



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 3, 2010

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 3, 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 412 10 A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the
Amend Agenda by deleting Personnel and Pending/Potential Litigation under
and Executive Session and to approve the Agenda, as amended.
Approve
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 July 27, 2010 were approved by consent.

Corre- Mr. Moore read the following correspondence:
spondence

MOMS CLUB OF REHOBOTH BEACH AREA.

RE: Letter in appreciation of the County's participation in the 3rd Annual Touch-A-Truck event.

MARK GALBRAITH.

RE: Letter commending the Sussex County Airport and Georgetown Air.

**Western
Sussex
Byway
Update**

Dan Parsons, Historic Planner, provided an update on the Western Sussex Scenic and Historic Byway. Mr. Parsons reported that they have applied for funds for the corridor management plan; if funding is received, the project can proceed; if the funding is not received, they will have to wait until another year when funding is available again. He noted that they have two to five years to develop a corridor management plan.

**Western
Sussex
Byway
Update
(continued)**

Anne Nesbitt, Chairman of the Western Sussex Byway Citizens Committee, presented a Tribute to the Sussex County Council from the Office of the Governor recognizing the Council for its support of the Western Sussex Scenic and Historic Byway.

Mr. Parsons presented a film narrated by Kendall Jones that the Committee made to promote the Byway. The Western Sussex Byway extends approximately 35 miles along several roads in western Sussex County, from the exit for Route 20 to Bridgeville Road on US 13, passing through Seaford, Bethel, and Laurel then ending at the Trap Pond State Park. The Byway moves through an area that is rich in the history of transportation and economic interests of the region. The three towns and other sites along the route also relate to many historic themes in the area. Seaford, Bethel, and Laurel are all located along major water routes that made them important centers for trade and shipbuilding from the Colonial period through the nineteenth century. The corridor of the Byway is divided into seven sections based on landscape and land use characteristics:

- US 13 and Hearn's Pond/Atlanta Road/Ross Station Road**
- Seaford**
- Woodland and Woodland Ferry Roads**
- Woodland Ferry Road – Farmlands**
- Bethel Road and Main Street – Town of Bethel**
- South Shell Bridge Road/Portsville Road/West 6th Street**
- Laurel to the Trap Pond State Park**

Areas of interest along the route are: Hearn-Rawlins Mill, Governor Ross Mansion, Mt. Olivet United Methodist Church, former DuPont Plant, Woodland Ferry, Patty Cannon's House, Bethel's ship carpenters houses, Rosemont house, Old Christ Church, and Trap Pond State Park.

**Medical
Insurance
Proposal**

Mr. Baker presented a proposal regarding the County's Medical Insurance Plan. He stated that, since August 1, 2009, there have been a few instances of large medical costs incurred by some employees or their family members. On August 1, 2009, the County implemented new policies regarding co-pays and deductibles for the medical insurance plan. The County currently has two plans: the Silver Plan provides smaller contributions from employees for the insurance, but larger co-pays and out-of-pocket costs. The Silver

Plan does include a limit on the out-of-pocket costs (co-pays do not apply). The Gold Plan included additional co-pays but no out-of-pocket limits.

Mr. Baker reported that a small number of employees who elected the Gold Plan have had the misfortune of major medical problems and have incurred major costs for co-pays.

**Medical
Insurance
Proposal
(continued)**

Mr. Baker reported that, as a result of this concern, Dave Smith of Integra has developed a proposal to establish an out-of-pocket limit for co-pays for the Gold Plan: \$2,000 in network for individual, \$4,000 in network for family, \$4,000 out-of-network for individual, and \$8,000 out-of-network for family. Mr. Baker advised that this proposal would be effective August 1, 2010. The estimated cost to the Plan is approximately \$15,000 to \$25,000 per year.

Mr. Baker stated that it is also proposed to reimburse from the medical insurance plan those employees who incurred costs exceeding the above noted limits within the Gold Plan for co-pays retroactively as of August 1, 2009. This estimated cost is approximately \$9,000.

Mr. Baker advised that the proposals were reviewed by Steve Fallon, the County's medical insurance plan consultant.

Dave Smith of Integra, stated this proposal is in response to a request made by Dennis Cordrey, Director of Personnel, based on the fact that there is a small number of employees who have experienced severe out-of-pocket costs due to co-pays for multiple in-house doctors visits per day during hospitalization. Mr. Smith stated that this was not intended in the original design of the plan.

**M 413 10
Approve
Change to
Gold
Medical
Insurance
Plan**

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, that the Sussex County Council approves a change to the County's Gold Medical Insurance Plan, whereby individual out-of-pocket limits including co-pays would be established at \$2,000 in-network and \$4,000 out-of-network and family out-of-pocket limits including co-pays would be established at \$4,000 in-network and \$8,000 out-of-network; these changes would be effective as of August 1, 2009 to assist the small number of employees who have experienced major medical problems and who have incurred large amounts of co-pay costs.

