



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 8, 2009

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 8, 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 668 09 Amend and Approve Agenda

A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to amend the Agenda by deleting "Approval of Minutes", "Executive Session – Land Acquisition", and "Possible Action on Executive Session Items", 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

Draft Ordinance Relating to Historic Preservation

Mr. Baker presented a draft ordinance relating to Historic Preservation. At the November 10th meeting, the Council reviewed discussion points for the draft ordinance.

Mr. Baker highlighted the main points regarding the proposal:

- would require a demolition permit for destruction of non-

agricultural buildings greater than 800 square feet and 80 years or older

- **demolition permit fee is proposed to be \$100**
- **possible penalty of \$300 if an individual fails to obtain a permit**

**Draft
Ordinance
Relating
to Historic
Preservation
(continued)**

- **would require a waiting period of 14 to 45 days prior to demolition of historic structure**
- **for many buildings deemed not of historic significance, documentation such as pictures and measurements would be taken by the County's Historic Planner and the demolition process would be shortened and a demolition permit would be issued within 14 days of application**
- **for buildings deemed to be of historic significance, the following process would be followed:**
 - 1) **advertise in two (2) newspapers within 14 days**
 - 2) **post on County website**
 - 3) **post on property**
 - 4) **documentation by County Historic Planner**
 - 5) **attempts to locate potential buyers or parties to move the building or alternatives for the building**
 - 6) **after 45 days, demolition permit would be issued**

Mr. Baker stated that another option would be to not charge a permit fee but to impose a penalty for failure to obtain a permit.

Dan Parsons, Historic Planner, stated that the purpose of the ordinance is not to stop someone from doing what they want with their property. He stated that the purpose is to adequately document a structure that is historically significant before it is destroyed. He explained that "to document" means measured drawings in a CAD format which would be retained along with a photograph for posterity. Mr. Parsons noted that the draft ordinance would not affect structures located within municipalities.

Mr. Cole stated that the County should have a demolition ordinance and a permit should be required for anyone demolishing a structure. He recommended that there be no fee for the permit.

It was noted that a historic preservation ordinance is one of the ordinances that are to be considered as part of the Land Use Plan Update.

Mr. Wilson and Mr. Phillips expressed concerns about the addition of another level of government and Mr. Phillips questioned why an ordinance should be adopted when it cannot be enforced.

Mr. Parsons stated that importance of the draft ordinance is to document the history of the County.

Early Retirement Option **Mr. Vincent volunteered to work with staff to develop a new draft ordinance for historic preservation which will be presented to the Council at a later date.**

Early Retirement Option (continued) **Mr. Baker reported that the County offered another partial early retirement offer to certain employees who expressed interest and who would not have to be replaced by hiring from the outside. This voluntary offer would add three years to the pension calculation. This offer was made to five employees; four employees accepted the offer. Mr. Baker reported that, assuming that these employees do not have to be replaced for three years, the County will save an estimated \$552,000 over that time period.**

M 669 09 Approve Limited Early Retirement Option **A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, that the Sussex County Council approves a limited early retirement option as an extension of the previous offer to those employees who (a) expressed interest in the original early retirement offer, (b) are vested and eligible to receive a pension, (c) whose retirement would not create the need to hire another employee from the outside, and (d) voluntarily accepts this offer of three years added to the pension calculation.**

Motion Adopted: 5 Yeas.

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

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

1. Mildred King Annual Employee Luncheon

Sussex County offices will temporarily close on December 11, 2009 from 11:00 a.m. until 1:00 p.m. to allow employees to attend the annual Mildred King Luncheon. At this annual luncheon County employees are recognized for their service and an Employee of the Year Award is presented. The luncheon is named in honor of former County employee, Mildred King. County offices will reopen at 1:00 p.m. on December 11th.

2. Needy Family Food Drive Report

As per the attached report, we are pleased to announce that over 23,000 individual food items have been donated for needy families in Sussex County as part of the County's annual Needy Family Food Drive. Due to the difficult economy, we will be extending the Needy Family Food Drive through December. Items can be donated at the

County Administration Building, the West Complex, the airport terminal, or county staff will pick up bulk items upon request. Please call 855-7700 for assistance with your food items or with any questions you may have. We wish to express our sincere thanks to everyone who has donated food items to help the needy in Sussex County. These items are being distributed to the various food banks and help centers in the county.

Adminis-
trator's
Report
(continued)

3. Caroling on the Circle Report

We wish to express our thanks to the many individuals who worked to make the 26th Annual Caroling on the Circle event a highly-successful program. We would like to thank the entertainers, including the Sussex Central Middle School Chorus, the Children's Choir of St. Michael's Church, Kevin Short and the Caroling on the Circle committee members, as noted on the attached list, and others who assisted to make this a successful program. Those include the Sussex Countian, which provided the programs, the Georgetown Fire Company, the Ladies Auxiliaries from fire departments throughout Sussex County, Mr. Dave Wilson, who donated a carriage, and Ms. E. J. Foxx from CAT Country, who moderated the program.

