



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 17, 2012

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 17, 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 367 12 Amend and Approve Agenda

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend the Agenda by deleting "Job Applicants' Qualifications" 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 June 26, 2012 were approved by consent.

Corre- spondence

Mr. Moore read the following correspondence:

**CORPORAL JAMES HATFIELD, DELAWARE STATE POLICE
TROOP 4, DIRECTOR OF CAMP BARNES, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of grant.

**Adminis-
trator's
Report**

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

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

1. Georgetown Airport Runway Lighting

We are pleased to announce the runway edge lights and runway threshold lights on Runway 10-28, as well as the taxiway lights for Taxiways D, M, and H, have been converted to LED lights. The conversion project was funded by the federal ARRA program. Airport users will see a noticeable improvement with the intensity of the lights when using Runway 10-28. The County will also see a noticeable drop in our electric bill, as these lights consume one-tenth of the power of the previous lights.

2. Delaware State Police Activity Report

Per the attached Delaware State Police activity report for May 2012, there were 4,335 total traffic arrests and 1,414 total criminal arrests. Of the criminal arrests, 368 were felony and 1,046 were misdemeanor arrests. Of the total hours on duty spent, 43 percent were spent on criminal investigations.

3. Sussex County Emergency Operations Center Call Statistics – June

Attached please find the call statistics for the Fire and Ambulance Callboard for June 2012. There were 17,473 total calls handled in the month of June. Of those 9-1-1 calls in June, 78 percent were made from wireless phones.

4. Project Receiving Substantial Completion

As you will see from the attached Engineering Department Fact Sheet, Forest Landing – Phase 2A reached Substantial Completion effective June 26, 2012.

5. Digital Weekly Packets

In an effort to improve transparency and access to information of the County government, starting today, the Council's information packets will be produced digitally and made available to the public to view and download on the County's website. The digital packets contain the documents and background materials the Council considers during its weekly meetings. The digital packets will be posted on the website on Monday of each week County Council has a scheduled meeting. I want to thank Communications Director Chip Guy and the Council's administrative staff for coordinating this effort to enhance the County's procedures.

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

Wastewater Agreements **Hal Godwin, Deputy County Administrator, presented wastewater agreements for the Council's consideration.**

M 368 12 **A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the**
Approve **recommendation of the Sussex County Engineering Department, for Sussex**
Wastewater **County Project No. 81-04, Agreement No. 634, that the Sussex County**
Agreement **Council execute a Construction Administration and Construction**
M 368 12 **Inspection Agreement between Sussex County Council and Waters Run**
Approve **Development Group LLC, for wastewater facilities to be constructed in**
Wastewater **Water's Run – Phase 1A, located in the Fenwick Island Sanitary Sewer**
Agreement/ **District.**
Waters Run
(continued) **Motion Adopted: 5 Yeas.**

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

M 369 12 **A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon**
Approve **the recommendation of the Sussex County Council Engineering**
Wastewater **Department, for Sussex County Project No. 81-04, Agreement No. 378-3,**
Agreement/ **that the Sussex County Council execute a Construction Administration and**
Warrington **Construction Inspection Agreement between Sussex County Council and**
Creek **Sawgrass South, LLC, for wastewater facilities to be constructed in**
Warrington Creek – Phase 4 (A/K/A Sawgrass), located in the West
Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

M 370 12 **A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon**
Approve **the recommendation of the Sussex County Engineering Department, for**
Wastewater **Sussex County Project No. 81-04, Agreement No. 343-4, that the Sussex**
Agreement/ **County Council execute a Construction Administration and Construction**
Forest **Inspection Agreement between Sussex County Council and Forest Landing**
Landing **Communities, LLC, for wastewater facilities to be constructed in Forest**
Forest Landing – Phase 2B, located in the Miller Creek Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

Mr. Vincent, Yea

M 371 12
Approve
Wastewater
Agreement/
Bay Forest
Club

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 918-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bay Forest, LLC, for wastewater facilities to be constructed in Bay Forest Club, Phase 2.2B, located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

M 371 12
(continued)

Motion Adopted: 5 Yeas.

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

M 372 12
Approve
Wastewater
Agreement/
Bay Forest
Club

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 918-5, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bay Forest, LLC, for wastewater facilities to be constructed in Bay Forest Club, Phase 2.2C, located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

Federal
Payment
in Lieu
of Taxes/
Refuge
Revenue
Sharing
Funds

Gina Jennings, Director of Accounting, reported that a check in the amount of \$38,898.00 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. This check represents payments under the Refuge Revenue Sharing Act covering Fiscal Year 2011. The amount of the payment is calculated by the U.S. Fish and Wildlife Service by prorating the total funds available for payment. The check is funded through revenues generated from the Prime Hook National Wildlife Refuge and from a supplemental congressional appropriation. Sussex County may use these funds for any governmental purpose. Ms. Jennings advised that the County does not collect property taxes from the Federal Government for the Prime Hook National Wildlife Refuge. In return, the Federal Government gives the County this payment in lieu of taxes. In the past, these funds have been allocated in the same percentage as the other County tax collections.