Motion Adopted: 5 Yeas.

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

**Draft
Ordinances/**

Lawrence Lank, Director of Planning and Zoning, reviewed three draft ordinances recommended by the Manufactured Housing Committee.

**Introduction
of Proposed
Ordinances
Relating to
Manu-
factured
Housing**

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE I RELATING TO DEFINITIONS REGARDING MANUFACTURED HOMES”.

**Draft
Ordinances/
Introduction
of Proposed
Ordinances
Relating to
Manu-
factured
Housing**

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-187 C RELATING TO GROSS FLOOR AREA OF MANUFACTURED HOMES”.

**Introduction
of Proposed
Ordinances
Relating to
Manu-
factured
Housing
(continued)**

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXIV §115-172 G RELATING TO CONDITIONAL USES REGARDING MANUFACTURED HOMES”.

The Proposed Ordinances will be advertised for Public Hearing.

It was noted that there will be additional draft ordinances from this Committee.

Mr. Lank recommended a housekeeping ordinance to address the multiple references in Section 115 of the Code regarding trailers and mobiles.

Mr. Baker stated that an ordinance relating to variances will be drafted.

Mr. Cole requested that the issue of park models in campgrounds be placed on a future agenda for discussion.

Mrs. Deaver questioned the need for a draft ordinance to address the issue of double-wide manufactured homes being placed on single-wide lots.

Mr. Phillips left the meeting during the discussion on Manufactured Housing Ordinances. Mr. Vincent presided.

**Adminis-
trator’s
Report**

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

1. Georgetown Public Library

The new Georgetown Public Library is now open. The new building at 123 West Pine Street has 29,490 square feet compared to their previous location of 2,000 square feet. We wish to congratulate the Georgetown Public Library Board and the many individuals who helped with fundraising for this project.

2. Dennis V. Cordrey - Director of Personnel

Mr. Dennis V. Cordrey, Director of Personnel since 1980, will retire effective August 6, 2010. Mr. Cordrey has served Sussex County

government for 33 years and was a Zoning Inspector in the County's Planning and Zoning Department prior to his promotion to Director of Personnel. The Personnel Department handles payroll requests, oversees medical and other personnel benefits, and assists County employees that have concerns.

3. County Tax Bills

Adminis-
trator's
Report
(continued)

The Treasury Department began mailing property tax bills on Monday, August 2, 2010. These bills include property taxes for eight school districts in Sussex County, County property tax, County library tax, County water and sewer district front foot assessments for some districts, ditch taxes, and capitation taxes. The County tax portion of the property tax bill represents a low of 10.1 percent for the Milford School District to a high of 13.9 percent for the Laurel School District. Payment is due September 30, 2010. The bills total approximately \$101,000,000. A penalty of one-and-a-half percent per month is charged after September 30, 2010. This year again, for the second time, bills will not be mailed to property owners who have their property taxes paid via an escrow account through their bank or mortgage company. This will again save approximately \$22,000 in mailing costs.

Please contact the Treasury Division if you have any questions at 855-7760. Attached is a press release regarding the tax billing.

4. Substantial Completion

The Engineering Department granted Substantial Completion to Windhurst Manor – Phase 4, Agreement No. 839, on July 29, 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 seven attached multi-family units. Included with this report is a fact sheet on the project.

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

Wastewater
Agreement

Mr. Godwin presented a Wastewater Agreement for the Council's consideration.

M 414 10
Approve
Wastewater
Agreement/
Long
Neck
Shores

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. 820-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Dyer-McCrea Ventures, LLC, for wastewater facilities to be constructed in Long Neck Shores, Part of Phase 3, Timbercreek Lane, located in the Long Neck

Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent.

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

**LifeNet
(Air
Methods)
Lease
Extension
Proposal**

Jim Hickin, Director of Airport & Industrial Park, presented a proposal for a three year extension of the LifeNet Lease. LifeNet's initial three year term expires at the end of September. The lease allows them to request, and requires the Council to approve, up to two additional three year terms. The lease is in the name of Air Methods, Inc., the parent company of LifeNet. They have leased Lot A-2, which includes a 3,600 square foot County-owned hangar, since September 2007. LifeNet operates an air ambulance service under contract with Christiana Care. They also provide backup to the State Police for emergency medical evacuation services. LifeNet's current rent is \$8,000 per year; the rent will increase to \$18,540 for the three year extension.

**M 415 10
Approve
Lease
Extension/
LifeNet
(Air
Methods)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the first extension to the Lease Agreement with Air Methods Corporation (LifeNet) for Lot A2 at the Sussex County Airport, dated September 5, 2007.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Delta
Airport
Consultants
Contract
Amendment
for Environ-
mental
Assessment
for Runway
Extension
Project**

Jim Hickin reported that the next step in the 500 foot Runway Extension Project is to conduct an environmental assessment. Mr. Hickin noted that the previous plan was to extend the runway 1,000 feet and as part of that process, an environmental assessment was conducted. Although some parts of the first assessment can be used in the new study, the environmental assessment conducted for the 1,000 foot extension needs to be almost completely redone. Mr. Hickin stated that they worked every angle with the FAA to reduce or eliminate the scope of work for this project, however, there is no way around the Federal requirement for a new environmental assessment on the 500 foot extension project.

