



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 24, 2012

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 24, 2012, 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
Todd F. Lawson	County Administrator
Susan M. Webb	Finance Director
Everett Moore	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

Call to Order

Mr. Vincent called the meeting to order.

M 217 12 Amend and Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by editing Tribute under Administrators Report, it should be listed as Vivian Ginn and by deleting "Job Applicants' Qualifications" and "Personnel" 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

Approve Minutes

The minutes of April 17, 2012 were approved by consent.

Corre- spondence

Mr. Moore read the following correspondence:

INDIAN RIVER BASEBALL BOOSTERS, FRANKFORD, DELAWARE
RE: Letter in appreciation of a Grant

COASTAL CONCERTS, LEWES, DELAWARE

RE: Letter in appreciation of a Grant

**Freeman
Stage at
Bayside
Presen-
tation**

Patti Grimes, Executive Director, and Doug Phillips of the Joshua M. Freeman Foundation presented a power point presentation to give the Council an update on the Freeman Stage at Bayside and the progress that they have made in bringing the arts to Sussex County.

**Freeman
Stage at
Bayside
Presen-
tation**

As part of the Joshua M. Freeman Foundation, they are a public charity that partners to present memorable performances and provide inspired arts education for all. Now entering its fifth year of serving Sussex County, they have approximately 25,000 residents and visitors visiting the stage annually.

(continued)

In 2010, they were able to expand their mission to include outreach programs to the underserved population and students of Sussex County through an off stage program. The community outreach program had 6,500 guests attend shows sponsored by the Freeman Stage in 2011, they anticipate in 2012 to reach almost 9,000. In order to expand its outreach on a more year-round basis to children in the area, The Freeman Stage at Bayside reached out to partnership with Delaware Technical College and the local schools so that they could present quality arts and other venues year round.

The Freeman Foundation could not promote the arts without funding support. Partnering with the government, individuals and business sponsors will allow them to forge ahead to be a vital source of exceptional, cultural experiences. Mrs. Grimes asked the Council for a \$5,000 grant to fund fifty percent of the transportation costs (to bus the underserved children in Sussex County to the Freeman Stage) for a program they will be holding in May called “Cirque Montage”, in which 2,500 students will be in attendance. The Foundation would also like the County Council to consider making a line item in the annual budget, for \$10,000, this would allow them to plan and appropriate the funds through transportation grants for these children and underserved families to continue to enjoy these high quality arts experience.

Mrs. Deaver shared that she has attended this event and is very appreciative of what the Foundation is doing.

Mr. Phillips stated he was in support of this request and suggested it be addressed by the Budget Committee. Mr. Lawson reported that they have already met with Mrs. Grimes to discuss the budget amount of \$10,000 for fiscal year 2013.

**Present
Tribute to
Vivian Ginn**

The Council presented a Tribute to Vivian Ginn, recipient of the Distinguished Citizenship Award for outstanding and meritorious service to humanity awarded by the Grand Lodge, Benevolent and Protective Order of Elks.

