



# SUSSEX COUNTY COUNCIL

## AGENDAS & MINUTES

### SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 8, 2011

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 8, 2011, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>David Baker</b>	<b>County Administrator</b>
<b>Todd F. Lawson</b>	<b>County Administrator Appointee</b>
<b>Susan M. Webb</b>	<b>Finance Director</b>
<b>Everett Moore</b>	<b>County Attorney</b>

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 597 11  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to amend the Agenda by deleting "Town of Bethel Police Agreement" under Todd Lawson, County Administrator Appointee; by deleting "AN ORDINANCE TO REPEAL ORDINANCE NO. 1548 RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING COUNCILMANIC ELECTION DISTRICTS" under Old Business; by deleting "Executive Session – Job Applicants' Qualifications, Personnel, Pending/Potential Litigation and Land Acquisition pursuant to 29 Del. C. §10004(b)"; and by deleting "Possible Action on Executive Session Items"; and to approve the Agenda, as amended.

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**Minutes**

The minutes of November 1, 2011 were approved by consent.

**Correspondence**

**Mr. Moore read the following correspondence:**

**FIRST STATE COMMUNITY ACTION AGENCY, GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of the Council's support of the Pinetown Community Beautification Project.**

**(continued)**

**E. LOWELL MARKEY, REHOBOTH BEACH, DELAWARE.**

**RE: Letter in support of the Georgetown-Lewes Trail.**

**Grant Application/ Emergency Shelter Improvements**

**Todd Lawson, County Administrator Appointee, and Joe Thomas, Director of Emergency Operations, presented information regarding a grant application for emergency shelter improvements. Mr. Lawson stated that it was recently brought to the County's attention that DEMA has funding available for emergency preparedness. Mr. Lawson reported that recent events have shown that some of the County's shelters could be improved as it is likely that the shelters could be susceptible to power outages. For this reason, it has been decided to improve the shelters identified by Emergency Operations with electrical work or generators; approximately \$300,000 is available from DEMA for this effort. The only caveat is that the County has to spend the money up front and then get reimbursed by DEMA/Homeland Security Funds. Also present during the discussion were two representatives from DEMA, who reviewed the Homeland Security grant program, which provides federal funding for emergency response agencies to purchase equipment and fund projects such as the shelter project.**

**M 598 11 Authorize Application for Grant/ Emergency Shelter Improvements**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Director of Emergency Operations, along with County Administration, to apply for the Delaware Emergency Management Agency's State Homeland Security Grant for emergency shelter improvements.**

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**Administrator's Report**

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

**1. Nationwide Emergency Alert System Test – November 9**

**Attached is a press release by the Delaware Emergency Management Agency regarding the nationwide Emergency Alert System test which will occur at 2:00 p.m. on November 9. As noted, the test will last about 30 seconds and will demonstrate the public alert warning system on television and radio media.**

2. **Local Emergency Planning Committee Meeting**

As per the attached agenda, the County's Local Emergency Planning Committee will meet November 10 at 10:00 a.m. at the Sussex County Emergency Operations Center. As per the attached, various topics regarding preparations to respond to hazardous material incidents will be discussed.

Adminis-  
trator's  
Report  
(continued)

3. **Delaware State Police Report**

As per the attached report for September 2011, 3,908 traffic arrests and 1,371 criminal arrests were made in Sussex County during September. Approximately 42 percent of police staff was spent on criminal issues.

4. **Sussex County Council Pension Committee**

The Sussex County Council Pension Committee will meet on November 14 at 1:00 p.m. Attached is a copy of the agenda for this upcoming meeting.

5. **Emergency Operations Center – Egypt Ministry of Health Tour**

On November 3, a delegation from Egypt's Ministry of Health toured the County's Emergency Operations Center. The purpose of the tour was to see the 9-1-1 Center in operation, and view the equipment and how personnel handle dispatching. The current 9-1-1 system in Egypt handles ambulance services, and their goal is to expand it to include police, fire, and military. Our visitors were impressed with our Emergency Operations Center and how our system operates.

6. **Veterans Day Holiday**

County offices will be closed on November 11, 2011, in honor of Veterans Day. We wish to express our appreciation for the sacrifices and service that our veterans have provided to ensure our safety and well-being.

We would also like to announce the location of the new Veterans Center in Sussex County on Delaware Route 1 north of Lewes. A permanent location will be in Georgetown on Route 113 near the Burger King. Counseling is provided to veterans at this location. Attached is information provided by the Center.

