



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 25, 2009

Runway 10-28 On Tuesday, August 25, 2009, at 1:00 p.m., members of the County Council attended the Runway 10-28 Dedication at the Sussex County Airport.

Call to Order A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 25, 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 506 09 Amend and Approve Agenda A Motion was made by Mr. Cole, seconded by Mr. Vincent, to amend the Agenda by adding the following under Grant Requests: Town of Bridgeville Apple - Scrapple Festival for event expenses; 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 August 18, 2009 were approved by consent.

Correspondence Mr. Moore read the following correspondence:

DELAWARE COMMUNITY FOUNDATION, WILMINGTON,

DELAWARE.

RE: Letter in appreciation of the Council's recent donation to the Sussex Child Health Promotion Coalition.

DELAWARE SAFETY COUNCIL, WILMINGTON, DELAWARE.

RE: Letter in appreciation of the Council's continued support.

**Corre-
spondence
(continued)**

TOWN OF BRIDGEVILLE, BRIDGEVILLE, DELAWARE.

RE: Letter to Councilwoman Deaver regarding her letter of response concerning the News Journal article of June 17, 2009.

**Delaware
Economic
Develop-
ment
Office**

Alan Levin, Director, Delaware Economic Development Office (DEDO), updated the Council on the activities and future plans of DEDO. He reported that, last year, Sussex County was the benefactor of 58 percent of the funds that were dispensed by the Office; out of that funding, approximately 153 jobs have been or will be created in Sussex County. Mr. Levin also reported that DEDO has gone through a reorganization. He stated that previously, DEDO was organized through a cluster method of operation, meaning that they focused on specialization of the major industries in Delaware, including chemicals, auto manufacturing, banking and agriculture. Now DEDO plans to look at all areas and the Office plans to place representatives in each County. Also, tourism will be a major focus and the tourism staff has been expanded. Mr. Levin stated that tourism is a \$1.5 billion industry in the State with great possibilities and that new opportunities may include a cruise ship port in Lewes and geocaching (a treasure hunting game played throughout the world by adventure seekers with GPS devices). Mr. Levin announced that the Governor has been filmed for a television show on CNN called *The Art of Living*. The Governor was filmed both in Rehoboth and Dover to spotlight Delaware in this film.

Mr. Levin advised that the Delaware Small Business LIFT Program has been developed to help small businesses survive the current economic downturn.

Mr. Levin stated that they are making every attempt to reach out to every existing Delaware company. He advised that the Governor's point of view is that Delaware must retain what it has before growing stronger.

**911
Addressing/
Enforce-
ment
Proposal**

Mr. Baker reported that the County and emergency response agencies have many concerns regarding improperly displayed addresses as well as the absence of posted addresses on many properties. Mr. Baker noted that it is important that posted addresses are visible and comply with the County's Ordinance, which was adopted on October 25, 2005. In accordance with the Ordinance, addressing was required and enforcement of the requirements was to go into effect 18 months after the adoption of the Ordinance. Mr. Baker reported that, over the years, many efforts have been made by the Addressing Department to notify the public and require proper addresses to be posted on properties. As of this date, the County has not enforced the

Ordinance with fines and Justice of the Peace Court actions.

Mr. Baker stated that County staff believes it is time for the Council to consider the possible enforcement of this Ordinance, at least on a complaint basis.

**911
Addressing/
Enforce-
ment
Proposal
(continued)**

Mr. Baker presented a draft Enforcement Program which is in accordance with the Ordinance. Under the Enforcement Program, upon receipt of a complaint regarding an insufficient or incorrectly posted address, a representative from the Addressing Department would investigate; if there is a violation, a letter would be mailed or hand-delivered to the property owner requesting correction of the incorrect address or non-posting of the address within 30 days; if the problem is not corrected, thereafter, a certified letter would be sent, as per the Ordinance, giving the property owner 15 days to correct; if the violation is not corrected, then the County Constables' Office would follow through with the Justice of the Peace Court requesting a \$50.00 fine; if the fine is imposed and after two weeks no action is taken by the property owner, then further action by the Justice of the Peace Court would be requested by the County Constables' Office, which could result in a fine of a maximum of \$100 per day.

Mr. Baker reported that County paramedics will be delivering a card to property owners when they notice incorrectly addressed properties or the non-posting of addresses.

