



# SUSSEX COUNTY COUNCIL

## AGENDAS & MINUTES

### SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 11, 2009

**Call to Order**            A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 11, 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
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 475 09**            A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to approve  
**Approve**            the Agenda, as posted.  
**Agenda**

**Motion Adopted:**      4 Yeas, 1 Absent.

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

**Minutes**            The minutes of July 28 and August 4, 2009 were approved by consent.

**New Bank**           Mrs. Webb presented a Proposed Resolution for the opening of a new  
**Account**            checking account at Delaware National Bank.

**M 476 09**            A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt  
**Adopt**               Resolution No R 025 09 entitled "AUTHORIZING THE PAYMENT  
**R 025 09**               FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT  
                                 WITH THE DELAWARE NATIONAL BANK BEARING THE  
                                 SIGNATURES OF ANY TWO OF VANCE PHILLIPS, PRESIDENT;  
                                 GEORGE B. COLE, VICE PRESIDENT; OR SUSAN M. WEBB,

**FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL”.**

**Motion Adopted: 5 Yeas.**

**M 476 09**  
**(continued)**

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

**Introduction of Proposed Ordinance/ Issuance of General Obligation Bonds/ Johnson’s Corner SSD**

**Mrs. Webb reviewed a draft ordinance that would provide for the issuance of up to \$10,500,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, transmission and treatment facilities for the Johnson’s Corner Sanitary Sewer District.**

**Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ISSUANCE OF UP TO \$10,500,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE JOHNSON’S CORNER SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH”. The Proposed Ordinance will be advertised for Public Hearing.**

**Request for Endorsement of Marine Unit for Fenwick Island Police Department**

**Mr. Godwin reviewed a police marine unit proposal that the Fenwick Island Police Department is pursuing through federal funding and Senator Edward Kaufman’s office. The purpose of this project is to extend the law enforcement and the public safety capabilities of the Fenwick Island Police Department to cover the Little Assawoman Bay and water front properties. This project will service the needs of the citizens of Fenwick Island and visitors to the area as well as the boating public. Mr. Godwin advised that the Chief of Police William Boyden is asking for a letter of support from the County for the Federal funding process. It was noted that the Delaware State Police and Delaware Department of Natural Resources and Environmental Control have indicated their support this endeavor. Mr. Godwin advised that the costs for the project would come from federal funding and various grants and that the County is not obligated to the funding of this project. Mr. Godwin presented and read a draft letter of support from the County.**

**M 477 09**  
**Authorize Letter of Support/ Marine Unit for Fenwick Island**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes a letter of support be sent to the Town of Fenwick Island for the police marine unit proposal.**

**Motion Adopted: 5 Yeas.**

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

**Police Dept.**

**Mr. Phillips, Yea**

**Bid  
Results/  
Truck  
Chassis**

**Frank Shade, Purchasing Officer and Fleet Manager, presented the bid results for the purchase of two new extended Chassis Cabs to be used as Paramedic Response Vehicles, as follows:**

**Bid**

**Hertrich Fleet Services**

**\$36,959.00 per unit**

**Results**

**I.G. Burton & Company**

**No Bid**

**(continued)**

**Mr. Shade reported that I.G. Burton & Company did not submit a bid since General Motors has suspended production of extended Chassis Cabs until next year and no 2010 pricing is available.**

**M 478 09**

**Award**

**Bid/**

**Truck**

**Chassis**

**A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, that Sussex County Council accepts the bid of Hertrich Fleet Services in the amount of \$36,959.00 each for the purchase of two Ford extended Chassis Cabs.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Works**

**Agreement/  
Town of  
Millsboro**

**for**

**Woodlands  
of Millsboro**

**Gary Tonge, Director of Utility Permits, presented a Public Works Agreement between Sussex County and the Town of Millsboro to establish the terms for treatment of wastewater from the Woodlands of Millsboro Sanitary Sewer District by the Town of Millsboro.**