4. Chesapeake Bay Watershed Pollution Reduction Meeting

As per the attached press release, the US Environmental Protection Agency, along with the Delaware Department of Natural Resources and Environmental Control, will hold a public meeting December 10th from 5:00 p.m. until 7:00 p.m. at the Laurel Sr. High School. The purpose of the meeting is to discuss proposed EPA restrictions for Total Maximum Daily Load (TMDL) in the Chesapeake Watershed.

5. Beneficial Acceptance

The Engineering Department granted Substantial Completion to Bay Forest Club (DelDOT work), Agreement No. 478-4, on December 7, 2009. The developer is Bay Forest, LLC, and the project is located on the east side of Whites Neck Road and north of Old Mill Road in the Millville Expansion of the Bethany Beach Sanitary Sewer District, which consists of off-site sewer construction in DelDOT's right-of-way. Included with this report is a fact sheet on the project.

(Attachments to the Administrator's Report are not attachments to these minutes.)

Pension
Fund
Recommen-

Mrs. Webb reported that Peirce Park Group, Investment Consultants, performed an investment analysis and reported their findings to the County Pension Committee. Peirce Park Group will attend a Council meeting on

ation **January 5, 2010 to discuss the pension review and to make recommendations.**

In accordance with the Pension Committee’s recommendation, Mrs. Webb recommended that the Council approve the budgeted pension contribution for the pension fund and post employment benefit fund into the pension cash accounts: \$2,329,562 (regular pension fund) and \$2,773,286 (post employment benefit fund).

M 670 09 **A Motion was made by Mr. Cole, seconded by Mr. Vincent, that the Sussex**
Authorize **County Council authorizes the Finance Director to make the following**
Pension **pension contribution: \$2,329,562 into the pension cash account and**
Contri- **\$2,773,286 into the post employment benefit cash account.**
bution

Motion Adopted: 5 Yeas.

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

Introduction **Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE**
of Proposed **AUTHORIZING THE ISSUANCE OF UP TO \$15,600,000 OF GENERAL**
Ordinance **OBLIGATION BONDS OF SUSSEX COUNTY FOR THE DESIGN,**
 CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO AND
 EXPANSION OF THE INLAND BAYS REGIONAL WASTEWATER
 FACILITY AND AUTHORIZING ALL NECESSARY ACTION IN
 CONNECTION THEREWITH”. The Proposed Ordinance will be
 advertised for Public Hearing.

Local **Mr. Godwin presented the following grant requests through the Local Law**
Law **Enforcement Grant Program:**
Enforce-

ment	Laurel	\$15,000.00	Ammunition, Tactical Rifle
Grant			Ballistic Plates, Taser
Requests			Cartridges, Promotional
			Items
	Dagsboro	\$15,000.00	Salary for (2) Officers
	Rehoboth Beach	\$ 8,844.04	Handguns and Targets for
			Shooting Range

M 671 09 **A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, that the**
Approve **Sussex County Council approves the following disbursements from the**
Local **Local Law Enforcement Grant Program: \$15,000 to the Town of Laurel,**
Law **\$15,000 to the Town of Dagsboro and \$8,844.04 to the City of Rehoboth.**
Enforce-

ment **Motion Adopted: 5 Yeas.**
Grants

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea;

**Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea**

**Old
Business/
C/U
No. 1801**

The Council discussed Conditional Use No. 1801 filed on behalf of Chase T. Brockstedt.

**Old
Business/
C/U
No. 1801**

The Planning and Zoning Commission held a Public Hearing on this application on November 5, 2009 at which time they recommended that the application be approved with conditions.

The Sussex County Council held a Public Hearing on this application on December 1, 2009 at which time action was deferred for a period of one week, pending receipt of a report from the County Engineering Department regarding sewer capacity. Lawrence Lank, Director of Planning and Zoning, stated that questions were raised in reference to EDUs required for the project, the capacity of the West Rehoboth Expansion Area for the project parcel, and what may be required of the developer for the improvements proposed by the sewer district.

