



## *Sussex County Council Agendas & Minutes*

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 26, 2006**

#### **Call to Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 26, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Lynn J. Rogers</b>	<b>President</b>
<b>Dale R. Dukes</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Member</b>
<b>Finley B. Jones, Jr.</b>	<b>Member</b>
<b>Vance Phillips</b>	<b>Member</b>
<b>David Baker</b>	<b>Finance Director</b>
<b>Hal Godwin</b>	<b>Assistant to the County Administrator</b>
<b>James D. Griffin</b>	<b>County Attorney</b>

#### **M 646 06 Approve Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to approve the Agenda, as distributed.

**Motion Adopted: 5 Yea.**

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**

#### **M 647 06 Approve Minutes**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the minutes of August 22, 2006

**Motion Adopted: 5 Yea.**

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**

#### **Corre- spondence**

Mr. Griffin read the following correspondence:

**R. BRUCE BETTS, JR. LIVESTOCK CHAIRMAN, DELAWARE STATE FAIR, HARRINGTON, DELAWARE.**

**RE: Letter thanking the Council for their donation to the Jr. Livestock Auction.**

**JUANITA MORCH, EXECUTIVE DIRECTOR, CAPE HENLOPEN SENIOR CENTER, REHOBOTH BEACH, DELAWARE.**

**RE: Letter thanking the Council for the senior transportation funding.**

**ROBERT J. A. FRASER, CHAIR, BOARD OF DIRECTORS, EASTER SEALS, NEW CASTLE, DELAWARE.**

**Corre-  
spondence  
(continued)**

**RE: Letter thanking the Council for its ongoing support and in appreciation of Councilman Dukes' attendance at the Easter Seals Annual Dinner.**

**Weekly  
Report to  
Council**

**Mr. Baker read the following information in his Weekly Report to the Council:**

**1. County Administration Building Telephone System**

Classes will begin today for employees using the new County Administration Building telephone system. The system will become fully operational on October 4, 2006. The new system will standardize phones in this building and improve customer service for the public. County directories will be available on each phone. Emergency paging, after-hour messaging, and voice mail are other new features.

**2. Robert C. Green**

Mr. Robert C. Green, Utility Construction Division Director, will be retiring on September 29, 2006. Mr. Green has served the County Council for 32 years, since September 23, 1974. We wish to thank Mr. Green for his devotion and loyalty in public service and wish him the best of luck in his future endeavors.

**3. Property Taxes**

Sussex County property taxes are due September 30, 2006. After that date, interest will be charged at 1½ percent per month.

**M 648 06  
Adopt  
Tribute**

**A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt the Tribute to the Ellendale Community Civic Improvement Association, Inc. in celebration of their Twenty-Fifth Anniversary.**

**Motion Adopted: 5 Yea.**

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**

**Diaz Bonville, Advisor for the Ellendale Community Civic Improvement Association, and Harold Truxon, President of the Ellendale Community Civic Improvement Association, were present to accept the Proclamation.**

**County  
Election  
Year  
Scholarship  
Contest  
County  
Election  
Year  
Scholarship  
Contest  
(continued)**

**Mr. Baker asked the Councilmembers if there was any interest in sponsoring the Sussex County Election Year Scholarship Contest again this election year. The Council has sponsored this contest during the last two election years. Mr. Baker presented information on the contest that, with the Council's approval, will be posted on the County's website. Students age 18 and under (that are residents of Sussex County) will be encouraged to participate in the contest. The contest is designed to be both entertaining and educational, encouraging the youth of Sussex County to be involved in the upcoming elections and issues being faced both as a Nation and in our communities.**

**Eddie Sparpaglione, Director of Information Systems, reported that students will have to predict the winner for the elections taking place in Sussex County for the County Council and Row Offices, as well as the President, Congressional Representatives, Governor, Lieutenant Governor, State Representatives and Senators, and Insurance Commissioner. Winners will be determined by the most number of elections that are predicted correctly. The election contest would be the same as the past two election years, except for the tie-breaking rule. In the event of a tie, the contestant whose guess is closest to the actual number of votes the winning candidate collects in the U. S. Senate race will be determined the scholarship contest winner.**

**Mr. Griffin advised that the law firm of Griffin & Hackett would again provide \$200.00 in funding for the scholarship awards.**

**M 649 06  
Establish  
Election  
Year  
Scholarship  
Contest**

**A Motion was made by Mr. Phillips, seconded by Mr. Jones, that the Sussex County Council hereby establishes the Sussex County Election Year Scholarship Contest for 2006; the first place winner will receive a \$200.00 scholarship and five runners-up will each receive a \$100.00 scholarship; \$100.00 will be provided from each Councilmanic Grant Account and \$200.00 will be provided by the law firm of Griffin & Hackett.**

