



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 26, 2011

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 26, 2011, at 10:13 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
J. 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 409 11
Amend
and
Approve
Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by deleting Job Applicants' Qualifications 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

Approve
Minutes

The minutes of July 19, 2011 were approved by consent.

Corre-
spondence

Mr. Moore read the following correspondence:

DELAWARE SENIOR OLYMPICS, DOVER, DELAWARE.
RE: Thank you card in appreciation of grant.

**DELAWARE NAACP YOUTH & COLLEGE DIVISION, HARBESON,
DELAWARE.**

RE: Letter in appreciation of grant to the youth council.

DELAWARE SPCA, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant in support of their spay/neuter clinic.

SUSSEX COUNTY HABITAT FOR HUMANITY, GEORGETOWN, DELAWARE.

**Corre-
spondence
(continued)**

RE: Letter in appreciation of the Council's support of affordable housing in the County.

FIRST STATE RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, DOVER, DELAWARE.

RE: Letter in support of the Sussex County Community Development & Housing Division Community Development Block Grant Initiative.

**Delaware
District III
Softball
World
Series**

Martin Donovan of Delaware District 3 Little League and Senior Softball World Series stated that they would once again be hosting the District III Softball World Series in Sussex County (August 7 – 13). He reported that teams from all over the United States would be attending, as well as international teams. Mr. Donovan reported that this is the eighth consecutive year that they will host the event in Sussex County and that, since 2007, the event has been televised on ESPN. This year, the event will again be aired live on the District's website. Mr. Donovan reported that Delaware Tourism estimates that the event generates over \$1 million. Mr. Donovan thanked the Council for its continued support.

**National
EMS
Award/
Paid
EMS
Service
of the
Year**

Mr. Baker announced that Sussex County EMS has been awarded the "Dick Ferneau Paid EMS Service of the Year Award (a NAEMT Annual Gold award) by the National Association of EMTs; the award recognizes outstanding performance by a paid EMS service. Sussex County's paramedics were the sole winner of the award this year. The award will be presented at the EMS World Expo conference.

Robert Stuart, Director of Emergency Operations, was in attendance along with Robbie Murray, Operations Division Manager; Joe Hopple, Education Coordinator; Bobby Schoonover, Technical Services Division Manager; and Eric Huovinen, Special Operations Coordinator.

On behalf of the Council, Mr. Baker congratulated each member of the department for its outstanding work and the Council presented a Proclamation entitled "A PROCLAMATION TO HONOR SUSSEX COUNTY EMERGENCY MEDICAL SERVICES FOR EARNING THE "DICK FERNEAU PAID EMS SERVICE OF THE YEAR AWARD".

**Fort
Miles
Historical
Association**

Dr. Gary Wray of the Fort Miles Historical Association was in attendance to present information on ongoing projects. He reported that one project the Association is pursuing with Delaware State Parks and Recreation is to develop a plan to submit to the USNavy for one of the 16' Mk 7 barrels of the

battleship *Missouri* to be donated to the State of Delaware as a static display in their gun park at Cape Henlopen State Park. He also reported that a long range project is to develop a plan for a World War II museum inside of Battery 519, the Great Dune.

Proclamation/
Aviation

The Council presented to Jim Hickin, Airport Manager, a Proclamation entitled “PROCLAIMING THE MONTH OF JULY AS *GENERAL AVIATION APPRECIATION MONTH*.”

Early Retirement
Option
Proposal

Mr. Baker presented a proposal for a limited early retirement option offer to certain employees. He stated that the current economic situation has resulted in the reduction of demand for the services provided by certain departments, which in turn has reduced the workload of those departments. The proposed offer of an additional three years of service to be added to the pension calculation would be subject to the following terms:

- Offers would be made only to employees in departments/divisions that have eligible employees whose position could be eliminated.
- Offers would be made only to vested employees who are eligible to participate in the County’s Pension Plan.
- Elected officials would not be eligible to participate.
- Participation would be voluntary.

Mr. Baker reported that, based on an analysis, it is suggested that this offer be made to the following departments or divisions: Building Code, Community Development and Housing, Constables, County Council, Finance Administration, Personnel/Human Resources, Engineering – Utility Permits, Engineering – Utility Planning, and Engineering – Utility Engineering.

It is estimated that the County could save substantial funds as a result of this offer. The current Fiscal 2012 Budget includes an estimate of \$100,000 savings this year as a result of the early retirement offer. The amount of savings will depend on the employees who voluntarily elect to take this option. As required by law, employees who are eligible for the offer will have 45 days to notify the County as to whether or not they are interested.

