



# **SUSSEX COUNTY COUNCIL**

## **AGENDAS & MINUTES**

### **SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 20, 2009**

#### **Call to Order**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 20, 2009, at 3:00 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Vance Phillips</b>	<b>President</b>
<b>George B. Cole</b>	<b>Vice President</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Michael H. Vincent</b>	<b>Councilman</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Councilman</b>
<b>David Baker</b>	<b>County Administrator</b>
<b>Susan M. Webb</b>	<b>Finance Director</b>
<b>Hal Godwin</b>	<b>Deputy Administrator</b>
<b>David Rutt</b>	<b>Assistant County Attorney</b>

The Invocation and Pledge of Allegiance were led by Mr. Phillips.

Mr. Phillips called the meeting to order.

#### **M 586 09 Amend and Approve Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by deleting "Proposed Bylaw Revisions – Advisory Committee for the Aging and Adults with Physical Disabilities" and by deleting "Angola Sanitary Sewer District, Contract 09-16 – Angola Road, Camp Arrowhead Road, Pump Station No. 320 and Pump Station No. 321, Bid Award", and to approve the Agenda, as amended.

**Motion Adopted: 3 Yeas, 2 Absent.**

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

#### **Approve Minutes**

The minutes of September 29 and October 6, 2009 were approved by consent.

#### **Corre- spondence**

Mr. Rutt read the following correspondence:

**MARTHA GORMUS**

**RE: Thank you card to Community Development and Councilman Cole for planned repairs to her home.**

**Mrs. Deaver joined the meeting.**

**United  
Way  
United  
Way  
of Delaware  
(continued)**

**Ted Becker, Co-Chair; Michelle Taylor, President and CEO; and Michael Shockley, of the United Way of Delaware were in attendance to discuss the United Way's purpose and goals. Mr. Becker stated that the United Way has a goal of raising \$21.5 million this year to help those in need in our State and to increase the awareness of United Way's efforts in Kent and Sussex counties. Ms. Taylor reported that, this year, the need is greater due to the economy and the United Way is focusing on basic needs by insuring that families in need have food, shelter and heat. Mr. Becker thanked the County for its past support and stated that they have submitted an application for funding again this year.**

**University  
of Delaware  
Research  
and  
Education  
Center**

**Mark Isaacs, Director of the University of Delaware Research and Education Center, thanked the Council for its past support. Mr. Isaacs presented information on how the County's grant funding is used:**

- **\$32,594.00 is allocated to Sussex Extension Programs which focus on 4-H, youth development, family consumer sciences, agriculture production, horticulture, food and nutrition.**
- **\$7,395.00 is allocated to Sussex poultry research.**
- **\$13,345.00 is allocated for Sussex crops research.**
- **\$5,714.00 is allocated to the Sussex Lasher Lab, a poultry diagnostic lab.**
- **\$10,000 is allocated for the Extension Safety Agent.**

**Mr. Wilson presented a check to Mr. Isaacs in the amount of \$69,049.00 for the continuation of the University of Delaware Research and Education Center's programs in Sussex County.**

**Mr. Cole joined the meeting.**

**Proposed  
Agreement  
Regarding  
Dog  
Control  
Services**

**Mr. Baker presented a proposed Memorandum of Agreement regarding dog control services. He reported that it has been brought to the County's attention by DNREC's Division of Fish and Wildlife that the legislation as approved by the General Assembly to transfer the administration of dog control to the counties was deficient in that it did not authorize the counties to ensure that employees or contractors, such as an animal control agency, could be sworn in as dog wardens by the County. The proposed Memorandum of Agreement would allow specific Sussex County employees, or our contracted animal control agency workers, to be sworn in as dog wardens to enforce all County or State laws regarding dog control. Per DNREC, legislation will be proposed in early January to correct this problem.**

**Mr. Baker updated the Council on the status of the County taking over dog**

(continued) control in January 2010. He reported that a draft ordinance for the issuance of dog license fees will be presented to the Council for consideration in the near future. Staff has ordered dog tags and is working on application forms and brochures. In addition, staff is working on updating the County's website to include the ability to issue licenses over the internet. Mr. Baker also reported that a Request for Proposals (RFPs) for dog control services has been advertised and three agencies/businesses have requested a RFP; the deadline for receipt of completed proposals is November 10, 2009.

**M 587 09** A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, that the  
**Approve** Sussex County Council approves a Dog Control Memorandum of  
**Dog** Agreement with the Delaware Department of Natural Resources and  
**Control** Environmental Control (DNREC) to authorize DNREC to approve County  
**Memor-** employees or County contractors to enforce dog control rules.  
**andum of**

**Agreement** Motion Adopted: 5 Yeas.

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

**Draft** Mr. Baker reported that, in July 2009, the Council approved an Ordinance  
**Ordinance/** to establish its own suburban community road improvements process,  
**Sussex** separate from the process in the Delaware Code that is antiquated.  
**Community** Suburban community improvements projects include road projects or  
**Improve-** repair projects in developments. Requests for improvements are made by  
**ments** the residents of a development, which are then voted on at referendum. If  
approved, the County would make the improvements and bill the property  
owners for the cost of the improvements.

Mr. Baker reported that, when the Ordinance was approved, there were concerns raised regarding the billing mechanism. The billings in the ordinance approved in July 2009, are based on front footage with a 100 front foot maximum and a 40 front foot minimum. At the time the ordinance was adopted, the Council requested that an ordinance amendment be prepared to change the billing basis from front footage to billable lot or building unit.

Vince Robertson, Assistant County Attorney, presented the draft ordinance which deletes the prior method of assessment based upon front footage calculations and establishes a uniform rate for all properties within a community.

