



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 6, 2009

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 6, 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 567 09 Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to amend the Agenda by deleting "Executive Session – Personnel, Pending/Potential Litigation, and Land Acquisition" and "Possible Action on Executive Session" 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 September 15 and 22, 2009 were approved by consent.

Corre- spondence

Mr. Moore read the following correspondence:

LORRAINE ZELLERS, CITY OF REHOBOTH.

RE: Letter of thanks to Heather Sheridan and Loran George of the South Coastal Regional Wastewater Facility for the recent tour of the facility.

Medical Insurance/ Spousal Coordination of Benefits

Mr. Baker reported that, in March 2009, the County Council approved the recommendation to make changes to the County's medical insurance program for employees. One of the changes recommended, which would go into effect January 2, 2010, was to establish a Spousal Coordination of Benefits Policy. This policy would require that if a spouse of a County employee has medical insurance coverage through his or her own employer, then the County insurance would only be secondary and the spouse would be required to obtain available coverage through his or her employer; if the spouse would like to also have County insurance, then the employee would have to pay \$140.00 per month to add the spouse to the County coverage. This would lower County costs; however, it could result in a financial hardship for some employees whose spouses would be required to obtain coverage from their employers, which may be more expensive or not as comprehensive. In addition, Mr. Baker noted that other health coverage changes that were made effective May 1st have increased costs to the employees, i.e. co-pay and contribution increases. Mr. Baker stated that the Spousal Coordination of Benefits Policy would be difficult to enforce and that savings amounts would be difficult to calculate. The County's medical insurance consultant has stated that the benefits (savings) of such a program are dwarfed by the costs which are primarily negative public relations (heightened by last year's changes) and administration of such a program which is cumbersome. Based on these reasons, Mr. Baker stated that this change is not recommended at this time.

Medical Insurance/ Spousal Coordination of Benefits (continued)

M 568 09 Agree Not to Implement Spousal Coordination of Benefit Program

A Motion was made by Mr. Vincent, seconded by Mr. Wilson, that the Sussex County Council agrees not to implement the Spousal Coordination of Benefit Program at this time, as recommended by Administration.

Motion Adopted: 4 Yeas, 1 Abstention.

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

Biweekly Payroll Proposal

Mr. Baker presented a biweekly payroll proposal. Currently, the County has two separate payroll schedules, one for non-paramedics and one for paramedics. The payroll schedule for non-paramedic employees is to pay on the fifteenth and thirtieth of each month, with earlier pay dates if the fifteenth or thirtieth falls on a weekend or holiday. Hourly County paramedics are paid on a biweekly schedule, every other Friday. Gina Jennings, Director of Accounting, has recommended that the County change the payroll schedule for non-paramedics to a biweekly schedule to match up with the paramedic payroll schedule. Mrs. Jennings has estimated a savings of approximately \$12,000 per year by processing 26 payrolls per year versus the current 46 payrolls per year. Mr. Baker reported that the proposal is to change to a biweekly payroll schedule effective April 16, 2010.

M 569 09

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex

**Approve
Implemen-
tation of
Biweekly
Payroll
Schedule**

County Council approves the implementation of a biweekly payroll schedule, effective April 16, 2010.

Motion Adopted: 5 Yeas.

**M 569 09
(continued)**

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

**Planning
and Zoning
and County
Council
Public
Hearing
Schedule**

Mr. Baker referenced Mrs. Deaver's recommendation that the County Council consider changing the schedule for public hearings for zoning matters (change of zones and conditional uses). Currently, the Planning and Zoning Commission must vote within 45 days after they hold a public hearing on conditional uses and zoning changes. Typically, County Council hearings are scheduled approximately 19 days after the Commission's public hearing. Mrs. Deaver's concern is that sometimes the County Council hearing is held before the Commission's recommendation is made. Mrs. Deaver has suggested that the public hearing schedule be changed to hold a County Council hearing 60 days after a Commission hearing. Mr. Baker stated that the 60 days could be reduced to 47 days. Mr. Baker noted that, to prevent delays for smaller requests, the policy could be limited to change of zones and conditional uses for projects on more than 5 acres.