M 410 11
Approve
Limited
Early Retirement
Option

A Motion was made by Mr. Wilson, seconded by Mr. Cole, that the Sussex County Council approves a limited early retirement option for certain departments/divisions that have experienced a reduction in workload and/or demand for services as a result of the economy, with the following terms: (a) participating departments include: Building Code, Community Development and Housing, Constables, County Council, Finance Administration, Personnel/Human Resources, and Engineering – Utility Planning departments/divisions will be eligible to participate; (b) to be eligible to participate, an employee must work for a participating department; be vested in and eligible for the County’s Pension Plan, which shall be calculated with an additional three (3) years of service or age; and not be an elected official; and (c) eligible employees who voluntarily elect to participate will receive in return for the participation an additional three (3) years of credit service for purposes of the calculation of pension benefits.

Motion Adopted: 5 Yeas.

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

Draft Ordinance Relating to Board of Adjustment Fees/

Mr. Baker and Lawrence Lank, Director of Planning and Zoning, reviewed a draft ordinance changing the Board of Adjustment fees for an application for a special use exception for a manufactured home as a single family dwelling from \$400 to \$150 and changes the application fee for a variance from \$400 to \$150.

Introduction of Proposed Ordinance

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE III § 62-7 D RELATING TO BOARD OF ADJUSTMENT FEES”. The Proposed Ordinance will be advertised for Public Hearing.

Report of County Administrator Search Committee

Mr. Baker presented a report on the County Administrator Search Committee. Mr. Baker reported that the Committee has voted to recommend Candidate O, Todd F. Lawson, to be the next County Administrator. Mr. Lawson has considerable government experience and a strong education; he is a graduate of Sussex Central High School, the University of Delaware, with a Bachelors Degree in Agriculture Business Management and a Minor in Political Science; he has a law degree from George Mason School of Law; and he currently works in Washington for Russ Reid Co.; from July 2005 to January 2009, he served as deputy assistant secretary for the U.S. Department of Housing and Urban Development; from September 2002 to June 2005, Mr. Lawson worked for a law firm in Washington. Mr. Baker stated that Mr. Lawson has strong roots in Sussex County, he grew up in the County, and he is anxious to return. Mr. Baker highlighted some of the terms negotiated: a salary starting at \$95,000; a one year contract effective January 1, 2012 or beginning when the current County Administrator leaves; start work on August 10, 2011; and benefits would be the same as other full-time County employees.

M 411 11 Appoint Todd Lawson as County Administrator

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, that the Sussex County Council appoints Todd F. Lawson as County Administrator Appointee to work with the current County Administrator, David Baker, for a salary of \$95,000 starting August 10, 2011 and that Mr. Lawson will assume the role of County Administrator no later than January 1, 2012 with a contract for one year at a salary of \$102,500.

Motion Adopted: 5 Yeas.

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

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

Mr. Vincent introduced Todd F. Lawson, County Administrator Appointee.

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

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

- 1. Delaware Solid Waste Authority 'Recycle Delaware' Report
As per the attached notices from the Delaware Solid Waste Authority, 57,086 pounds of recycle material was received at the County's West Complex recycle center during the months of April, May and June 2011.**

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

**Draft
Ordinance
Relating to
a CGD
Commercial
Gambling
District**

Lawrence Lank, Director of Planning and Zoning, and Patrick Vanderslice, Legal Counsel, presented and reviewed a draft ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY RELATING TO ZONING BY ADDING A CGD COMMERCIAL GAMBLING DISTRICT TO PROVIDE FOR CASINO VENUES IN SUSSEX COUNTY".

Suggestions were made to amend the draft ordinance: limiting the location of casino venues to the major corridors – Route 1, Route 13, and Route 113; including a sun-setting provision; including a definition of "attached"; amending setbacks to 150 feet; requiring a Community Impact Study performed by a third party; and creating a Conditional Use for auto racing in the CGD District.

The Council directed Mr. Vanderslice and Mr. Lank to make the suggested modifications to the draft ordinance for consideration by the Council at a future meeting.

