



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 4, 2009

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 4, 2009, at 3:00 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	President
George B. Cole	Vice President
Joan R. Deaver	Councilwoman
Michael H. Vincent	Councilman
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 465 09 Amend and Approve Agenda

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Agenda by deleting "Executive Session – Pending/Potential Litigation" and "Possible Action on Executive Session Items" and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of July 21, 2009 were approved by consent.

Corre- spondence

Mr. Moore read the following correspondence:

KENNETH BOCK, DEPUTY DIRECTOR, CHEER, GEORGETOWN, DELAWARE.

RE: Fiscal Year 2010 transportation budget for elderly and disabled transportation.

Agreement with Town of Ellendale/MPHU Program Agreement with Town of Ellendale/MPHU Program (continued)

Mr. Baker presented a Proposed Moderately Priced Housing Agreement between Sussex County and the Town of Ellendale whereby the County would administer the Moderately Priced Housing Unit (MPHU) Program for the Town. It is anticipated that the Town may annex certain parcels into the Town which have already applied for and been accepted into the County's MPHU Program. Mr. Baker stated that, if this Agreement is approved, the County would continue to administer the program even if the parcels are annexed into the Town.

William Lecates, Director of Community Development and Housing, stated that the Agreement will protect the County's MPHU inventory that has been accepted into the MPHU Program.

Mr. Moore advised that the Town of Ellendale has previously adopted Chapter 72 of the Sussex County Code relating to Moderately Priced Housing Units; as part of this adoption, the Town agreed that they would enter into an Agreement with the County for the administration and enforcement of this ordinance.

**M 466 09
Approve MPH Agreement with Town of Ellendale**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to approve the Moderately Priced Housing Agreement between Sussex County and the Town of Ellendale, as presented.

Motion Adopted: 5 Yeas.

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

Dog Control Options

Mr. Baker presented information on dog control options including an estimated cost of providing dog control services in-house (\$819,356) versus the alternative option of contracting out this service. Currently, the County's net share of costs for dog control is \$600,000.00 which the State has billing the County for. This service is currently provided for by the Kent County SPCA in accordance with a contract with the State of Delaware.

In accordance with House Bill 233, which was signed into law in June 2009, the State is transferring to the counties all administrative powers and duties relating to dogs and dog control.

Mr. Baker noted that there are two parts associated with House Bill No. 233 - licensing and dog control and he suggested that the County handle the process of dog licensing in-house. Mr. Baker stated that dog licenses could be issued on-line with payment being made to the County by check or credit card. Dog tags would be mailed out upon receipt of payment. Mr. Baker noted that there would be a substantial additional cost if the licensing process is outsourced.

Mr. Baker stated that the complexities involved and the expertise and funding needed to start up a new department all support the outsourcing of dog control services. Both Kent and New Castle counties are working on a Request for Proposals (RFP) to outsource this service.

**Dog
Control
Options
(continued)**

Murray Goldthwaite, Director, Kent County SPCA, was in attendance to provide an overview of the services they currently provide in accordance with their contract with the State of Delaware. Mr. Goldwaite recommended that, if and when the County issues a RFP, that the contract should be specific in regards to the extent of the services to be provided.

Mr. Vincent expressed concern regarding cat control and he noted that this issue could be addressed in the RFP.

In regards to liability concerns, it was noted that the County would obtain insurance at a cost of \$10,000 annually.

Mr. Phillips stated that this matter will be placed on a future agenda.

**Delaware
Transit/
Transportation
Budget
for
Fiscal
Year 2010**

Mr. Baker presented the Fiscal Year 2010 Delaware Transit Corporation's Reimbursable Transportation Budget. Each year, the County Council is required by the State of Delaware to approve the budget allocations for Sussex County Senior Services transportation. This program provides funding for transportation services to senior centers, CHEER, and Delaware Easter Seals.

For Fiscal Year 2010, a budget appropriation in the amount of \$796,862.00 was approved by the General Assembly, the same amount as the last six years, as follows:

<u>Agency</u>	<u>Fiscal 2009</u>	<u>2010 Funding Request</u>	<u>2010 Funding Recommended</u>
Cape Henlopen Senior Center	\$ 41,600	\$ 43,700	\$ 41,600
CHEER	\$ 549,235	\$ 700,247	\$ 549,235
Indian River Senior Center	\$ 2,100	\$ 2,100	\$ 2,100
Laurel Senior Center	\$ 92,653	\$ 116,927	\$ 92,653
Lewes Senior Center	\$ 24,000	\$ 75,060	\$ 24,000
Nanticoke Senior Center	\$ 39,995	\$ 52,535	\$ 39,995
Easter Seal Rehab. Center	\$ 47,279	\$ 78,700	\$ 47,279

Mr. Baker recommended that the Council approve the funding allocation at the same level for each agency as was approved in Fiscal 2009.

