Driscoll of Urban Research and Development Corporation and previously distributed to the Council. The memo referenced commercial zoning districts that permit conditional uses and a proposal for two new zoning districts, C-1 and B-2. The discussion included the possible creation of a professional/office district.
- Mr. Vincent stated that he would like to see a zoning district created whereby an Applicant must develop what he represented in his application and if he does not, the zoning would revert back to the original zoning.
- Mr. Cole stated that, in other jurisdictions, he has seen zoning for Commercial/Restaurant, Commercial/Hotel, etc.
- It was the consensus of the Council that a workshop be held with URDC, the County's Land Use consultant, and the Planning and Zoning Commission to discuss commercial zoning district proposals.

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

<p>M 227 10 Community Grant</p>	<p>A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to give \$500.00 (\$100.00 from each Community Grant Account) to the American Cancer Society for the “Making Strides Against Breast Cancer” event.</p>
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M 227 10 Motion Adopted: 5 Yeas.
(continued)

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

M 228 10 Community Grant	A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to give \$2,500.00 from Mrs. Deaver's Community Grant Account to The Milton Theatre for building preservation costs.
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Motion Adopted: 5 Years.

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

M 229 10 Community Grant	A Motion was made by Mr. Cole, seconded by Mrs. Vincent, to give \$500.00 from Mr. Cole's Community Grant Account to the Beach & Bay Cottage Tour to benefit the South Coastal Library.
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Motion Adopted: 5 Yeas.

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

M 230 10 Community Grant	A Motion was made by Mr. Vincent, seconded by Mr. Cole, to give \$250.00 from Mr. Vincent's Community Grant Account to the Greater Seaford Chamber of Commerce for the Seaford Heritage Weekend event.
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Motion Adopted: 5 Yeas.

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

M 231 10	A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give
Community	\$2,000.00 (\$400.00 from each Community Grant Account) to the Delaware
Grant	Burn Camp for a children's camp session.

Motion Adopted: 5 Yeas.

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

M 232 10 **At 11:26 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver,**
Recess/ **to recess the Regular Session and to go into Executive Session for the**
Exec.Session **purpose of discussing personnel, pending/potential litigation and land**
M 232 10 **acquisition.**
(continued)

Motion Adopted by Voice Vote.

Executive **At 11:27 a.m., an Executive Session of the Sussex County Council was held**
Session **in the Caucus Room of the Council Chambers for the purpose of discussing**
 personnel, pending/potential litigation and land acquisition. The Executive
 Session concluded at 11:57 a.m.

M 233 10 **At 11:58 a.m., a Motion was made by Mr. Vincent, seconded by Mrs.**
Reconvene **Deaver, to come out of Executive Session and reconvene the Regular**
Regular **Session.**
Session

Motion Adopted by Voice Vote.

Action **Mr. Moore announced that no action was necessary on Executive Session**
 items.

M 234 10 **A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to adjourn at**
Adjourn **11:59 a.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

Robin A. Griffith
Clerk of the Council