Eddy Parker, Director of Assessments, and Megan Nehrbas of the Addressing Department were present to discuss the proposal and answer questions raised by the Council.

Mr. Cole and Mrs. Deaver recommended that the County take additional steps to educate the public regarding this initiative, possibly through public service announcements, additional information on the County's website, news releases, etc. Mrs. Deaver emphasized that the correct posting of addresses is critical to saving lives.

It was the consensus of the Council to proceed with the Enforcement Program, with an effective date of October 1, 2009.

Mr. Moore advised that, in accordance with the Ordinance, notice to the public regarding the date of enforcement is required.

No action was required by the Council.

**Delaware
Land and
Water
Conser-
vation**

Mr. Baker announced that the County received a letter on August 13, 2009 from Charles Salkin from the State of Delaware, Division of Parks and Recreation, asking if the County would be interested in pre-applying for a grant for up to 50 percent of the cost for a trail or park project. Mr. Baker stated that, if the County pre-applies and if the State is interested, they

Trust Fund Grant would send the County an application form. Mr. Baker reported that a preliminary review of possible properties has been performed and he distributed a listing of those County-owned properties that could be used for this type of project. Mr. Baker emphasized that this program has a 50 percent match requirement. He noted that a detailed application will not be requested until approximately February or March 2010. This will provide time to research costs, location, applicable state grants and possible participation by other organizations. He further noted that staff would bring back to the County Council a more complete recommendation for the Council's consideration prior to making any application.

Delaware Land and Water Conservation Trust Fund Grant Mr. Cole suggested that the County file the pre-application and then move forward with a review of properties and possible uses.

(continued) It was the consensus of the Council to proceed with the pre-application for the State of Delaware Land and Water Conservation Trust Fund Grant.

No action was required by the Council.

Laurel Paramedic Station/Project Update/Proposed Change Order Mr. Baker reported that the County Engineering Department and Paramedic Department were informed, as a result of an audit, that the State of Delaware Department of Labor would require Prevailing Wage Rates for the Agreement to build Paramedic Station No. 102 near Laurel. Various meetings have occurred with the contractor, a representative from the State Department of Labor, and County staff from the Paramedic, Engineering, and Finance departments, as well as County Attorney Everett Moore and David Baker. The result of these meetings is that the estimated maximum cost to bring this contract into compliance with State Prevailing Wage Law would be a cost increase of a maximum of \$56,395. This requirement is due to the State's 40 percent share of funding for the project from the State Paramedic Grant.

Mr. Baker noted that the Council Agenda for this date was amended on August 20th to enable the Council to consider a change order for this project. Mr. Baker advised that work on the project has virtually stopped as a result of this development. To avoid a further delay of the project, it was necessary to present this change order for approval at the August 25th Council meeting.

Mr. Baker reported that the change order amount is a maximum amount. Some of the subcontractors listed have not completed a detailed analysis of their wages paid and wage rates. In order to complete the project in a timely manner, staff is asking for the Council's consideration of the change order for a maximum amount of \$56,395 to be negotiated upon receipt of the proper information. Mr. Baker further noted that the County will continue to negotiate the change order.

Michael Izzo, County Engineer, explained that the County was not aware of this prevailing wage requirement when the project was bid and that the

project was approved by the State Paramedic Department prior to bidding.

It was noted that Everett Moore has reviewed State Law regarding these prevailing wages and has concluded that there is no other option but for the County to pay the prevailing wages.

M 507 09
Proceed with Laurel Paramedic Station Project

A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to authorize the County Administrator to proceed with the Paramedic Station No. 102 project.

Motion Adopted: 3 Yeas, 1 Nay, 1 Abstention.

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

Mr. Vincent referenced the fact that at the beginning of the Laurel Paramedic Station contract, the County was told by an employee of the State Paramedic Office that State wage rates were not required. Mr. Vincent requested that a letter be sent to Governor Jack Markell expressing the County's extreme displeasure at a waste of Sussex County tax dollars.

Administrator's Report

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

1. County Holiday Schedule

The Sussex County Council will not meet on September 1, 2009 for a summer holiday. On September 7, 2009, County offices will be closed in honor of Labor Day. The County Council will also not meet on September 8, 2009, in honor of Labor Day. The next regularly scheduled meeting of the Sussex County Council will be at 3:00 p.m. on September 15, 2009.