**Public
Hearing/
Deerbrook
Annexation
of the Long
Neck SSD**

A Public Hearing was held to consider the annexation of several parcels of land to the Long Neck Sanitary Sewer District (LNSSD). The area of land is west of John J. Williams Highway and includes the proposed development of Deerbrook. Rob Davis of the Engineering Department reported that a written request for annexation was received from the owner of the proposed project. The area proposed for annexation adjoins the existing sewer district. Mr. Davis reported that the Deerbrook project is proposed for development into a 128 lot subdivision; has the required zoning; and is within a future service area of the Long Neck Sanitary Sewer District. Mr. Davis noted that additional parcels along Branch and Autumn Roads are included in the proposed annexation area and will be served by the Deerbrook developer. The Deerbrook developer will install gravity lines in Autumn and Branch Roads and will include adequate capacity to serve the additional parcels through the pump station they build. The additional area includes 65 existing homes on 73 parcels; the parcels would pay the same

rate as the users in the Long Neck Sanitary Sewer District. Mr. Davis reported that the Engineering Department received no written comments prior to this Public Hearing; however, he noted that he did have two phone conversations with area residents.

Public comments were heard.

Public Hearing/
Deerbrook Annexation of the Long Neck SSD (continued)

Bill Harron, a resident on Autumn Road, suggested that the County advertise notices in the Cape Gazette and Coast Press and not just the Sussex Post; that the cost of sewer service will impact some of the area residents in low to moderate income housing; that, since May, they have been enduring huge trucks carrying tons of dirt on Autumn Road as a result of the new development; that there has been a lot of wear and tear on Autumn Road; that the trucks are a danger to pedestrians; that he questions how this will affect his business (H&H Ventures) and his livelihood; that there is an alternative route to enter the site (Indian Mission Road to Friendship Road to Autumn Road to the site) which would help mitigate the impact; and that residents will have to bear the brunt of the cost of the sewer connection.

Barry Shenk, a resident on Branch Road, spoke in support of the annexation; however, he questioned when the infrastructure is installed in the development, will it also be installed at the other parcels. He stated that he objects to the alternate route proposed by Mr. Harron; that he agrees that the trucks are tearing up the roads; that he questions who will repair the roads; and that he requests that sewer be tied into Autumn Road and Branch Road during Phase I.

Mr. Davis responded to Mr. Shenk's question stating that the developer will install the offsite infrastructure during the first phase of the development; however, a timeline has not yet been developed. Michael Izzo, County Engineer, reported that the County Engineering Department will require the developer to serve the additional parcels as a part of the development; however, the County Engineering Department cannot dictate when he starts development.

There were no additional public comments and the Public Hearing was closed.

M 412 11
Defer Action on the Boundary Extension of the LNSSD/
Deerbrook

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on the proposal to extend the boundary of the Long Neck Sanitary Sewer District (LNSSD) to include an area of land, east of the Town of Millsboro, being situate in Indian River Hundred, Sussex County, Delaware (Deerbrook).

Motion Adopted: 5 Yeas.

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

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

**Beaver Dam Expansion of the Millville SSD
Beaver Dam Expansion of the Millville SSD** John Ashman, Director of Utility Planning, reported on the extension of the boundary of the Millville Sanitary Sewer District to include parcels of land being on the southerly side of Beaver Dam Road (County Road 368), south of the town of Ocean View, being in Baltimore Hundred. The area includes the portion of Beaver Dam Road from Substation Road to Central Avenue, the section of Substation Road from Beaver Dam Road to Central Avenue, and the Penn Del Acres Subdivision. There are several property owners in this area that have expressed interest in central sewer in the past. The property consists of 39 parcels totaling approximately 42.50 acres.

(continued) John Ashman, Director of Utility Planning, previously reported that, on April 20, 2011, the Engineering Department held a public meeting at the Millville Town Hall to discuss the proposed service area, estimated costs, the sewer rate structure, construction impacts, the process for connecting to the sewer and a proposed schedule. There were approximately 11 people in attendance, plus Representative Gerald Hocker. At that meeting on April 20th, all those present responded as being in support of the project.

Mr. Ashman stated that the system connection charge is estimated to be \$0 for those homes existing at the time of the public meeting and \$5,768 for new homes as they connect. The front footage costs will be \$7.27 per front foot, currently capped at 100 feet and there will be an annual service charge of \$262.00. Mr. Ashman noted that these are estimated costs which were presented at the public meeting.

At the first Public Hearing on June 7th, Mr. Cole expressed concern that only 11 residents were present at the public meeting and that it is a small number of votes for the Council to base its decision on. On that date, the Council voted to defer action for the receipt of the results of a straw vote.