Present

The Council recognized Rosalie B. Walls, for receiving the “2012 Mother of

Proclamation/ Delaware Mother of the Year	<p>the Year Award” by the Delaware Association of American Mothers; the award recognizes outstanding accomplishments and achievements.</p> <p>On behalf of the Council, Mr. Lawson congratulated Mrs. Walls for her outstanding work and presented a Proclamation entitled “A PROCLAMATION TO HONOR THE 2012 DELAWARE MOTHER OF THE YEAR ROSALIE B. WALLS”. THEREFORE, BE IT RESOLVED that the Sussex County Council commends Rosalie Betts Walls upon receiving the 2012 Delaware Mother of the Year award and hereby proclaims Thursday, April 26, 2012, as a day for all Sussex County residents to honor the achievements of Rosalie Betts Walls.</p>
Proclamation (continued)	
Present Proclamation/ Sussex County Genealogical Society	<p>The Council recognized Sussex County Genealogical Society for their contributions to the betterment of the community.</p> <p>On behalf of the Council, Mr. Lawson congratulated the Society for its outstanding commitment to the community and presented a Proclamation entitled “A PROCLAMATION TO HONOR THE SUSSEX COUNTY GENEALOGICAL SOCIETY”. THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Sussex County Genealogical Society for its works to promote genealogy and proclaims Saturday, April 28, 2012 to be declared “Family History Education Day” in Sussex County. Diane Sherwin, President of the Genealogical Society and Kathy Hudson were in attendance to accept the Proclamation.</p>
Adminis- trator’s Report	<p>Mr. Lawson read the following information in his Administrator’s Report:</p> <ol style="list-style-type: none"><p><u>Sussex County Emergency Operations Center Re-accreditation</u></p><p>I am pleased to report that the Sussex County Emergency Operations Center has received re-accreditation as a Center of Excellence through the National Academies of Emergency Dispatch. I would like to thank the EOC staff and the dispatchers for their perseverance in accomplishing this goal.</p><p><u>Sussex County Emergency Medical Services Awards</u></p><p>The annual Sussex County Emergency Medical Services Awards Banquet was held this past Friday evening at the Independence. During the banquet, the following awards were given:</p><p>EMT’S of the District: 101 - Chris Clough 102 - Leigh Burge 103 - Robin Smith 104 - John Hazzard 105 - Matt Sliwa 106 - Holly Donaway 107 - Mario Street 108 - Deanna Loeb</p>

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

EMT of the Year – Deanna Loeb, Georgetown, EMS
**EMS Captain of the Year – Calvin Yelverton, Seaford Fire
Department**
Fire Chief of the Year – Chief Jeff Hill, Laurel Fire Department
Cliff Lee Award – Robert “Bob” Jones, Delmar Fire Department
Emergency Communications Specialist – Joey Pepper
EMS Nurse of the Year – Theresa “Terry” Thorley, LifeNet
EMS Physician of the Year – Dr. Paul Cowan

SCEMS Shift Excellence: A Shift – Rob Luksic
B Shift – Keith Bennett
C Shift – Dave Hammerer
D Shift - Paul Stillman

SCEMS Paramedic of the Year – Lorri Bradley
SCEMS FTO of the Year – Jill Wix
SCEMS District Supervisor of the Year – Andy Wile
SCEMS Administrative Excellence – Lynn Kleb

Congratulations to all of the award winners, job well done.

3. Mike Evans

It is with very great sadness and sorrow that we inform you Michael Evans, County pensioner, passed away on Saturday, April 21, 2012. Mike worked as an Assessor II in the Assessment Division. He was employed with Sussex County for 16 years (December 1995 until December 2011). He will be greatly missed.

Wastewater Agreement Hal Godwin, Deputy County Administrator, presented a Wastewater Agreement and Amendment for the Council's consideration.

**M 218 12 A Motion was made by Mr. Phillips, seconded by Mr. Wilson, based upon
Execute the recommendation of the Sussex County Engineering Department, for
Wastewater Sussex County Project No. 81-04, Agreement No. 378-2, that the Sussex
Agreement/ County Council execute a Construction Administration and Construction
Warrington Inspection Agreement between Sussex County Council and Sawgrass South,
Creek- LLC., for wastewater facilities to be constructed in Warrington Creek-
Phase 3 – Phase 3, (A/K/A Sawgrass), located in the West Rehoboth expansion of the
A/K/A Saw- Dewey Beach Sanitary Sewer District.
grass, South
LLC.**

Motion Adopted: 4 Yeas, 1 Absent

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

Legislative Hal Godwin, Deputy County Administrator, presented the following

Update **legislative update:**

Senate Bill No. 167 – AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE LEGALITY OF ANY ORDINANCE, CODE, REGULATION OR MAP RELATING TO ZONING

Legislative Update (continued) **Synopsis:** If a municipality or county passes a land-use ordinance that violates state law, an aggrieved party has only 60 days to file a court challenge. After that, the ordinance cannot be challenged, nor can subsequent decisions based on that ordinance be challenged based on its invalidity. This Bill seeks to remove that bar, recognizing that the enactment of an ordinance that violates state law cannot be legitimized by the passage of time.