Mr. Baker reported that a possible change to the public hearing schedule would be to hold the County Council hearing a minimum of 47 days after the Commission hearing. By extending the County Council hearing 47 days after the Commission hearing, the Council would have the Commission's recommendation to consider.

Mr. Moore stated that the Council must also consider Applicant's rights and the amount of time it already takes for an application to move through the process. He noted that this proposal will take extra time and the process already takes up to two years, even for small "mom and pop" operations.

Mr. Phillips noted that the County Council does not vote until it has a recommendation from the Commission and he questioned if a County Council hearing should be based on a public debate on the Commission's recommendation.

Lawrence Lank, Director of Planning and Zoning, suggested that if a change is made, that all applications be scheduled in the same manner, not based on size or possibility of controversy.

It was the consensus of the Council that David Baker, Lawrence Lank, Everett Moore, and Vince Robertson prepare a recommendation for the Council's consideration.

**Adminis-
trator's
Report**

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

1. Airport Committee Meeting

As per the attached memo, the Sussex County Airport Committee will meet on Wednesday, October 7, 2009, at the Sussex County Administrative Offices building on DuPont Boulevard, known as the West Complex, at 6:00 p.m. One item to be discussed will be proposed airport policies.

**Adminis-
trator's
Report
(continued)**

2. Foreclosure Prevention Seminar

As per the attached press release, a foreclosure prevention seminar will be held from 3:00 to 7:00 p.m. on Thursday, October 8, 2009, at the Carlisle Fire Company in Milford. The Sussex County Community Development and Housing Division continues to co-host and assist with this program.

3. County Holiday

County offices will be closed October 12, 2009, in honor of Columbus Day. County offices will reopen on Tuesday, October 13, 2009, at 8:30 a.m., and the County Council will hold its normally scheduled meeting at 3:00 p.m.

**Wastewater
Agreement**

Mr. Godwin presented a wastewater agreement for the Council's consideration.

**M 570 09
Approve
Wastewater
Agreement/
Long
Neck
Shores**

A Motion was made by Mr. Cole, seconded by Mr. Vincent, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 820-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Dyer, McCrea Ventures, LLC, for wastewater facilities to be constructed in Long Neck Shores, Part of Phase 3, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

**Old
Business/
C/Z
No. 1687
and
C/U
No. 1845**

The Council discussed Change of Zone No. 1687 and Conditional Use No. 1845 filed on behalf of Rick Banning (The Arbors of Cottagedale).

The County Council held a public hearing on these applications on September 22, 2009 at which time the public hearing was closed and the record was left open for two weeks for Council's further discussion and request for additional information.

M 571 09
Close
Record
and Request
Information

A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to close the public record on Change of Zone No. 1687 and Conditional Use No. 1845 with the exception to allow two more weeks for receipt of comments from the Cape Henlopen School District.

Motion Adopted: 5 Yeas.
Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea

Mrs. Deaver stated that the Motion is incomplete because it does not include a reference to the receipt of comments from the fire department.

Mr. Cole asked that the Planning and Zoning Department's policy be changed regarding notification of public hearings and that a Letter of Request be sent to school districts and fire departments asking for their comments regarding an application.

Grant

Mrs. Webb presented a grant request for the Council's consideration.

M 572 09
Community
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000.00 (\$700.00 from Mrs. Deaver's and \$300.00 from Mr. Cole's Community Grant Accounts) to New Hope Recreational and Development Center for their After-School 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
Ordinance

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 MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.33 ACRES, MORE OR LESS" (Change of Zone No. 1693) filed on behalf of Barry Baker. The Proposed Ordinance will be advertised for Public Hearing.

M 573 09
Adjourn

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to adjourn at 4:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