A second Public Hearing was held on the proposed extension on July 19, 2011 at which time action was deferred again. On that date, Linda Schroeder and Ricky Clogg spoke in opposition to the proposal.

Mr. Ashman reported on the results of the straw vote: 21 ballots were received; 13 of those ballots were for the expansion and 8 ballots were opposed to the expansion; the remaining parcels chose not to return their ballots. Mr. Cole stated that the result of the straw vote was not an overwhelming response and that affordability is still an issue.

**M 413 11
Defer
Action/
Beaver Dam
Expansion
of the** A Motion was made by Mr. Phillips, seconded by Mr. Cole, to defer action on the Beaver Dam Expansion of the Millville Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

**Millville
SSD**

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

**Angola
Neck
SSD/
C/O**

Michael Izzo, County Engineer, presented Change Order No. 1 in the credit amount of \$492.61 for Contract 09-21, Angola Neck Sanitary Sewer District, Regional Pump Station No. 317 and Pump Station Nos. 313/318/319. The contractor on the project was Howard Robson Incorporated Contractors. Mr. Izzo noted that the Balancing Change Order includes a contract time extension of 38 days.

(continued)

**M 414 11
Approve
Change
Order/
Angola
Neck SSD**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 with Howard Robson Inc. of Landisville, Pennsylvania, for Sussex County Project No. 09-21, Angola Neck Sanitary Sewer District, Regional Pump Station 317 and Pump Station 313 / Pump Station 318 / Pump Station 319, be approved, which decreases the contract amount by \$492.61 for a new total of \$2,457,884.39, and increases the contract time by 38 days, contingent upon the receipt of approval from the funding agencies.

Motion Adopted: 5 Yeas.

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

**Airport
Solar
Energy
Project/
C/O**

Steve Hudson, presented Change Order No. 2 in the amount of \$3,720.00 for Sussex County Grant Project 3654 and Sussex County Project 10-04, Sussex EOC/Airport Solar Energy Installation Project. The contractor on the project is Flexera, Inc. The Change Order is for design changes including a transformer and electrical panel.

**M 415 11
Approve
Change
Order/
Airport
Solar
Energy
Project**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2, for Sussex County Project No. 10-04, Sussex County EOC/Airport Solar Energy Installation Project, be approved in the amount of \$3,720.00, subject to the approval of the U.S. Department of Energy.

Motion Adopted: 5 Yeas.

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

Requests

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

**M 416 11
Community
Grant**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$300.00 from Mr. Phillips' Community Grant Account to the Millsboro Girls Major League All Stars for tournament 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 417 11 Community Grant A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$2,000.00 from Mr. Vincent's Community Grant Account to the Seaford Historical Society for their Maritime History Gallery project.

Motion Adopted: 5 Yeas.

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

M 418 11 Community Grant A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 from Mr. Phillips' Community Grant Account to Indian River Senior Center for accounting software, microwave, tape recorder, etc.

Motion Adopted: 5 Yeas.

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

M 419 11 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 Town of Selbyville to construct a new storage/restroom facility at the ball fields.

Motion Adopted: 5 Yeas.

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

M 420 11 Community Grant A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$500.00 (\$250.00 each from Mr. Phillips' and Mr. Vincent's Community Grant Accounts to the Laurel Historical Society for their Laurel Heritage Museum project.

Motion Adopted: 5 Yeas.

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

There was no additional business.

M 421 11 **At 12:27 a.m., a Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to pending/potential litigation and personnel.**
Go Into
Executive
Session

M 421 11 **Motion Adopted: 5 Yeas.**
(continued)
Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Executive **At 12:30 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to personnel and pending/potential litigation. The Executive Session concluded at 1:19 p.m.**
Session

M 422 11 **At 1:21 p.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.**
Reconvene
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

Report on **Mr. Moore advised that, in Executive Session, general discussions were held concerning pending/potential litigation and a personnel issue and nothing was discussed that needs affirmative action on this date.**
Executive
Session

M 423 11 **At 1:22 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to recess the Regular Session.**
Recess

M 424 11 **At 1:35 p.m., the Council reconvened at the office of the Sussex County Association of Realtors® on Park Avenue in Georgetown for a “Sussex County Appreciation Day” luncheon.**
Reconvene/
Luncheon

During the luncheon, the Association members made a presentation to David Baker, County Administrator, in appreciation of his dedication and service to Sussex County.

M 425 11 **At 2:07 p.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn.**
Adjourn

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**