There has been no change in the status of this Bill since Mr. Godwin's report to Council on April 3.

House Bill No. 298 – AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE APPRAISERS

Synopsis: This Bill removes the current §4019(e) from the Code and dismisses all standards that are applicable to municipal and county government assessments or assessors thereby adopted. The new §4019(e) clearly states that municipal and county assessors are not subject to the regulation of the Council on Real Estate Appraisers.

Mr. Godwin reported that this Bill was introduced and discussed this passed Thursday, April 19, 2012, at the Tri-County Association Dinner with continuing support from all three Counties in the State.

House Bill No. 274 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DOGS

Synopsis: This Bill amends Title 9 to require dog owners to obtain a dog license within thirty days of having their dogs vaccinated for rabies, and provides for exceptions. Additionally, this Bill would require veterinarians to notify dog owners of the licensing requirements.

Mr. Godwin reported that the Bill is on hold until sometime this summer when the dog licensing issue will be discussed more thoroughly.

House Bill No. 278 – AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES

Synopsis: This Bill allows school taxes and property taxes to be collected by tax intercept. The current law specifically prohibits school taxes from being collected by tax intercept. Currently millions of dollars of property taxes are owned by homeowners and such taxes are difficult to collect. Tax

intercept programs have been successful in collecting child support and other obligations owed the State and will help collections for education and other taxes.

Mr. Godwin advised that this Bill passed the House on April 4, 2012 and he will be pursuing it this afternoon in its Committee assignment in the Senate.

Legislative
Update
(continued)

House Bill No. 281 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO CAPITATION TAX

Synopsis: This Bill makes the Delaware law consistent in Sussex and Kent Counties by giving Sussex County government the same discretion as Kent County government to set its own capitation tax amount. As the law currently governs, Sussex County is required to set a minimum capitation tax amount of \$3.00. This Bill eliminates that requirement. New Castle County is not authorized to levy or collect a capitation tax.

Mr. Godwin stated that this Bill is on the Agenda for today and he would be present to make sure Sussex County is represented on the Bill. This Bill will take the floor out of Capitation Tax.

House Bill No. 283 – AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY GOVERNMENT

Synopsis: This Bill makes the Delaware law consistent in Sussex and Kent counties by giving Sussex County government the same discretion as Kent County government to enact its personnel rules administratively. As the law currently governs, Sussex County is required to refer all proposed personnel rules to the County's Personnel Board, which requires adequate public notice and a formal public hearing. After the Personnel Board reviews and makes a recommendation, the law requires the county government to adopt the proposed rule by ordinance, which requires a second adequate public notice and a second formal public hearing. This Bill eliminates these requirements and allows Sussex County to enact its personnel rules administratively, the same as is allowed in Kent County.

Mr. Godwin stated that that this Bill passed the House two weeks ago. On this date in the Administration Committee, House Chambers this Bill will get its hearing along with its Amendment.

Senate Bill No. 149 – AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO CONSERVATION AND ENDANGERED SPECIES

Synopsis: This Bill updates Title 7 Conservation, Chapter 6 Endangered Species, relating to conservation and endangered species. This Bill models the policies of neighboring states (i.e. Maryland and New Jersey). Provisions in this Bill define the powers and duties of listing and delisting of

threatened and endangered species, rules and regulations, and implementation authority (DNREC).

There has been no change in the status of this Bill since Mr. Godwin's report to Council on April 3.