Local Law Enforcement Grant Requests

Mr. Godwin presented the following grant requests through the Local Law Enforcement Grant Program:

Town of Georgetown	\$15,000	Crowd control barricades, property identification label, office supplies
Seaford	\$15,000	Police Vehicle
Bethany Beach	\$15,000	Pre-owned Police Vehicle

M 508 09
Approve Local Law

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves a disbursement in the amount of \$15,000 each from the Local Law Enforcement Grant Program to the Town of Georgetown, City of Seaford, and Town of Bethany Beach.

**Enforce-
ment
Grants**

Motion Adopted: 5 Yeas.

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

**Town of
Greenwood/
Library
Facility/
Agreement**

Michael Izzo, County Engineer, discussed a Proposed Lease Agreement with the Town of Greenwood and a proposed site plan for a new and expanded Greenwood Library. Mr. Izzo noted that the library was initially constructed in 1988; in the mid 1990's, the County executed a new Lease with the Town of Greenwood for a small expansion of the library. The new lease covered only the exact footprint of the building and did not include the parking area. Mr. Izzo reported that the County, for several years, has been talking about a proposed expansion to the Library. State funding was applied for the design of a new facility; this funding did not get put in this year's Bond Bill. Mr. Izzo reported that, for this reason, the project is on hold. Mr. Izzo explained that the Proposed Lease stipulates that the County will occupy the entire lot where the library is located.

Mr. Izzo stated that, based on discussions with the Town of Greenwood, the Proposed Lease Agreement was drafted. In the original lease, the County was paying \$10.00 annually and this would remain the same. The term of the Lease would go to 2022 (the term of the original Lease) with an option for an additional 25 years.

Mr. Izzo explained that an approval of the Proposed Lease Agreement would not commit the County to any funding of an expansion project. The only purpose is to expand the County's control to the entire lot versus the footprint of the library building.

**M 509 09
Approve
Agreement
with the
Town of
Greenwood/
Library
Facility**

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Lease Agreement with the Town of Greenwood for the lease of Parcel Number 5-30 10.13 180.00 for the operation of a County library, which also extinguishes the existing Lease from October 1997.

Motion Adopted: 5 Yeas.

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

**Engineering
Department
Update**

Michael Izzo, County Engineer, presented an Engineering Department Status Update. Mr. Izzo distributed a listing of projects as of August 2009.

Mr. Izzo provided a summary of the following larger projects:

Stimulus Projects

Oak Orchard Sanitary Sewer District (3 contracts)
Angola Sanitary Sewer District (5 contracts)
Johnsons Corner Sanitary Sewer District (both contracts have been awarded and are under construction)
Inland Bays Regional Wastewater Facility
Woodlands of Millsboro Sanitary Sewer District (contract has been awarded)

Engineering Department Update (continued) **Stimulus projects have to be designed, bid, bid awarded, funding agencies approvals obtained, and executed contracts obtained by February 17, 2010.**

Airport Projects

Runway 10-28 Rehabilitation
Fence Extension
Tie-Down Ramp
Fiber Optic Gate System
Stormwater
Wetland Mitigation
Runway 4-22 Expansion

Other Projects

Milton Library
Laurel Paramedic Building
Administrative Building Roof Replacement
Emergency Operations Center
Records Management Building
South Coastal Library
Greenwood Library

Regional Sewer Projects (not stimulus funded)

Golf Village Sanitary Sewer District
Bethany Bay Improvements
Millville Contract F
Oak Orchard / River Road
Miller Creek Extension

General Sewer and Water Projects

Generator Replacements
Dewey Water Tank Repainting
North Burton Field Rig
West Rehoboth and Long Neck Pump Station Upgrades
Industrial Park Water System
Industrial Park Fire System Upgrade

**Pump Station 30 Upgrade and Force Main
New Sussex Community Improvement Program Ordinance
Suburban Community Improvement Projects:**

**Engineering
Department
Update
(continued)**

**Sussex Shores
The Holly's
Holly Cove
Plantation Park
The Salt Pond
Loch wood (Street lighting)
Cedar Creek (Street lighting)
Argo's Glade**

Miscellaneous Projects

**Nanticoke Dredge Site
Harris Alley Parking Improvements
Communication Tower Expansion
Sewer and Water Standards
OMAR Landfill Surface Restoration
Joint Sussex County Sewer and Water Study**

Mr. Izzo concluded his presentation by stating that the Engineering Department operates and maintains four wastewater treatment facilities, two water systems, twenty-six sewer districts, an airport, and six closed landfills, and that from 2003 to 2008, the number of Emus served increased from 48,000 to 65,000.

