

SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 30, 2008

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 30, 2008 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr. President
Lynn J. Rogers Vice President
Dale R. Dukes Member
George B. Cole Member
Vance Phillips Member

David Baker County Administrator
Susan M. Webb Finance Director
Hal Godwin Deputy Administrator
James D. Griffin County Attorney

M 665 08 Amend and Approve Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to amend the Agenda by deleting the following:

- Proposed Private Road Agreement
- Old Business: Conditional Use No. 1792, Tidewater Environmental Services, Inc.
- Grant Request: Beebe Medical Foundation to sponsor the Annual Beebe Ball.
- Executive Session Land Acquisition
- Possible Action on Executive Session Items

; and, to approve the Agenda as amended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Mr. Jones, Yea

M 666 08 Approve Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the minutes of September 9, 2008.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea

Correspondence

Mr. Griffin read the following correspondence:

ANNA SHORT, LAUREL, DELAWARE.

RE: Letter thanking Councilman Dukes for appointing her to serve on the Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities.

DELAWARE NATIONAL GUARD KIDS CAMP, WILMINGTON, DELAWARE.

RE: Letter thanking the Council for their recent donation.

DELAWARE DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.

RE: Notice of Public Workshop regarding US Route 13 Intersection Improvement Projects in the Seaford area.

CITY OF SEAFORD POLICE DEPARTMENT, SEAFORD, DELAWARE.

RE: Letter thanking Councilman Dukes for his recent donation.

LAUREL POLICE DEPARIMENT, LAUREL, DELAWARE.

RE: Letter thanking Councilman Dukes for his recent donation.

Mr. Baker reviewed a grant request from the Sussex Conservation District for \$75,000.00, which represents Sussex County's portion of the State and County Matching Funds Program to be used for tax ditch maintenance. Mr. Baker reported that this funding has been allocated in the Fiscal Year 2009 Budget, in accordance with State Law.

Sussex Conservation District Grant Request

Mr. Baker also reported that the District is requesting an additional \$100,000 for drainage projects throughout Sussex County. Mr. Baker advised that, for the fifth consecutive year, the State Bond Bill included an additional \$100,000 for each County's Conservation District, contingent on a County match. Mr. Baker stated that, with the Council's approval, the additional \$100,000 would be transferred from the County's Contingency Fund, as done in the past.

Debbie Absher, District Coordinator, Sussex Conservation District, was in attendance to discuss the need of and uses for the grant funding.

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council authorizes a total grant of \$175,000 to the Sussex Conservation District for tax ditch and public ditch purposes.

M 667 08 Authorize

Sussex

Motion Adopted: 5 Yeas.

Grant/ Vote by Roll Call:

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

Conser-

vation

District

Health Awareness Week Mr. Jones, Yea

Mr. Baker, Dennis Cordrey, Personnel Director, and Bonnie Wooten and Kim Beauchamp of the Personnel Department announced that the Department has been working to raise employee awareness on health issues and have scheduled *Health Awareness Week during* the week of October 20th through October 24th. During that time, different health-related organizations will have booths set up at the Administrative Office Building. On October 24th, a one-mile walk will be held at 7:30 a.m. Brochures that include a detailed listing of organizations and a schedule of events were distributed to the Council and to the employees. Mr. Cordrey stated that the purpose of the Health Fair is to encourage County employees to make their health a top priority and to take steps towards a longer, healthier and happier life.

Mr. Baker presented a proposed Assignment of Lease requested by Allen Family Foods, the current tenant of Lot E at the Sussex County Airport and Industrial Park Complex (original lease dated July 28, 1997). Mr. Baker advised that the current tenant has requested approval to assign the Lease to Meridian Aviation, IIC. The term of the new Lease would be for thirty years, with two five-year options to renew. The current rent would remain the same, at six cents per square foot or \$2,387 annually. The lease limits the use of the property to airplane maintenance and storage.

Mr. Cole recommended that the County deny the reassignment and renegotiate the Lease with the new tenant since the rental amount of 6 cents per square foot is too low and should be adjusted. Mr. Cole noted that the market rate is 38 cents per square foot.

Questions were raised as to whether or not the County could deny the request for reassignment for the purpose of renegotiating the Lease.

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to defer action on the Proposed Lease Assignment from Allen Family Foods to Meridian Aviation, LLC.

Motion Adopted: 5 Yeas.