Mrs. Jennings presented the following recommended allocation of the funds based on the assessed value of the Prime Hook National Wildlife Refuge:

Milford School District	\$ 7,597.99
Cape Henlopen School District	23,278.45
Sussex Technical High School	3,054.83
Library	521.23
Sussex County	4,445.50
<u>Total</u>	<u>\$ 38,898.00</u>

M 373 12 **A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, that the**
Distribution/ **Sussex County Council approves the Accounting Department's**
Payment **recommended distribution of the Refuge Revenue Sharing Funds.**
in Lieu
of Taxes **Motion Adopted: 5 Yeas.**

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

Tyler **Gina Jennings, Director of Accounting, presented a proposed amendment to**
Technology **a Contract with Tyler Technology. The Contract, to purchase an**
Contract **Enterprise Resource Planning (ERP) software package (Munis), was**
Amendment **approved at the July 19, 2011 Council meeting. At that meeting, Mrs.**
 Jennings stated that she did not want to commit to purchasing the Utility
 Billing module until staff was comfortable that they were making the right
 decision for the Utility Billing Department and the County as a whole. Mrs.
 Jennings reported that, in the last year, the following was done to make sure
 that staff was certain that Munis was the best choice:

- **analyzed if the current system could still be used while the other departments used Munis**
- **performed a Gap-Fit Analysis with Munis to understand what modifications had to be done to the system to support current procedures**
- **analyzed what modification could be done to the tax module (already purchased) that could make it usable for billing out utility customers**

Mrs. Jennings stated that, after the analysis, staff found that buying the Munis software for Utility Billing is the best choice. The cost of the Utility Billing module and related services such as consulting, training and modifications comes to \$240,350. This is \$20,100 less than the original bid a year ago that did not include the modifications that are in the new price. With this amendment, the contract is still under the \$1.8 million for the entire project.

**M 374 12
Amend
Tyler
Technology
Contract**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, that the Sussex County Council approves an amendment to the Tyler Technology Contract to include the purchase of the Utility Billing Module in an amount not to exceed \$240,350.

Motion Adopted: 5 Yeas.

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

**Proposed
Lease
Agreement/
Paramedic
Station
104/100**

Robert Stuart, Director of EMS, presented a lease renewal for Paramedic Station 104/100 between Colonial East L.P. and Sussex County for property located on Olde Coach Drive in Rehoboth Beach (Storage Solutions LLC site). Mr. Stuart reported that, after negotiations, a 4 percent rent increase per annum was agreed on. The term of the lease is for a period of five (5) years commencing on June 1, 2012 and ending on May 31, 2017. The rent will be \$2,735 monthly for Year 1; \$2,845 monthly for Year 2; \$2,955 monthly for Year 3; \$3,075 monthly for Year 4; and \$3,200 for Year 5.

Mr. Stuart stated that the Paramedic Station has been located on the property for the past 15 years (10 years of which no rent and no utilities were paid). Mr. Stuart advised that staff is now actively looking for another site since the existing site is not a fiscally viable solution.

**M 375 12
Approve
Lease
Agreement/
Paramedic
Station
104/100**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the Lease Agreement between Storage Solutions LLC and Sussex County, Delaware, for the use of the building owned by them, as described therein by Sussex County EMS as Paramedic Station 100/104, 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**

**Proposed
Lease
Renewal/
Georgetown
Air
Services**

Jim Hickin, Director of Airport and Industrial Park, reported that Georgetown Air Services currently leases space (for the last 5 years) in the Airport Terminal Building to use the customer service counter and manager's office. Mr. Hickin reported that the proposed lease is nearly identical to the current lease, which expires at the end of this month. The basic terms are:

- Premises: 528 square feet of office space
- Term: 5 Years

- **Rent:** \$460 per month (\$10.45/sq. ft.) The annual rent under this Lease Agreement for each subsequent year will be adjusted to reflect any change in the cost of living based on the CPI-U.
- **Use of Premises:** Office Space
- **Utilities:** Water, electric, sewer provided by County
- **Cannot sublet or assign without County's approval**

**M 376 12
Authorize
Lease
Agreement/
Georgetown
Air Services**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that Sussex County Council authorizes the Council President to execute the Commercial Lease Agreement with Georgetown Air Services, LLC for office space located in the Airport Terminal Building, as presented.

Motion Adopted: 5 Yeas.

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

**M 376 12
(continued)**

**Proposed
Expansion
of the
Miller Creek
SSD
(Dozer LLC
Expansion)**

Rob Davis, Engineering Department, presented a request for approval to prepare and post notices for the extension of the Miller Creek Sanitary Sewer District (Dozer LLC Expansion). The area includes the remaining portion of Parcel 134-19.00-19.00. This request is based on an earlier agreement between the property owners and Sussex County that, in exchange for a pump station site on the corner of the property, Sussex County would annex the remaining portion of the property into the Miller Creek Sanitary Sewer District (original letter of agreement – October 2005). The balance of this parcel can be served with a gravity connection to the pump station now located on that donated piece of property (134-19.00-19.01). The entire parcel consists of approximately 15.56 acres of which approximately 7.2 acres are already located within the existing sanitary sewer district. The property owners will be subject to system connection charges of \$5,131.00 per EDU based on July 1, 2012 – June 30, 2013 rate should they choose to develop the parcel.