7. **Exploring Entrepreneurial Opportunities**

The Delaware Division of Libraries and Delaware Economic Development Office (DEDO) are cosponsoring a "DEDO Business

**GRASSROOTS PLUS and Broadband Technology Opportunity Program” at the Georgetown Public Library on Tuesday, November 8, beginning at 9:00 a.m. Attached is information regarding the program and topics of discussion.**

**[Attachments to the Administrator’s Report are not attachments to the minutes.]**

<b>Proposed Human Service Grants</b>	<b>Mrs. Webb presented the following list of proposed Human Service Grants for Fiscal Year 2012:</b>	
	<b>Alzheimer’s Association</b>	<b>\$ 500.00</b>
	<b>American Diabetes Association</b>	<b>\$ 500.00</b>
	<b>The Arc of Delaware</b>	<b>\$1,000.00</b>
	<b>Big Brothers/Big Sisters of Delaware, Inc.</b>	<b>\$1,000.00</b>
	<b>Booker Street Church of God</b>	<b>\$ 500.00</b>
	<b>Bridgeville Community Action</b>	<b>\$1,000.00</b>
	<b>Cancer Support Community</b>	<b>\$ 500.00</b>
	<b>Cape Henlopen Food Basket</b>	<b>\$ 500.00</b>
	<b>CASA San Francisco</b>	<b>\$1,000.00</b>
	<b>CHEER Home Services</b>	<b>\$2,500.00</b>
	<b>CHEER Centers</b>	
	<b>A. Georgetown</b>	<b>\$5,000.00</b>
	<b>B. Greenwood</b>	<b>\$5,000.00</b>
	<b>C. Harbour Lights (Lewes)</b>	<b>\$5,000.00</b>
	<b>D. Milton</b>	<b>\$5,000.00</b>
	<b>E. Roxana</b>	<b>\$5,000.00</b>
	<b>F. Coastal Leisure Center</b>	<b>\$5,000.00</b>
	<b>G. Long Neck (Pelican Cove)</b>	<b>\$5,000.00</b>
	<b>Church of God and Saints of Christ</b>	<b>\$ 900.00</b>
	<b>Coverdale Crossroads Community Council, Inc.</b>	<b>\$ 500.00</b>
	<b>Dagsboro Boys &amp; Girls Club</b>	<b>\$1,500.00</b>
	<b>Dagsboro Church of God</b>	<b>\$1,000.00</b>
	<b>Delaware Adolescent Program, Inc.</b>	<b>\$1,000.00</b>

	<b>Delaware Community Reinvestment Action Council, Inc.</b>	<b>\$ 500.00</b>
	<b>Delaware Crime Stoppers</b>	<b>\$ 500.00</b>
	<b>Delaware Foundation Reaching Citizens with Cognitive Disabilities</b>	<b>\$2,500.00</b>
<b>Proposed Human Service Grants (continued)</b>	<b>Delaware Guidance Services</b>	<b>\$2,000.00</b>
	<b>Delaware Housing Coalition</b>	<b>\$2,000.00</b>
	<b>Delaware Lions Foundation</b>	<b>\$ 500.00</b>
	<b>Delaware Nature Society</b>	<b>\$1,000.00</b>
	<b>Delaware Police Chiefs' Council</b>	<b>\$2,500.00</b>
	<b>Delmarva Clergy United in Social Action Foundation</b>	<b>\$1,000.00</b>
	<b>Easter Seal Rehabilitation Center</b>	<b>\$1,000.00</b>
	<b>El Centro Cultural, Inc.</b>	<b>\$1,000.00</b>
	<b>Everlasting Hope Ministries</b>	<b>\$1,000.00</b>
	<b>Families, Individuals and Communities Conference (Families in Crisis)</b>	<b>\$ 500.00</b>
	<b>Family Outreach Multipurpose Community Center</b>	<b>\$ 500.00</b>
	<b>First Steps Primeros Pasos</b>	<b>\$ 500.00</b>
	<b>Food Bank of Delaware</b>	<b>\$ 500.00</b>
	<b>Georgetown Boys &amp; Girls Club</b>	<b>\$1,500.00</b>
	<b>Good Samaritan Aid Organization</b>	<b>\$1,000.00</b>
	<b>Homeless Planning Council of DE</b>	<b>\$ 500.00</b>
	<b>Junior Achievement</b>	<b>\$1,000.00</b>
	<b>Kent-Sussex Industries, Inc.</b>	<b>\$1,000.00</b>
	<b>Kiwanis Foundation of Coastal Delaware</b>	<b>\$1,000.00</b>
	<b>La Esperanza</b>	<b>\$1,500.00</b>