M 668 08

Defer

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Mr. Jones, Yea

Action/ Proposed

Lease

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

Assignment/

Allen

Family

Foods

Administrator's Report 1. <u>County Newsletter</u>

Attached is a copy of the Sussex County Newsletter for Fall & Winter 2008/2009. This is the second edition of this newsletter prepared by Chip Guy, Public Information Officer, and Heather Kempf. Information regarding County government contacts, services, and events in Sussex County is included. This publication is available free to the public.

2. Foreclosure Prevention Seminar – October 8, 2008

Administrator's Report (continued) As per the attached News Brief, Ms. Brandy Bennett, Sussex County Housing Coordinator, will be assisting with a free housing foreclosure prevention seminar from 5:30 to 8:30 p.m. on Wednesday, October 8, 2008, in Millsboro. One-on-one sessions will be held with homeowners to provide assistance with prevention of foreclosures.

3. <u>Livable Delaware Advisory Council Meeting</u>

We received notice on September 29 that the next Livable Delaware Advisory Council meeting will be held on October 17, 2008, at 10:00 a.m. The meeting is tentatively scheduled to be located in the Tatnall Building, Room 113.

4. Property Tax Due Date

September 30, 2008, is the due date for Sussex County property taxes. As noted last week, a penalty of $1\frac{1}{2}$ percent per month will be added to outstanding bills. Checks postmarked today, September 30, 2008, will be considered current and not subject to penalty.

Mr. Jones announced that Bruce Pringle, reporter for the Cape Gazette, has taken a job with the Delaware State News and will no longer be covering Sussex County Council meetings. Mr. Pringle has covered Council meetings off and on since 1975.

Reporter/ Bruce Pringle Glenn Luedtke, Director of Emergency Medical Services, announced that the Sussex County Paramedic Competition Team participated in the Second International EMS Competition in Israel in September; the Team placed Third in the competition, placing after First Place Poland and Second Place Holland. Mr. Luedtke introduced the members of the Team: Holly Donovan, Stuart Hensley, Jill Wix, and Robbie Murray.

Recognition of Paramedic Com-

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the Proclamation entitled "CONGRATULATING THE SUSSEX COUNTY PARAMEDIC COMPETITION TEAM ON PLACING THIRD IN THE SECOND INTERATIONAL EMS COMPETITION IN ISRAEL".

petition Team

Motion Adopted: 5 Yeas.

M 669 08 Adopt Proclamation Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea

Recognizing
Paramedic
ComThe members of the Team were each presented with a Proclamation and they thanked the Council for the opportunity to participate in the international

petition Team

competition, stating that it was an "experience of a lifetime".

Presentation

Fire

Julie Cooper, Project Engineer, discussed the design portion of the Contract for the Fire Protection System Upgrade Project. Ms. Cooper presented Amendment No. 2 to the Contract with Gillan and Hartmann, the Design Consultants. She noted that this will complete the Contract. To date, the Design Contract totals \$260,000.00; this Amendment would add \$70,000.00, bringing the Contract total to \$330,000.00.

Protection System Upgrade/ Contract Amendment A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council hereby authorizes its President to execute Amendment No. 2 to its Contract with Gillan and Hartmann, Inc. of Valley Forge, Pennsylvania, for Design and Bid Phase Services for the Fire Protection System Upgrade – Phase I at the Sussex County Industrial Airport at a cost not to exceed \$70,000.00.

M 670 08 Execute

Motion Adopted:

5 Yeas.

Amendment

No. 2/ Fire

System

Protection

Upgrade Project

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

Mr. Jones, Yea

William Lecates, Director of Community Development and Housing, and Brandy Bennett, Housing Coordinator, presented a proposal for a Sussex County Rental Program. The program's purpose is to seek to provide affordable rental housing to Sussex County residents with low and moderate incomes.

Ms. Bennett reviewed the working document for a draft ordinance:

Rental **MPHU** Program

Eligibility

- Must be of income between the ranges of 30 percent to 80 percent of the Area Median Income for Sussex County.
- Must be employed and live in Sussex County for at least one year preceding application to the SCRP.
- Must occupy the SCRP unit as the tenant's principal residence during the lease period.

Project Requirements

- Applicants with proposals of twenty-five (25) to sixty-four (64) total units must contribute forty percent (40%) to SCRP inventory. Applicants with sixty-five (65) or more units must contribute fifteen percent (15 percent) to SCRP inventory, with a minimum of twenty-six (26) SCRP units.
- All parcels in the proposed project must be on Qualifying Land (same as MPHU Program).

