



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 28, 2006

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 28, 2006 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
David Baker	County Administrator
Susan Webb	Director of Accounting
James D. Griffin	County Attorney

M 760 06 Approve Agenda

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

Motion Adopted: 4 Yeas, 1 Absent.

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

M 761 06 Approve Minutes

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the minutes of October 24, 2006.

Motion Adopted: 4 Yeas, 1 Absent.

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

Corre- spondence

Mr. Griffin read the following correspondence:

**WILLIAM W. NEWNOM, TREASURER, MILFORD COMMUNITY
BAND, MILFORD, DELAWARE.
RE: Letter in appreciation of grant.**

CAPE HENLOPEN SCHOOL DISTRICT, LEWES, DELAWARE.

RE: Letter advising the County of the school's donation of 2,000 canned goods for Sussex County's Annual Food Drive.

**Delaware
State
Police
Funding
Delaware
State
Police
Funding
(continued)**

Mr. Baker introduced Col. Thomas MacLeish of the Delaware State Police. Mr. Baker announced that the County has budgeted \$1,413,000 in Fiscal Year 2007 for 32 additional State Police officers in Sussex County (which is in addition to the State's allotment).

Mr. Baker introduced Col. Thomas MacLeish of the Delaware State Police. Mr. Rogers presented to Col. MacLeish a check in the amount of \$460,000.00 which represents the first quarterly payment for Fiscal 2007, paying salaries and benefit costs from July 1 through September 30, 2006, as well as seven new police vehicles.

Col. MacLeish thanked the County Council for its partnership with the Delaware State Police and its commitment to the citizens of Sussex County.

**Adminis-
trator's
Report**

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

1. November 22 and 23, 2006 – Northeaster Storm

On November 22 and 23, a northeaster storm resulted in coastal flooding in some areas of the County, including Oak Orchard, Long Neck, South Bethany, Bethany Beach, and Dewey Beach. The storm did not result in major damage to property, although flooding of various roads, especially at high tides, resulted in an inconvenience for residents.

2. Community Development and Housing Public Hearing and Meeting Dates

Included with this report is a list of 15 public hearings and meetings that will be conducted by the County's Community Development and Housing Division. Council members may choose to attend the hearings that are held in their jurisdiction.

3. Caroling on The Circle

On Monday, December 4, 2006, the 23rd Annual Caroling on The Circle event will be held. Cookies and hot chocolate will be served afterward at the Georgetown Fire Hall. As in the past, canned goods and nonperishable food items are being collected to help the needy.

4. Annual Mildred King Christmas Luncheon

The annual Mildred King Christmas Luncheon will be held on Tuesday, December 5, 2006, from 11:30 a.m. to 1:30 p.m. at the Georgetown CHEER Community Center. This is an annual Christmas luncheon for County employees. County offices will be

closed during that two-hour period.

5. Catherine Jones

We regret to announce that Catherine Jones, a County employee, Wastewater Operator III, passed away on November 1, 2006. She worked at the South Coastal Regional Wastewater Facility for the County from January 2, 2001, to November 1, 2006.

**Proposed
Resolution/
Economic
Develop-
ment
Stimulus
Loan
Program/
City of
Seaford**

Mrs. Webb presented a Proposed Resolution authorizing a loan of up to \$250,000 to the City of Seaford pursuant to the Sussex County Government Economic Development Stimulus Loan Program.

Mrs. Webb explained that the City of Seaford has applied to the County for a \$250,000 loan for the construction of a concession stand at their Sports Complex. Mrs. Webb advised that the City's application was in accordance with all the requirements of the Program. The County's Loan Committee found that this project would provide a public benefit; that the debt service would be payable from the revenues of the project or from other sources; that the loan would be backed by the full faith and credit and taxing powers of the City of Seaford; and, that it is an eligible project under the terms of the Program requirements.

Mrs. Webb noted that all municipalities are eligible to participate in this Loan Program provided their projects meet the eligibility requirements.

**M 762 06
Adopt
R 031 06**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt Resolution No. R 031 06 entitled "A RESOLUTION AUTHORIZING A LOAN OF UP TO \$250,000 TO THE CITY OF SEAFORD PURSUANT TO THE SUSSEX COUNTY GOVERNMENT ECONOMIC DEVELOPMENT STIMULUS LOAN PROGRAM."

Motion Adopted: 4 Yeas, 1 Absent.

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

**Local
Law
Enforce-
ment
Grant
Requests**

Mr. Godwin, Assistant to the Administrator, presented requests for funding through the Revenue Sharing for Local Law Enforcement Grant Program:

Delmar	\$25,000.00	New Police Vehicle
Milton	\$25,000.00	New Police Vehicle and Emergency Equipment
Seaford	\$19,807.00	New Police Vehicle

**M 763 06
Approve**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to approve the Local Law Enforcement Grants to the municipalities of Delmar, Milton,

Local and Seaford, as presented.

Law

Enforce-

Grants

Motion Adopted: 4 Yeas, 1 Absent

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

Wastewater Agreement

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

M 764 06
Execute
Wastewater
Agreement/
Chapel
Crossing

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 541, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and R.D.M., Inc., for wastewater facilities to be constructed at Chapel Crossing in the Dagsboro - Frankford Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent

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

Requests

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

M 765 06
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to Sussex Technical High School for the sponsorship of their athletic schedule posters.

Motion Adopted: 4 Yeas, 1 Absent

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

M 766 06
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00 from Mr. Cole's Councilmanic Grant Account to Rehoboth Beach Main Street for their Annual Community Unity Dinner.