	<b>La Red Health Center</b>	<b>\$ 500.00</b>
	<b>Laurel Boys &amp; Girls Club</b>	<b>\$1,500.00</b>
	<b>Laurel Community Foundation</b>	<b>\$1,000.00</b>
	<b>Laurel Lions Club</b>	<b>\$1,000.00</b>
<b>Proposed Human Service Grants (continued)</b>	<b>Lewes Historical Society</b>	<b>\$1,000.00</b>
	<b>Meals on Wheels of Lewes &amp; Rehoboth, Inc.</b>	<b>\$6,000.00</b>
	<b>Milton Historical Society</b>	<b>\$1,000.00</b>
	<b>Mt. Zion Church</b>	<b>\$ 500.00</b>
	<b>National Multiple Sclerosis Society</b>	<b>\$1,000.00</b>
	<b>New Hope Recreation &amp; Development Center</b>	<b>\$ 500.00</b>
	<b>Oak Orchard/Riverdale Boys &amp; Girls Club</b>	<b>\$1,500.00</b>
	<b>Open Arms Soup Kitchen</b>	<b>\$ 500.00</b>
	<b>People's Place</b>	<b>\$2,000.00</b>
	<b>Pinetown Civic Association</b>	<b>\$ 500.00</b>
	<b>Polly Branch Civic Association</b>	<b>\$1,000.00</b>
	<b>Read-Aloud Delaware</b>	<b>\$1,000.00</b>
	<b>Reading ASSIST Institute</b>	<b>\$ 500.00</b>
	<b>Rehoboth Beach Boys &amp; Girls Club</b>	<b>\$1,500.00</b>
	<b>The Ronald McDonald House of Delaware</b>	<b>\$1,000.00</b>
	<b>The Salvation Army</b>	<b>\$1,000.00</b>
	<b>Seaford Historical Society, Inc.</b>	<b>\$1,000.00</b>
	<b>Shechinah Empowerment Center</b>	<b>\$ 500.00</b>
	<b>Sussex County Senior Centers</b>	
	<b>A. Bridgeville</b>	<b>\$5,000.00</b>
<b>B. Cape Henlopen</b>	<b>\$5,000.00</b>	
<b>C. Indian River</b>	<b>\$5,000.00</b>	
<b>D. Laurel</b>	<b>\$5,000.00</b>	

	<b>E. Lewes</b>	<b>\$5,000.00</b>
	<b>F. Milford</b>	<b>\$5,000.00</b>
	<b>G. Nanticoke</b>	<b>\$5,000.00</b>
	<b>Sussex Community Crisis Housing Services, Inc.</b>	<b>\$2,000.00</b>
	<b>Sussex County Habitat for Humanity</b>	<b>\$1,000.00</b>
<b>Proposed Human Service Grants (continued)</b>	<b>Sussex County Retired and Senior Volunteer Program Advisory Committee</b>	<b>\$ 500.00</b>
	<b>Sussex Family YMCA</b>	<b>\$1,000.00</b>
	<b>Sussex Pregnancy Care Center</b>	<b>\$1,000.00</b>
	<b>Teens in Perspective, Inc.</b>	<b>\$ 500.00</b>
	<b>UCOUNT, Inc.</b>	<b>\$ 500.00</b>
	<b>Unity Perspectives, Inc.</b>	<b>\$ 500.00</b>
	<b>The Way Home Program</b>	<b>\$1,000.00</b>
	<b>Western Sussex Boys and Girls Club</b>	<b>\$1,500.00</b>
	<b>YWCA</b>	<b>\$ 500.00</b>
		<b><u>Total</u></b>

Mrs. Webb reported that, for this Fiscal Year, requests exceeded the budgeted amount of \$143,520 by \$1,380; to compensate for the shortage, Mrs. Webb recommended a budget transfer from County Council Grants, although she advised that another option would be to pull \$276.00 from each Council member's Community Grant Account.

**M 599 11**  
**Approve**  
**Disburse-**  
**ment of**  
**Human**  
**Service**  
**Grants**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approves the disbursement of Human Service Grants (for Fiscal Year 2012) as submitted to County Council and the budget transfer of \$1,380.00 from the County Council Grants Account to the Human Service Grants Account.

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**Old**  
**Business/**

Under Old Business, the Council discussed Conditional Use No. 1912 filed on behalf of William A. Bell and Kathleen M. Sperl-Bell.

C/U

No. 1912

The Planning and Zoning Commission held a Public Hearing on this application on September 22, 2011 at which time action was deferred. On October 13, 2011, the Commission recommended that the application be approved with conditions.

The County Council held a Public Hearing on this application on October 11, 2011 at which time action was deferred.