 All units contributed as SCRP units will remain affordable for the remainder of the Control Period (30 years). SCRP units shall never be leased as market-rate units during the Control Period, regardless of vacancy.

Rental MPHU Program (continued) SCRP units must be fully integrated into the communities of which they
are a part and shall not be substantially different in appearance from
market-rate units. SCRP units shall be equipped in appearance from
market-rate units. SCRP units shall be equipped with all necessary
kitchen appliances, washer and dryer, unless these are not provided in
the market rate units.

Developer Incentives

- Density Bonus A proposed development on Qualified Land may receive a 20 percent bonus density, not to exceed 12 units per acre.
- Expedited Review The project will receive expedited review through the County's Planning and Zoning process.

Mr. Lecates and Ms. Bennett stated that the working document presented on this date would be prepared as a draft ordinance for possible introduction by the Council. It was the consensus of the Council to proceed with the preparation of a draft ordinance.

A Public Hearing was held on the question of the issuance of up to \$28,500,000 of General Obligation Bonds of Sussex County for the construction and equipping of the Angola Neck Sanitary Sewer District.

Public Hearing on the Issuance of Bonds for the Angola Neck SSD Mrs. Webb explained that the purpose of the bonds is to finance a portion of the cost of the construction of the sewer district. The bonds would be backed by the County's full faith and credit. It is expected that the debt service will be repaid from revenues of the Angola Neck Sanitary Sewer District. The term of the bonds is not to exceed 40 years. It is anticipated that the bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund and the State Revolving Fund and the United States Department of Agriculture Rural Development. The funding for this project is a mix of bonds, USDA grant, State grant, 21st Century Fund, and County grant.

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

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt Ordinance No. 1995 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTURCTION AND EQUIPPING OF THE ANGOLA NECK SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 5 Yeas.

M 671 08 Adopt

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Ordinance Mr. Jones, Yea

No. 1995/

Angola A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt the Loan Neck SSD Resolution for the Angola Neck Sanitary Sewer District entitled "A RESOLTUON"

OF THE COUNTY COUNCIL OF THE SUSSEX COUNTY COUNCIL AUTHORIZING

M 671 08 (continued)

AND PROVIDING FOR THE INCURRENCE OF INDEBIEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS SEWER FACILITY TO SERVE

AN AREA LAWFULLY WITHIN ITS JURISDICTION' (\$6,000,000).

Motion Adopted: 5 Yeas.

M 672 08

Adopt Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea; Loan Mr. Dukes, Yea; Mr. Rogers, Yea;

Resolution/ Mr. Jones, Yea

Angola Neck SSD

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE AUIHORIZING THE ISSUANCE OF UP TO \$625,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE GOLF VILLAGE SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE FOR AN ARCHITECTURAL FIRM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 14,972 SQUARE FEET, MORE ORLESS" (Conditional Use No. 1744) filed on behalf of Stephen Wagner.

Introduction of Proposed Ordinance/

The Planning and Zoning Commission held a Public Hearing on this application on September 11, 2008 at which time they recommended that the application be approved with conditions.

Golf Village SSD

(See the minutes of the meeting of the Planning and Zoning Commission dated

Public Hearing/

C/U

Lawrence Lank, Director of Planning and Zoning, read a summary of the

No. 1744

Commission's Public Hearing.

September 11, 2008.)

In response to questions raised by the Council, Mr. Lank stated two parking spaces in the front of the property currently exist; that there are approximately 8 to 10 conditional uses in the surrounding area; and that conditions can reference the existing structure and residential appearance.

Stephen Wagner of Virginia was present on behalf of his application. He stated that he is the property owner of 1304 Savannah Road; that it is currently his residence several days of the week; that he proposes to utilize this property for his residence and his architectural firm; that his firm has been in operation in

the area for the past eight years; that a neighboring property owner, which is a doctor's office, installed a commercial entrance and that a cross-easement exists which allows access to his property and the two existing parking spaces in the front; that some additional parking would be located in the back of the property; that he proposes to use 1,200 square feet of the home for office space; and that he proposes no change to the site plan/foot print.