**Motion Adopted: 5 Yea.**

**Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**

**County  
Council  
Schedule/  
Proposed  
Changes**

**Mr. Baker reported that a suggestion has been made in regards to the possibility of changing the County Council schedule in December 2006 and January 2007. The current schedule reflects that the Council will not meet on December 19th and December 26th. It has been suggested that the Council meet on December 19th and not meet on December 26, 2006 and January 2, 2007. The first meeting in 2007 would be held on January 9,**

**2007.**

**M 650 06**      **A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex**  
**Approve**      **County Council approves a change to the 2006-2007 Council meeting**  
**Change/**      **schedule as follows: December 19th – meeting will be held, December 26th**  
**Council**      **– no meeting, and January 2nd – no meeting.**  
**Schedule**

**M 650 06**      **Motion Adopted:      5 Yea.**  
**(continued)**      **Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
                      **Mr. Dukes, Yea; Mr. Jones, Yea;**  
                      **Mr. Rogers, Yea**

**Public**      **A Public Hearing was held on the Proposed Ordinance entitled “A**  
**Hearing/**      **RESOLUTION APPROVING A WRITTEN AGREEMENT FOR**  
**Bonds/**      **FIREFIGHTING SERVICES WITH GEORGETOWN FIRE COMPANY,**  
**Georgetown**      **INC. AND THE ISSUANCE OF CERTAIN BONDS BY GEORGETOWN**  
**Fire**      **FIRE COMPANY, INC.”**  
**Company**

**Mr. Baker explained that the County has received a request from the Georgetown Fire Company to approve the issuance of \$2,000,000 in tax-exempt bonds to fund renovations to their firehouse; that in order for a fire company to issue tax-exempt bonds, the County must hold a Public Hearing regarding the debt; and that the County must also approve an Agreement with the fire company which states that the fire company is authorized to provide firefighting services in their area for the next ten years.**

**Mr. Baker stated that the bonds would not be an obligation of the County.**

**Joey Pepper and Charles Stevenson of the Georgetown Fire Company were in attendance. They stated that there are plans to renovate the fire house and to purchase a new ladder truck and new engine.**

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

**M 651 06**      **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt**  
**Adopt**      **Resolution No. R 029 06 entitled “A RESOLUTION APPROVING A**  
**Resolution**      **WRITTEN AGREEMENT FOR FIREFIGHTING SERVICES WITH**  
**No.**      **GEORGETOWN FIRE COMPANY, INC. AND THE ISSUANCE OF**  
**R 020 06**      **CERTAIN BONDS BY GEORGETOWN FIRE COMPANY, INC.”**

**Motion Adopted:      5 Yea.**  
**Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;**  
                      **Mr. Dukes, Yea; Mr. Jones, Yea;**  
                      **Mr. Rogers, Yea**

**Local**      **Mr. Godwin, Assistant to the County Administrator, presented a request**  
**Law**      **for funding through the Revenue Sharing for Local Law Enforcement**

Enforce- ment Grant	Grant Program:		
	Laurel	\$21,451.75	Patrol Vehicle/ Fully Equipped
M 652 06 Approve Grant	A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the Local Law Enforcement Grant, as presented.		
M 652 06 Grant (continued)	Motion Adopted:	5 Yea.	
	Vote by Roll Call:	Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Jones, Yea; Mr. Rogers, Yea	
T-Hangar Lease Termination	Mr. Masten, Director of Economic Development, advised that Don Anthony has been leasing a T-Hangar unit and adjacent storage space from the County since May 1, 1998. Mr. Anthony has sold his plane and wishes to terminate the lease and lease holdings effective the close of business on September 30, 2006.		
M 653 06 Approve Termination of T-Hangar Lease	A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council approves the termination of a T-Hangar lease with Donald Anthony, who has been leasing Unit No. 1 and adjacent storage area, located at 21385 Rudder Lane, Sussex County Airport, Georgetown, Delaware, effective September 30, 2006.		
	Motion Adopted:	5 Yea.	
	Vote by Roll Call:	Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Dukes, Yea; Mr. Jones, Yea; Mr. Rogers, Yea	
T-Hangar Lease Proposal	Mr. Masten recommended a new lease for the T-Hangar lease and adjacent storage area that was just terminated. The new lease would be with South Wind Holdings, LLC for Unit No. 1 at 21385 Rudder Lane at the Sussex County Airport. South Wind Holdings, LLC includes members from businesses in the Sussex County Industrial Park. The rental of the T-hangar is \$350.00 per month, \$4,200 annually. Tenants will be leasing an adjacent storage area for \$50.00 per month. The lease amount will change annually based on the current Consumer Price Index. The tenant will provide the necessary documents as detailed in the lease document.		
M 654 06 Approve New T-Hangar Lease	A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council approves a lease for T-Hangar Unit No. 1 and adjacent storage area located at 21385 Rudder Lane, Sussex County Airport, with South Wind Holdings, LLC; the lease amount will increase annually based on the Consumer Price Index.		
	Motion Adopted:	5 Yea.	