Mr. Hickin reported that the US Secretary of Transportation has announced the approval of a grant for this project that will pay for 95 percent of the cost. The County's share for this project will be \$5,993.

**M 416 10
Approve
Contract**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Amendment No. 25 to the Engineering

Amendment for Environmental Assessment/Runway Extension Project	Agreement between Sussex County and Delta Airport Consultants, Inc. to conduct Runway 4-22 Extension Environmental Assessment for the Sussex County Airport, which increases the original contract amount by no more than \$229,247.00, pending approval from the Finance Director and receipt of a Federal grant.
	Motion Adopted: 4 Yeas, 1 Absent.
M 416 10 (continued)	Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Absent
eBay Proposal/Surplus Equipment	<p>Frank Shade, Purchasing Agent, presented a proposal to use the Internet auction site eBay to begin selling County surplus equipment. Some of the advantages to using eBay rather than conducting a public sale are: targets a wider audience, ensures a better return; and available to be used throughout the year. It was noted that the purchaser would be responsible for pickup.</p> <p>Mr. Moore suggested that a Procedure be written to address the disposal of surplus equipment, as is being done for surplus real estate.</p> <p>A suggestion was made that Frank Shade work with Gina Jennings to draft a policy/procedure for the disposal of surplus equipment.</p> <p>Mrs. Webb stated that there is an unwritten procedure that has been followed consistently for many years.</p> <p>Mr. Cole recommended that surplus equipment should also be listed for sale on the County's website.</p>
M 417 10 Accept eBay Proposal	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council accepts the proposal for the disposal of used and surplus property and allow the use of eBay to dispose of surplus items.</p> <p>Motion Adopted: 4 Yeas, 1 Absent.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Absent</p>
Requests	Mrs. Webb presented grant requests for the Council's consideration.
Defer	Action was deferred on the grant request from the Laurel Public Library.
M 418 10 Community Grant	A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,000.00 (\$1,000.00 each from Mr. Vincent's and Mr. Phillips' Community Grant Accounts) to the Laurel Little League for travelling expenses for the girls softball teams.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 419 10 Community Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 (\$350.00 from Mr. Wilson's Community Grant Account and \$150.00 from Mr. Vincent's Community Grant Account) to the Town of Bridgeville Charity Open to benefit various community organizations.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 420 10 Community Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$300.00 (\$150.00 each from Mr. Vincent's and Mr. Phillips' Community Grant Accounts) to Living Word Christian Center for school supplies for underprivileged children in the area.

Motion Adopted: 4 Yeas, 1 Absent.

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

Action was deferred on the grant request from Rehoboth Cooperative Preschool.

M 421 10 Community Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$5,000.00 from Mr. Cole's Community Grant Account to the Rehoboth Art League for campus improvements.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 422 10 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 West Rehoboth Children and Youth Program for bus expenses for the White House Tour.

Motion Adopted: 4 Yeas, 1 Absent.

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

Introduction of Proposed Ordinances	Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURE (5 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.09 ACRES, MORE OR LESS” (Conditional Use No. 1869) filed on behalf of John and Nicole Scott.
Introduction of Proposed Ordinances (continued)	

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SHEET METAL FABRICATION AND WELDING FOR THE POULTRY INDUSTRY AND OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 6.45 ACRES, MORE OR LESS, OF A 63.07 ACRE TRACT” (Conditional Use No. 1870) filed on behalf of Allen McCabe/McCabe’s Farms, LLC.

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION OF CONDITIONAL USE NO. 1265 (ORDINANCE NO. 1284) ANTIQUES AND CRAFT SHOP AND WILDLIFE AND FOLK ART BY ADDING THE SALE OF SWING SETS, SHEDS, OUTDOOR FURNITURE, FENCING AND VARIOUS GARDEN AND YARD ACCESSORIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.05 ACRES, MORE OR LESS” (Conditional Use No. 1871) filed on behalf of Candleberry Creek.

The Proposed Ordinances will be advertised for Public Hearing.

There was no additional business.

M 423 10 Go Into Executive Session	At 11:32 a.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session for the purpose of discussing land acquisition. Motion Adopted by Voice Vote.
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Executive Session	At 11:34 a.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 land acquisition. The Executive Session concluded at 11:54 a.m.
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M 424 10 **At 11:55 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.**
Reconvene

Motion Adopted by Voice Vote.

Mr. Moore reported that no action was necessary on Executive Session items.

M 425 10 **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 11:56 a.m. Motion Adopted by Voice Vote.**
Adjourn

Respectfully submitted,

Robin A. Griffith
Clerk of the Council