Mr. Baker referenced the letter received from Ken Bock, Deputy Director, CHEER, which was read into correspondence at the beginning of the meeting. Mr. Bock was in attendance and, at the request of the Council, he briefly reviewed the basis for CHEER's funding request. Mr. Bock noted that the recommended funding has remained the same over several years; however, the requested amount has grown.

**M 467 09
Authorize
Allocation/
Delaware
Transit/
Transportation
Budget/
Fiscal
2010**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council authorizes the allocation of the Delaware Transit Corporation's Reimbursable Transportation Budget for Fiscal Year 2010, for a total of \$796,862.00, based on the same individual agency amounts, as approved for Fiscal Year 2009.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Property Tax Bills

Annual property tax bills for Fiscal 2010 are being mailed starting this week. These bills, totaling \$100,558,102, include school capitation and property taxes of \$82,498,346, county property taxes of \$13,134,778, ditch taxes \$427,037 and county sewer and water assessments for \$4,452,637. These bills are due by September 30, 2009. Penalty of 1.5% per month is charged after that date. The county portion of the property tax bill ranges from a low of 10.5% in the Milford School District to 13.9% for the Laurel School District. For the first time, bills are not being mailed to property owners who have their property taxes paid via an escrow account through their bank or mortgage company. This will save approximately \$22,000 in mailing costs. Please contact the Treasury Division if you have any questions at 855-7760.

2. Delaware State Police Report 2009

Attached is a copy of the Delaware State Police Report for June showing 4029 traffic arrests, 289 felony criminal arrests and a total of 4,189 complaints handled.

3. County Administration Roof Repairs

As per the attached memorandum, work has begun on replacing the roof of the County Administration Building. As noted, portions of the sidewalk around the building may be temporarily closed as a safety precaution on various occasions. The project is expected to

be complete in three to four months.

4. Sussex County Employee Benefit Committee Fundraiser

**Report
(continued)**

Ms. Barbara Messick from the Register of Wills Office was the winner of a one-week stay at Mr. George Cole's Bethany Beach apartment. Chances were sold for the Employees' Benefit Committee with funds earmarked for the Needy Family Fund and for assistance for sick or needy employees. We wish to thank Mr. Cole for donating his property for this fundraiser, which will help Sussex County residents.

(Attachments to the Administrator's Report are not attachments to the minutes.)

Requests

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

**M 468 09
Community
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$500.00 (\$300.00 from Mr. Phillips' Community Grant Account and \$200.00 from Mr. Wilson's Community Grant Account) to the Georgetown – Millsboro Rotary Club for their golf tournament fundraiser.

Motion Adopted: 5 Yeas.

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

**M 469 09
Community
Grant**

A Motion was made by Mr. Vincent, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mr. Vincent's and Mr. Phillips' Community Grant Accounts) to the Laurel Little League for tournament expenses.

Motion Adopted: 5 Yeas.

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

**M 470 09
Community
Grant**

A Motion was made by Mr. Vincent, seconded by Mr. Cole, to give \$500.00 from Mr. Vincent's Community Grant Account to the Town of Blades for the National Night Out event.

Motion Adopted: 5 Yeas.

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

M 471 09

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$250.00

Community Grant **from Mr. Cole’s Community Grant Account to the Seashore Striders for the Ed Dean Memorial Scholarship Fundraiser.**

Motion Adopted: 5 Yeas.

M 471 09 **Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea;**
(continued) **Mr. Wilson, Yea; Mr. Cole, Yea;**
 Mr. Phillips, Yea

M 472 09 **A Motion was made by Mr. Vincent, seconded by Mr. Cole, to give \$500.00**
Community Grant **from Mr. Vincent’s Community Grant Account to the City of Seaford for**
 their Community Night Out event.

Motion Adopted: 5 Yeas.

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

M 473 09 **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$500.00**
Community Grant **from Mr. Wilson’s Community Grant Account to Grace-N-Mercy**
 Ministries for their summer youth program.

Motion Adopted: 5 Yeas.

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

Introduction of Proposed Ordinances **Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 34 ACRES, MORE OR LESS” (Change of Zone No. 1691) filed on behalf of Linder & Company, Inc., c/o Andrea Finerosky.**

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 48.3595 ACRES, MORE OR LESS” (Conditional Use No. 1849) filed on behalf of Linder & Company, Inc., c/o Andrea Finerosky.

The Proposed Ordinances will be advertised for Public Hearing.

Additional Business **Under Additional Business, Lawrence Messick of Rehoboth Beach expressed concern about housing developments with small lots, no garages, and 10 feet between houses. Mr. Messick stated that developments should be designed to help maintain the environment.**

M 474 09 Adjourn **A Motion was made by Mr. Cole, seconded by Mr. Vincent, to adjourn at 4:28 p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

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