Legislative Update (continued) **Mr. Godwin stated he would be attending a meeting on this date in Legislative Hall to discuss Homeowner Associations. There is a concern in New Castle County that Homeowners Associations is an issue the General Assembly needs to address somehow.**

Paramedic Station 200/ Lease Renewal **Mr. Stuart, Director of EMS, presented the Renewal Lease Agreement for a lease for Paramedic Station 200, the West District Supervisor station. He stated the lease was actually a revision of an existing lease that has been in effect for 20 years and has been reviewed by the County's legal counsel and insurance consultant. Copies of the lease had been provided to Council for their review.**

M 219 12 Approve Lease/ Paramedic Station 200 **A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves a new lease agreement for Paramedic Station 200, the West District Supervisor station, between Sussex County Council and JBT Enterprises, LLC, for a period of five years, from May 1, 2012 through April 30, 2017, as per the terms and conditions of the lease.**

Motion Adopted: 5 Yeas.

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

Bid Results/ Rehabilitate Taxiway B **Bob Jones, Project Engineer, presented the bid results for Sussex County Project No. 10-02, Rehabilitate Taxiway B. The low bidder was David A. Bramble, Inc. of Chestertown, Maryland.**

M 220 12 Award Bid/ Rehabilitate Taxiway B **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department that Sussex County Project 10-02, Rehabilitate Taxiway B, be awarded to David A. Bramble, Inc., of Chestertown, Maryland, at the bid amount of \$532,520.00.**

Motion Adopted: 5 Yeas.

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

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

M 221 12 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$200.00**

Community Grant (\$100.00 each from Mrs. Deaver's and Mr. Cole's Community Grant Accounts) to the National Active and Retired Federal Employees Association for a golf tournament fundraiser benefitting Alzheimer's Research.

Motion Adopted: 5 Yeas.

M 221 12 (continued) **Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

M 222 12 Community Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$200.00 (\$100.00 each from Mrs. Deaver's and Mr. Cole's Community Grant Accounts) to the Sons of the American Legion Squadron 28 for a golf tournament benefitting The Boys State Program and The Home of the Brave, Woman Warriors Reintegration Program.

Motion Adopted: 5 Yeas.

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

M 223 12 Community Grant A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,000.00 from Mr. Cole's Community Grant Account to Rehoboth Beach Main Street for July 4th fireworks.

Motion Adopted: 5 Yeas.

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

M 224 12 Community Grant A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$2,500.00 from Mr. Cole's Community Grant Account to West Rehoboth Community Land Trust for the construction of two units of affordable rental housing.

Motion Adopted: 5 Yeas.

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

M 225 12 Community Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from Mr. Cole's Community Grant Account to the Bethany Beach 4th of July Parade Committee for parade 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 Business **Mr. Cole offered his point of view on the issue of and the arguments on the office of the Sheriff and he stated that the County Council turned to the Attorney General for advice and is now following the advice received.**

Public comments were heard under Additional Business.

Dan Kramer commented on the Council granting funds to churches and how it was stated last week that they do not discriminate against churches. He suggested that the Council get rid of their slush fund and all Grant-in-Aid and there would be enough to take care of the Sheriff and anyone else.

Eric Bodenweiser, wanted to remind the Council to vote today and he spoke in opposition to House Bill No. 290.

M 226 12 **At 11:08 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, Go into Executive Session for the purpose of discussing issues relating to pending/potential litigation and land acquisition.**

Motion Adopted: **5 Yeas.**

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

Executive Session **At 11:11 a.m., an Executive Session of the Sussex County Council was held in the County Council Caucus Room for the purpose of discussing issues relating to pending/potential litigation and land acquisition. The Executive Session concluded by 11:42 a.m.**

M 227 12 **At 11:44 a.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to Reconvene Regular Session come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: **5 Yeas.**

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

M 228 12 **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to pursue the Continue Negotiations act of negotiations on the land acquisition (discussed in Executive Session on this date).**

On Land

Acquisition Motion Adopted: 5 Yeas.

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

**M 229 12 A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at
Adjourn 11:45 a.m.**

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

**Kelly A. Collins
Administrative Secretary**