**Introduction** Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE  
**of Proposed** TO AMEND CHAPTER 96, SUSSEX COMMUNITY IMPROVEMENTS,  
**Ordinance** TO FACILITATE UNIFORM ASSESSMENTS". The Proposed Ordinance  
will be advertised for Public Hearing.

**Adminis-  
trator's  
Report**

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

**1. Nor'easter Storms October 16 – October 18, 2009**

Sussex County was impacted by a series of two nor'easter storms during the past weekend providing strong winds, rain and coastal flooding. The greatest impacts were along the bay areas, especially near the Rehoboth and Indian River inland bays. Flooding in certain areas occurred, especially at high tides, such as the following: Long Neck Road, River Road and Chief's Road near Oak Orchard, Cedar Beach Road entering Slaughter Beach, Fred Hudson Road near Bethany Beach, Pennsylvania Avenue near Bethany Beach, Indian River Inlet Bridge, Savannah Road in Lewes and other roads in Sussex County. Residents and visitors to our beach areas were patient, as they endured the storm. This series of nor'easter storms, combined with an astronomical high tide, created a situation where waters were slow to recede out of the inland bays. Also, beach erosion occurred along our ocean beaches.

We wish to thank county employees who were on call and worked during the weekend, including Joe Thomas, Director of Emergency Preparedness, Richard Short, Debbie Jones, Chip Stevenson and Kelly Kruger, who manned the Emergency Operations Center Saturday morning. We also wish to thank other volunteers, such as the Radio Amateur Civil Emergency Service (RACES), who provided information from their ham radio operators on storm updates.

(Joe Thomas, Director of Emergency Operations, and Mr. Baker showed pictures of flooded areas. Pictures were also shown of areas that flooded during a previous storm, which show that the same locations consistently flood during these type of events.)

**2. Press Conference–USDA American Recovery & Reinvestment Act Funding**

As per the attached media advisory from the United States Department of Agriculture Rural Development Office, a press conference will be held on Friday, October 23, 2009 at 2:00 p.m. at the Johnson Farm near Selbyville sponsored by Senator Carper and the USDA. The purpose is to highlight federal funding received through this program for Sussex County wastewater projects in including Johnsons Corner, Woodlands in Millsboro and Oak Orchard.

**Proposed  
Amendment  
to Deferred  
Compen-**

Mrs. Webb presented a proposal for a plan amendment which would amend the guidelines of the County's Deferred Compensation Plans with Nationwide and Valic to allow employees to take loans from their Plan (retirement account). Mrs. Webb reviewed some of the criteria and

<b>sation Plans</b>	<b>eligibility requirements: the minimum loan amount is \$1,000.00; the maximum available loan amount is 50% of an account up to \$50,000.00; loan repayments are made with after-tax dollars; loans must be repaid with interest.</b>
<b>Proposed Amendment (continued)</b>	<b>Mrs. Webb clarified that employees would only be borrowing money that they have contributed to the Deferred Compensation Plan; that they must have the money in their account to participate; that participants would be paying interest to their own Deferred Compensation Account; that the employee would have to pay an application fee; that the amendment would give employees another option to access their own money; and that the program is voluntary.</b>
<b>M 588 09 Approve Amendment to Deferred Compen- sation Plans</b>	<b>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the amendment to allow loans to participants in the Nationwide and Valic Deferred Compensation Plans.</b>  <b>Motion Adopted: 4 Yeas, 1 Abstention.</b>  <b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea; Mr. Wilson, Abstained; Mr. Cole, Yea; Mr. Phillips, Yea</b>
<b>Grant Requests</b>	<b>Mrs. Webb presented grant requests.</b>  <b>Frank Shade presented information on the grant request from the World Championship Punkin Chunkin Association.</b>
<b>M 589 09 Motion Failed</b>	<b>A Motion was made by Mr. Cole to give \$5,000.00 to the World Championship Punkin Chunkin Association for event expenses. The Motion died for the lack of a Second.</b>
<b>M 590 09 County Council Grant</b>	<b>A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$4,600.00 from County Council Grants to the World Championship Punkin Chunkin Association for event expenses.</b>  <b>Motion Adopted: 3 Yeas, 2 Nays.</b>  <b>Vote by Roll Call: Mrs. Deaver, Nay; Mr. Vincent, Yea; Mr. Wilson, Nay; Mr. Cole, Yea; Mr. Phillips, Yea</b>
<b>Funding Contingency</b>	<b>Mr. Vincent requested that the funding remain in Sussex County and Mr. Shade stated that he would provide verification that the County's grant funding will stay in Sussex County, i.e. scholarships to students in Sussex County, services provided during the event by the State Police, etc.</b>
<b>M 591 09 Community</b>	<b>A Motion was made by Mr. Vincent, seconded Mr. Wilson, to give \$500.00 from Mr. Vincent's Community Grant Account to the Town of Blades for</b>

**Grant**                    **the Kids Christmas Bazaar.**

**Motion Adopted:        5 Yeas.**

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

**M 592 09        A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to give  
Community       \$500.00 (\$300.00 from Mr. Phillips' Community Grant Account and  
Grant               \$200.00 from Mr. Wilson's Community Grant Account) to Georgetown –  
                         Millsboro Rotary for community service projects.**

**Motion Adopted:        5 Yeas.**

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

**Request/  
Weekly  
Bill List  
on Website       Mrs. Deaver referenced the Weekly Bill List that is placed on the County's  
                         website and she asked that the County Council's discretionary grant  
                         disbursements be included on that listing, if possible. There was no  
                         objection by Council members.**

**M 593 09        A Motion was made by Mr. Vincent, seconded by Mr. Cole, to adjourn at  
Adjourn           4:20 p.m. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

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