M 600 11  
Adopt  
Ordinance  
No. 2226/  
C/U  
No. 1912

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2226 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 16,025 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1912) filed on behalf of William A. Bell and Kathleen M. Sperl-Bell, with the following conditions:

1. As stated by the Applicants, there shall be no more than one employee on the site, in addition to the Applicants.
2. Parking shall be in accordance with the parking requirements set forth in the Sussex County Zoning Code.
3. The property shall maintain its residential character and appearance.
4. One lighted sign shall be permitted. The sign shall not exceed 32 square feet per side.
5. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.
6. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 4 Yeas, 1 Absent.

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

Introduction  
of Proposed  
Ordinances

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON, BARBER SHOP, AND SPA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 17,228.6 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1917) filed on behalf of Roosevelt Domond.

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY 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 6,000 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1918) filed on behalf of Anthony S. Nerlinger.**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Public Hearing/  
Proposed Ordinance  
Relating  
to the  
Advisory Retirement  
Board**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY BY AMENDING § 26-4 RELATING TO THE ADVISORY RETIREMENT BOARD”.**

**Mrs. Webb stated that on October 18, 2011, the Proposed Ordinance was introduced that would amend the existing Pension Ordinance:**

- delete the antiquated Pension Advisory Board and replace with “Sussex County Pension Fund Committee”**
- clearly define the membership of the Pension Committee – seven members to include: County Administrator, Finance Director, Human Resources Director, County Council member, and three members appointed by the Council (Sussex County community member, current Sussex County employee, and a retired Sussex County employee who currently receives a County pension)**
- allow the Sussex County Pension Fund Committee to recommend to the Sussex County Council an investment manager without going through a RFP process**

**Mrs. Webb stated that appointments to the new Committee would be recommended to the Council in January.**

**There were no public comments.**

**Mr. Cole expressed concern about the make-up of the Committee and he noted that, as proposed, the Committee would be made up of all County employees, with the exception of one member from the community.**

**The Council agreed to direct staff to research the makeup of pension committees at the State level and in New Castle and Kent counties and to report back to the Council.**

**Mrs. Webb expressed concern that the Proposed Ordinance is a two-part Ordinance and that the section relating to allowing the Sussex County Pension Fund Committee to recommend to the Sussex County Council an investment manager without going through a RFP process is a time sensitive matter since the time is approaching when the County is planning to rebalance its portfolio.**

**M 601 11**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, in regards to**

**Defer Action on Proposed Ordinance Relating to the Advisory Retirement Board M 601 11 (continued)**      **the Public Hearing on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY BY AMENDING § 26-4 RELATING TO THE ADVISORY RETIREMENT BOARD”, to close the Public Hearing, to defer action, and to leave the record open for additional information from staff (only).**

**Motion Adopted:      4 Yeas, 1 Absent.**

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

**Additional Business**      **Under Additional Business, Mr. Vincent stated that a supposed statement that he made was reported in a newspaper last week (overheard by someone while he was on a phone conversation with Councilman Phillips) which stated (erroneously) that the Council would keep the agenda light until he (Phillips) can attend meetings again and that the Council would not have any hearings until he (Phillips) returns. Mr. Vincent clarified that his conversation with Councilman Phillips was in regards to a specific issue – the Adequate Public Facilities (APF) ordinance. Mr. Vincent clarified that he believes it is only fair that all five Council members be in attendance for major issues, such as the APF ordinance.**

**Mr. Vincent commented that there may be zoning hearings on applications that turn out to be contentious and he questions if the Council is being fair to applicants if the vote ends in a 2-2 vote since a 2-2 vote is not a passing vote, and it could result in an applicant waiting an entire year before they could reapply.**

**Mr. Vincent emphasized that the Council will conduct business as usual in Mr. Phillips absence.**

**The Council members discussed options on conducting business in Councilman Phillips’ absence, i.e. including Councilman Phillips remotely by teleconferencing equipment, delaying action on applications until Councilman Phillips returns and can listen to the recordings, giving applicants the ability to have their applications deferred for 4 to 6 months, possibly delaying projects already in the pipeline, etc.**

**The Council directed Mr. Moore to report back to the Council on this matter at the November 15th meeting.**

**Mrs. Deaver questioned if the workshop on an Adequate Public Facilities Ordinance will still be held. Mr. Vincent responded that a Public Hearing would not be scheduled and held; however, the workshop will still be scheduled, possibly in January.**

**M 602 11 Adjourn**      **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to adjourn at 11:04 a.m.**

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**Respectfully submitted,**

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