Motion Adopted: 4 Yeas, 1 Absent

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

M 767 06
Council-

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Mason – Dixon

**manic
Grant**

Woodworkers for toy making materials.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 768 06
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$750.00 (\$150.00 from each Councilmanic Grant Account) to the Southern Delaware Choral Society for complimentary concert tickets for veterans.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 769 06
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$250.00 each from Mr. Cole's and Mr. Rogers' Councilmanic Grant Accounts) to the Rehoboth Beach Film Society) for the purchase and installation of a computer.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 770 06
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$300.00 from Mr. Dukes' Councilmanic Grant Account to the Town of Blades for the Kid's Christmas Bazaar.

Motion Adopted: 4 Yeas, 1 Absent

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

**M 771 06
Community
Investment
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$2,000.00 from Mr. Rogers' Community Investment Grant Account to the State of Delaware Office of the State Fire Marshal for their Fire Safety Educational Programs.

Motion Adopted: 4 Yeas, 1 Absent

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

M 772 06 Councilmanic Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$200.00 from Mr. Jones' Councilmanic Grant Account to the Woodbridge Elementary School for their Principal's Day Celebration.**

Motion Adopted: 4 Yeas, 1 Absent

M 772 06 (continued) **Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Absent; Mr. Jones, Yea;
Mr. Rogers, Yea**

M 773 06 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to Delaware Hospice for the Festival of Trees Gala and Auction.**

Motion Adopted: 4 Yeas, 1 Absent

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

M 774 06 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to the MLK Dream Team for the Dr. Martin Luther King, Jr. "Day of Celebration".**

Motion Adopted: 4 Yeas, 1 Absent

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

Requests Tabled **The funding requests from the Greater Seaford Chamber of Commerce and the Seaford Mission were tabled for one week.**

Additional Business **The Council recognized Jessica Farley, Communications Instructor at Delaware Tech, Owens Campus, and students in her journalism class.**

Recess **Mr. Rogers declared a recess at 10:38 a.m.**

Reconvene **Mr. Rogers called the Council back into session at 10:50 a.m.**

**Public Hearing/
Proposed Ordinance
Relating
to the
Placement** **A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE III, §62-8 TO ESTABLISH A FEE FOR THE INSPECTION OF FOUNDATION FOOTERS AND TIE DOWNS FOR THE PLACEMENT OF MANUFACTURED HOMES".**

Mr. Griffin explained that the Delaware General Assembly enacted

**of Manu-
factured
Homes**

legislation requiring all Counties in Delaware to begin conducting inspections of foundation footers and tie downs for manufactured homes effective January 1, 2007 (Senate Bill No. 203).

**Public
Hearing/
Proposed
Ordinance
Relating
to the
Placement
of Manu-
factured
Homes
(continued)**

Mr. Baker reported that the County has nine employees that are currently in training to become certified to perform the inspections. Mr. Baker explained that the purpose of the Proposed Ordinance is to establish a fee to cover the costs of the inspections. He noted that the inspections of the foundation footers and tie downs for manufactured homes will help insure that the housing units are installed on a secure foundation and properly tied down to the foundation in order to make them less likely to be damaged and/or destroyed by the effects of high winds and/or flood waters associated with hurricanes and other violent weather patterns.

Mr. Baker explained that the Proposed Ordinance would provide for three inspections: one for the footer foundation, one for the tie-down, and a third inspection, if needed. The charge for the three inspections is proposed to be \$125.00; if additional inspections are needed, a \$40.00 fee for each additional inspection is proposed.

Eddy Parker, Director of Assessments, and Andy Wright of the Building Code Department were present to answer any questions raised during the Public Hearing.

Public comments were heard.

Dan Kramer raised several questions regarding the Proposed Ordinance: (1) how will an inspector know if the tie-down meets the depth requirements and (2) there is nothing that specifies how deep the footer has to be.

Mr. Parker responded that foundation plans have to be submitted in compliance with the manufacturer's standards.

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

**M 775 06
Adopt
Ordinance
No. 1878**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1878 entitled "AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE III, §62-8 TO ESTABLISH A FEE FOR THE INSPECTION OF FOUNDATION FOOTERS AND TIE DOWNS FOR THE PLACEMENT OF MANUFACTURED HOMES".

Motion Adopted: 4 Yeas, 1 Absent

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

Airport

Michael Izzo, County Engineer, presented a proposal to acquire land for the

- Land Acquisition** proposed extension of the main runway at the Sussex County Airport. He advised that the property is owned by Wenona L. Weaber (Tax Map and Parcel Number 1-35 20.00 51.03) and that it currently consists of a single family home on approximately 9 acres. He noted that the location of the property is just about center-alignment with the main runway. Mr. Izzo also noted that FAA requirements dictate that the County is to control all property under the Runway Protection Zone.
- M 776 06** A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the
Approve recommendation of the Sussex County Engineering Department, that the
Purchase Sussex County Council approves the purchase of Parcel Number 1-35 20.00
of Land 51.03 to accommodate the expansion of Runway 4-22 at the Sussex County
for Airport in accordance with the Contract of Sale executed with Wenona L.
Runway Weaber.
Expansion
Project Motion Adopted: 4 Yeas, 1 Absent

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
 Mr. Dukes, Absent; Mr. Jones, Yea;
 Mr. Rogers, Yea
- Additional Business** Under *Additional Business* and for the benefit of the students in attendance, Dan Kramer referred to the Freedom of Information Act and the complaints he has filed under that Act.

John Lattimus, Delaware State Fire Marshal's Office, explained the Juvenile Intervention Program that addresses the problems associated with fire play activities.
- M 777 06** A Motion was made by Mr. Jones, seconded by Mr. Cole, to adjourn at
Adjourn 11:13 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council