Public Hearing/ C/U No. 1744 (continued)

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

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt Ordinance No. 1996 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENITAL DISTRICT FOR AN OFFICE FOR AN ARCHITECTURAL FIRM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 14,972 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1744) filed on behalf of Stephen Wagner, with the following conditions:

- 1. There shall be no more than two parking spaces located in the front yard and they shall use the existing parking footprint.
- 2. Business hours are to be limited to Monday through Friday from 8:00 a.m. to 6:00 p.m.
- 3. One lighted 32 square foot sign shall be permitted. The sign shall not exceed two sides or facings.
- 4. Any security lighting shall be located on the building and shall not shine onto Savannah Road or neighboring properties.
- 5. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

M 673 08 Adopt Ordinance No. 1996 (C/U No. 1744)

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Mr. Jones, Yea

The Council discussed a Draft Ordinance entitled "AN ORDINANCE TO AMEND CHAPIER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO SIGNS AND TO AMEND CHAPIER 62 OF THE CODE OF SUSSEX COUNTY TO AMEND THE PROVISIONS FOR FEES FOR PERMITS FOR SIGNS".

Lawrence Lank, Director of Planning and Zoning, explained that the sign ordinance, as it currently exists, has been confusing to members of the public and that the Draft Ordinance proposes that all sign regulations be placed in a separate section of the Code, which would then be referenced in each zoning district in the Code.

Mr. Lank reviewed the proposed changes to the existing sign ordinance.

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPIER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE

PROVISIONS RELATING TO SIGNS AND TO AMEND CHAPIER 62 OF THE CODE OF SUSSEX COUNTY TO AMEND THE PROVISIONS FOR FEES FOR PERMITS FOR SIGNS'. The Proposed Ordinance will be advertised for Public Hearing.

Draft Sign

Ordinance

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

Draft Sign

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$7,000.00 from Mr. Dukes' Community Grant Account to the Laurel Senior Center for operating expenses

Ordinance (continued)

operating expenses.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Mr. Jones, Yea

Introduction of Proposed Ordinance

(The request from Beebe Medical Foundation was deleted from the Agenda.)

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$2,000.00 from Mr. Rogers' Community Grant Account to the Henlopen Ruritan Club to

assist local charities.

Motion Adopted: 5 Yeas.

Requests

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

M 674 08 Community Grant Mr. Dukes, Yea; Mr. Rogers, Yea;

Mr. Jones, Yea

(A grant to the Milton Historical Society was approved on September 16, 2008.)

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$1,250.00 (\$250.00 from each Community Grant Account) to Special Olympics Delaware for construction of courts for the The Landsharks Bocce Team.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Mr. Jones, Yea

M 675 08 Community Grant

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$500.00

from Mr. Jones' Community Grant Account to the Georgetown Historical Society to sponsor the Living History Weekend at the Marvel Carriage Museum.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Mr. Jones, Yea

M 676 08 Community Grant A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$500.00 (\$100.00 from each Community Grant Account) to the MHDC Foundation for a fundraiser for affordable housing programs.

M 676 08 (continued)

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Mr. Jones, Yea

M 677 08 Community

Grant

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$1,000.00 (\$200.00 from each Community Grant Account) to Delaware Technical & Community College for environmental training scholarships.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Mr. Jones, Yea

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$150.00 (\$50.00 each from Mr. Jones', Mr. Rogers', and Mr. Dukes' Community Grant Accounts to Faith U.M. Women for Tamia Marie Bonville's participation in The Homeless Walk-A-Thon to benefit Casa San Francisco and the Crisis House.

M 678 08 Community Grant

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Mr. Jones, Yea

M 679 08 Community Grant

Grant

Bernice Edwards of First State Community Action Agency was in attendance to request \$50,000 in grant funding for renovations to their headquarters in Georgetown.

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to defer action on the funding request from First State Community Action Agency.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;

Mr. Dukes, Yea; Mr. Rogers, Yea;

Community Mr. Jones, Yea

There was no additional business to be brought before the Council.

Mr. Jones announced that, immediately following this meeting, the Council would be attending a Luncheon with the Sussex County Paramedic Team at Sussex Pines Country Club in Georgetown.

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 12:03 p.m. Motion Adopted by Voice Vote.

M 680 08 (continued)

Respectfully submitted,

Grant Request

Robin A. Griffith Clerk of the Council

M 681 08 Defer Action on Grant Request

Luncheon Announcement

M 682 08 Adjourn