**M 377 12
Prepare
and Post
Notices/
Extension
of the
Miller
Creek SSD/
Dozer LLC
Expansion**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Miller Creek Sanitary Sewer District to include the balance of Parcel 134-19.00-19.00, lands of Dozer LLC, as presented on July 17, 2012.

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.

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give

M 378 12 **\$500.00 from Mr. Vincent's Community Grant Account to the Town of**
Community **Blades for a National Community Night Out.**
Grant

Motion Adopted: 5 Yeas.

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

M 379 12 **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give**
Community **\$1,500.00 (\$500.00 each from Mr. Phillips', Mr. Wilson's and Mr. Vincent's**
Grant **Community Grant Accounts) to the Bridgeville Apple-Scapple Festival for**
 expenses.

Motion Adopted: 5 Yeas.

M 379 12
(continued) **Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;**
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea

M 380 12 **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,000.00**
Community **(\$200.00 from each Community Grant Account) to Changing Fates Equine**
Grant **Rescue of Delaware for the purchase of land.**

Motion Adopted: 5 Yeas.

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

M 381 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 Lewes Public**
Grant **Library for the Annual Lewes Creative Artists' Conference.**

Motion Adopted: 5 Yeas.

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

M 382 12 **A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give**
Community **\$500.00 from Mrs. Deaver's Community Grant Account to Groome, Faith**
Grant **and Israel United Methodist Church for a health and safety awareness**
 seminar/community event.

Motion Adopted: 5 Yeas.

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

**Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

M 383 12
Community
Grant
A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$700.00 (\$500.00 from Mr. Vincent's Community Grant Account, \$100.00 from Mrs. Deaver's Community Grant Account, and \$100.00 from Mr. Phillips' Community Grant Account) to the Eastern Shore AFRAM Festival Committee for 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 384 12
Community
Grant
A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$2,550.00 from Mr. Cole's Community Grant Account to the Dewey Beach Police Department for a SafePlace 100 Radar Speed Sign.

Motion Adopted: 5 Yeas.

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

M 385 12
Community
Grant
A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$2,500.00 from Mr. Phillips' Community Grant Account to the Millsboro Art League for building improvements.

Motion Adopted: 5 Yeas.

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

Introduction
of Proposed
Ordinances
Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE, MAINTENANCE AND GENERAL OFFICE FOR CONTRACTING/ EXCAVATING SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.56 ACRES, MORE OR LESS" (Conditional Use No. 1942) filed on behalf of Douglas L. Boozer.

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR SHOP/GARAGE TO BE LOCATED ON A

CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.565 ACRES, MORE OR LESS” (Conditional Use No. 1943) filed on behalf of Charles L. Williams.

The Proposed Ordinances will be advertised for Public Hearing.

**Additional
Business**

Under Additional Business, William Christy of Milford, commented on a four-wheeler incident that took place in Shawnee Acres in Milford. He stated that Shawnee Acres has not been annexed into the City and there is a jurisdictional issue between the Milford Police Department and the Delaware State Police. Mr. Christy stated that crime is on the rise and residents are not getting adequate police protection. Mr. Christy noted that he has never seen a Milford Police or Delaware State Police cruiser in his development on patrol.

**Additional
Business
(continued)**

Mr. Vincent asked Mr. Christy to provide information regarding the incident to Chip Guy, Sussex County Communications Director.

Mr. Christy also stated, for the record, that he has never applied for, nor interviewed for, a position as a Sussex County Deputy Sheriff.

Dan Kramer of Greenwood commented on the County giving grant funding to churches.

Don Ayotte of Georgetown commented on the Council members’ discretionary funds and he stated that a lot of people are under the impression that discretionary funds are being used to buy votes and he agrees with them. He stated that it gives the impression of corruption where none may exist. He stated that he requests that the County Council transfer the total \$150,000 in the Discretionary Fund to the Sussex County Disaster Relief Fund.

**M 386 12
Recess/
Go Into
Executive
Session**

At 10:49 a.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to recess and go into Executive Session for the purpose of discussing issues relating to personnel, 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 10:52 a.m., an Executive Session of the Sussex County Council was held in the Council Chambers for the purpose of discussing issues relating to personnel, pending/potential litigation, and land acquisition. The Executive Session concluded at 11:31 a.m.

**M 387 12
Reconvene**

At 11:34 a.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to 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**

**Executive
Session
Action**

Mr. Moore announced that, in Executive Session, the Council discussed several items and heard advice from legal counsel. He noted that no action was required by Council at this time.

**M 388 12
Adjourn
M 388 12
(continued)**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to adjourn at 11:35 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,

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