**Neighbor-
hood Sta-
bilization
Program
Update**

William LeCates and Brandy Bennett of the Community Development and Housing Division reported on the Neighborhood Stabilization Program (NSP). The NSP was established for the purpose of stabilizing communities that have suffered from foreclosures and abandonment; program funds must be used for the purchase and redevelopment of these abandoned or foreclosed homes or residential properties that will be used to house individual or families of low and moderate income. Ms. Bennett advised that there are three upcoming settlements for the County's first NSP homeowners. Ms. Bennett and Mr. Moore advised that settlements were previously scheduled; however, some have been delayed due to criteria attached to Federal funding, the secondary market, and the underwriters. Mr. Lecates reported that the Delaware State Housing Authority has advised that Sussex County has the first NSP house to be sold in the State of Delaware.

**Community
Develop-
ment
Rehabili-
tation
Program**

Brad Whaley of the Community Development and Housing Division reported that the County will receive additional funding for the Community Development Rehabilitation Program; the County will receive \$312,531.00 in Community Development Block Grant Recovery Funds. Of this amount, approximately \$290,000.00 can be used for housing rehabilitation and approximately \$22,584.00 can be used for administrative costs. This funding will be used in conjunction with the \$1,155,000.00 of Community

Development Block Grant and Home Funding that will also be received this year.

**Program
(continued)**

Mr. Whaley also reported that the Delaware State Housing Authority and the Division of State Services are asking the County to partner with the Weatherization Assistance Program. This program installs energy efficiency improvements in the homes of low-income persons to reduce their energy burden, lower their energy costs and improve their health and safety in the home. The Division of State Services administers the program under a contract with First State Community Action Agency in Sussex County. Mr. Whaley stated that this will also provide additional funding which will be received from First State Community Action for housing rehab costs associated with energy efficiency improvements.

Requests

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

**M 510 09
Community
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$1,000.00 from Mr. Cole's Community Grant Account to the Mid-Atlantic Symphony Orchestra for operating 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 511 09
Community
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$700.00 from Mr. Cole's Community Grant Account to the City of Rehoboth Beach for the Delaware State University Marching Band's bandstand performance.

Motion Adopted: 5 Yeas.

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

**M 512 09
Community
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to give \$1,500.00 (\$900.00 from Mr. Wilson's Community Grant Account and \$300.00 each from Mr. Phillips' and Mr. Vincent's Community Grant Accounts) to Bridgeville Apple-Scrapple Festival for expenses.

Motion Adopted: 5 Yeas.

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

Introduction

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE

of Proposed Ordinance **TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY 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 11.96 ACRES, MORE OR LESS” (Conditional Use No. 1850) filed on behalf of Inland Bays, LLC. The Proposed Ordinance will be advertised for Public Hearing.**

Introduction of Proposed Ordinance **Mr. Phillips 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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.51 ACRES, MORE OR LESS” (Change of Zone No. 1692) filed on behalf of Frank J. Emmi, Jr. The Proposed Ordinance will be advertised for Public Hearing.**

Mrs. Deaver asked for additional location information when draft ordinances for conditional uses and change of zones are presented for introduction.

There was no Additional Business.

M 513 09 Go Into Executive Session **At 5:18 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Vincent, to recess the Regular Session and to go into Executive Session for the purpose of discussion pending/potential litigation.**

Motion Adopted: 5 Yeas.

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

Executive Session **At 5:19 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 pending/potential litigation. The Executive Session concluded at 5:47 p.m.**

M 514 09 Reconvene Regular Session **At 5:48 p.m., a Motion was made by Mr. Vincent, seconded by Mr. Wilson, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

Executive Session Report **Mr. Moore reported that, during the Executive Session, the Council was brought up-to-date by attorneys concerning pending litigation and litigation which involves no action by the Council at this time.**

**M 515 09
Adjourn**

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to adjourn at 5:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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