**Mr. Tonge reported that on June 25, 2009, eligible voters approved the creation of the District by a vote of 40 for the District and 1 against the District. The Woodlands of Millsboro is a 57-lot subdivision.**

**M 479 09**

**Authorize**

**Public**

**Works**

**Agreement/**

**Town of**

**Millsboro**

**for**

**Woodlands  
of Millsboro**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council President is authorized to execute the Public Works Agreement with the Town of Millsboro in order to provide sanitary sewer service to the Woodlands of Millsboro subdivision, as presented on August 11, 2009.**

**Motion Adopted: 5 Yeas.**

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

**Millville  
Expansion  
of the  
BBSSD**

**Brad Hawkes, Director of Utility Engineering, presented a Balancing Change Order for the Millville Expansion of the Bethany Beach Sanitary Sewer District, Route 26 West and MPS No. 8. The Change Order, in the credit amount of \$277,063.34, is for final quantity adjustments for the close**

**Contract** out of the Contract.

**M 480 09** A Motion was made by Mr. Cole, seconded by Mr. Vincent, based upon the  
**Change** recommendation of the County's Consulting Engineer, Whitman, Requardt  
**Order/** and Associates, LLP, and Sussex County Engineering Department, that the  
**Millville** Balancing Change Order for Sussex County Contract No. 08-03, State  
**Exp/BBSSD** Route 26 and MPS No. 8, with George and Lynch, Inc. be approved, which  
**M 480 09** decreases the Contract by the amount of \$277,063.34 for a new contract  
**(continued)** total of \$2,490,011.16 contingent upon the receipt of approval from the  
funding agencies.

**Motion Adopted:** 5 Yeas.

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

**Public** Mr. Cole questioned what recourse a person may have if they do not agree  
**Hearing/** with the County's sewer charges. Gary Tonge, Director of Utility Permits,  
**Fees** responded that an Appeals Board meets annually in March.

**Relating** A Public Hearing was held on the Proposed Ordinance entitled "AN  
**to the** ORDINANCE TO AMEND CHAPTER 62, OF THE CODE OF SUSSEX  
**Recorder** COUNTY BY AMENDING ARTICLE VI, § 62-18, RELATING TO FEES  
**of Deeds** CHARGED BY THE RECORDER OF DEEDS".

Mrs. Webb explained that this ordinance establishes fees for internet based searches of Recorder of Deeds records which have been digitized and entered into the online database maintained for the Recorder of Deeds Office and establishes charges for monthly subscriber fees and a discounted per page printing rate for subscribers and also establishes a per page rate for printing of digitized documents by users who do not elect to execute a subscriber agreement. It also authorizes the acceptance of electronic payment for the services to be provided to users of the online document database. The adoption of this ordinance will facilitate the access to recorded documents by users from remote locations utilizing the services of the internet.

**Public comments were heard.**

Dan Kramer of Greenwood questioned if documents can viewed online at no cost or if only the index can be viewed at no cost.

Cathy Pepper of the Recorder of Deeds Office explained that a fee would not be charged for viewing a document, only when a document is printed.

**The Public Hearing was closed.**

**M 481 09** A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt

Mr. Godwin advised that he was expecting a representative of Flexera who wished to address the Council regarding the installation of windmills, the County's lack of engineering/manufacturing specifications in the Code, and the fact that the County does not perform inspections on windmill construction. It was noted that new State legislation (House Bill No. 70) was

**passed in June, which requires that all windmills must be constructed on a minimum of one acre of land, unless the windmill is constructed on a roof.**

**Windmill Regulations**      **Mr. Moore reported that he has been meeting with and discussing this matter with Rick Berl and Vince Robertson, Assistant County Attorneys.**

**Windmill Regulations (continued)**      **It was the consensus of the Council that Mr. Moore would look into the possibility of drafting an ordinance to address windmill standards/specifications and inspections.**

**M 484 09 Adjourn**      **A Motion was made by Mr. Vincent, seconded by Mr. Cole, to adjourn at 4:02 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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