**Vote by Roll Call:** Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

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

**M 655 06 Grant** A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Miss Delaware Organization for scholarship funding for the Miss Sussex County and Miss Georgetown pageants in 2007.

**Council-  
manic  
Grant  
(continued)**

**Motion Adopted:** 5 Yea.

**Vote by Roll Call:** Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

**M 656 06 Council-  
manic  
Grant** A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to Georgetown EMS Station 93 for an advertisement for their annual fundraiser.

**Motion Adopted:** 5 Yea.

**Vote by Roll Call:** Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

**M 657 06 Council-  
manic  
Grant** A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Delaware Police Chiefs' Council, Inc. for conference and travel expenses.

**Motion Adopted:** 5 Yea.

**Vote by Roll Call:** Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

**M 658 06 Council-  
manic  
Grant** A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$200.00 (\$100.00 each from Mr. Rogers' and Mr. Jones' Councilmanic Grant Accounts) to the Milford Community Band to cover shortages for ongoing expenses.

**Motion Adopted:** 5 Yea.

**Vote by Roll Call:** Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea

**Proposed** Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE

**Ordinance**      **TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ARCHERY REPAIR AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.0018 ACRES, MORE OR LESS” (Conditional Use No. 1720) filed on behalf of Wayne and Janet Sansone. The Proposed Ordinance will be advertised for Public Hearing.**

**Proposed Ordinance**      **Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5,730 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1721) filed on behalf of Ralph N. Krum. The Proposed Ordinance will be advertised for Public Hearing.**

**M 659 06 Recess**      **At 11:45 a.m., a Motion was made by Mr. Cole, seconded by Mr. Dukes, to recess for 10 minutes. Motion Adopted by Voice Vote.**

**Reconvene**      **Mr. Rogers called the Council back into session at 10:55 a.m.**

**Oak Orchard SSD/ Balancing Change Orders**      **Mr. Izzo, County Engineer, presented a series of Balancing Change Orders for the Oak Orchard Sanitary Sewer District Project:**

<b>Contract A (Hopkins)</b>	<b>\$ .00</b>	<b>Increase in Contract time (92 days)</b>
<b>Contract B (Bearing)</b>	<b>(\$214,074.13)</b>	<b>Balance bid quantities &amp; provide additional Contract time</b>
<b>Contract C (George &amp; Lynch)</b>	<b>\$ 1,081.50</b>	<b>Provide phase monitors and provide additional Contract time</b>
<b>Contract D (Metra)</b>	<b>\$ 59,192.01</b>	<b>Balance bid quantities, negotiated hot mix, traffic control and utility interference &amp; provide additional Contract time</b>
<b>Contract E (Metra)</b>	<b>\$ 17,270.46</b>	<b>Balance bid quantities</b>
	<hr/>	
	<b>(\$136,530.16)</b>	<b>Net reduction to project costs</b>

**Mr. Izzo noted that the net credit of \$136,530.16 will be beneficial to the rates of the sewer district.**

**M 660 06**      **A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the**

**Approve  
Balancing  
Change  
Orders &  
Time  
Extensions/  
OOSD**      **recommendation of the Engineering Consultants, CABA Associates, Inc. and the Engineering Department, that the Sussex County Council approves the Balancing Change Orders and Time Extensions for Sussex County Project Nos. 99-19-A, B, C, D, E for the Oak Orchard Sanitary Sewer District.**

**Motion Adopted:      5 Yea.**

**M 660 06  
(continued)**      **Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**

**Public  
Hearing  
Proposed  
Expansion  
of the  
Dagsboro-  
Frankford  
SSD**      **A Public Hearing was held to consider the proposed expansion of the Dagsboro-Frankford Sanitary Sewer District (DFSSD) to include the balance of the lands of Pepper Creek Crossing (lands of B/Z Builders LLC).**

**Mr. Ashman reported that the parcel was annexed into the Town of Dagsboro on September 21, 2004. The parcel that is proposed to be developed as Pepper Creek Crossing, consisting of fifteen (15) single family dwellings. The area is contiguous to the existing district with part of the parcel already in the District.**

**In response to questions raised by Mr. Cole, Mr. Ashman stated that capacity is available.**

**Public comments were heard.**

**Daniel Kramer stated that central sewer does more environmental damage than septic tanks.**

**The Public Hearing was closed.**

**M 661 06  
Adopt  
Resolution  
No.  
R 029 06**      **A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Resolution No. R 029 06 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO – FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO INCLUDE PEPPER CREEK CROSSING, LYING WEST OF MAIN STREET, AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted:      5 Yea.**

**Vote by Roll Call:      Mr. Cole, Yea; Mr. Phillips, Yea;  
Mr. Dukes, Yea; Mr. Jones, Yea;  
Mr. Rogers, Yea**

**M 662 06  
Adjourn**      **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 11:07 a.m. Motion Adopted by Voice Vote.**



**Respectfully submitted,**

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