Mr. Lank reported that a letter was received from John Ashman, Director of Utility Planning, in response to questions raised at the Public Hearing before the County Council. The letter states:

“Per the application, there will be (2) buildings, each will be no more than 7,500 Sq. Ft. gross (15,000 Sq. Ft. total gross). Each building will have 6,000 Sq. Ft. of leasable square footage for a total of 12,000 Sq. Ft. Therefore, total gross square footage for the entire project will be 15,000 and the total net leasable square footage for the entire project will be 12,000 to be used as office space. The difference of 3,000 Sq. Ft. is proposed to be for elevators, stairways, common areas, etc. At 1 EDU per 1,000 Sq. Ft., for office space that would equate to 12 EDU’s. In preparing the design for the West Rehoboth area, Sussex County Engineering Department allotted 4 EDU’s per acre per the current zoning of AR; the parcel(s) are equal to 1.34 acres. Therefore, the EDU allotment for the parcel(s) is 5.36 EDU’s. As proposed, the project would exceed the designed density by 6.64 EDU’s. Due to the project’s size, a planning study to review downstream infrastructure would not be necessary; however, we feel that if approved the project should pay a fee towards future upgrades to the transmission and/or treatment system. This could be perhaps two (2) times the impact fee for all density above what has been allotted or some other amount as approved by council.”

Mr. Lank read a letter into the record which was received by Robert Wheatley, Chairman of the Planning and Zoning Commission, from the City of Lewes. The letter was distributed to the Council by mail on December 4th. The letter is regarding Conditional Use No. 1801 and states that “Savannah Road is an important gateway to Lewes with the current streetscape made up almost exclusively of houses, both one and two story.

Old Business/ C/U No. 1801 (continued)	<p>Most of them are occupied by some kind of commercial enterprise or office and most of the zoning for that use is Conditional. The resultant scale of the gateway is quite acceptable to the City of Lewes; however, the proposed demolition would foster a change away from the pleasing streetscape and may endanger additional large scale commercial uses which would have the result of negatively changing the gateway. Reuse of existing buildings all along the Savannah Road gateway has been the norm and we strongly suggest that modification of the house would be much more in keeping with the area. Savannah Road in Lewes is part of the Scenic By-Way recently approved by the Delaware Department of Transportation. This proposed project is not in keeping with that designation.”</p> <p>In response to a question raised by Mr. Phillips and Mr. Vincent in regards to the Engineering Department’s comments, Mr. Moore suggested the following additional conditions of approval:</p> <p>“The EDU allotment and fees established by the Sussex County Engineering Department shall be brought to Sussex County Council for approval.”</p> <p>“The EDU allotment is not to exceed the allotment established by the Sussex County Engineering Department”.</p>
M 672 09 Add Condition	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to add Condition No. 10 (to the nine conditions recommended by the Planning and Zoning Commission), as follows: “The EDU allotment shall not exceed that which is established by the Sussex County Engineering Department”.</p>
M 673 09 (Table Discussion)	<p>A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to table the discussion.</p> <p>Motion Adopted: 4 Yeas, 1 Nay.</p> <p>Vote by Roll Call: Mrs. Deaver, Nay; Mr. Vincent, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Phillips, Yea</p>
M 674 09 Defer Action on C/U No. 1801	<p>A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to defer action on Conditional Use No. 1801 filed on behalf of Chase T. Brockstedt pending receipt of a detailed capacity report and a report from the Engineering Department on how to address the 15 year old plan.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Vincent, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Phillips, Yea</p>
Requests	<p>Mrs. Webb presented grant requests for the Council’s consideration.</p>

M 675 09
Human
Service
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to give \$1,000.00 from Human Service Grants to Delaware SPCA Door Fund for new kennel doors.

Motion Adopted: 5 Yeas.

M 675 09
(continued)

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

M 676 09
Community
Grant

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to give \$500.00 (\$100.00 from each Community Grant Account) to the Mason Dixon Woodworkers for their annual toy project.

Motion Adopted: 5 Yeas.

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

M 677 09
Community
Grant

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$5,000.00 from Mr. Cole's Community Grant Account to Rehoboth Beach Historical Society for museum construction costs.

Motion Adopted: 5 Yeas.

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

Funding
Request/
American
Legion

Jim Lafferty, Commander, American Legion Post 28, discussed the Oak Orchard – Riverdale Post's request for funding for financial assistance for veterans. Mr. Lafferty assured the Council that the funds will go into a dedicated fund for Sussex County veterans in need.

M 678 09
Community
Grant

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give \$6,250.00 (\$2,500.00 from Mr. Cole's Community Grant Account, \$2,500.00 from Mrs. Deaver's Community Grant Account, \$500.00 from Mr. Phillips' Community Grant Account, \$500.00 from Mr. Vincent's Community Grant Account and \$250.00 from Mr. Wilson's Community Grant Account) to the Oak Orchard – Riverdale Post #28 of the American Legion to help Sussex County veterans in need.

Motion Adopted: 5 Yeas.

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

Mr. Phillips, Yea

**M 679 09
Adjourn**

**A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to adjourn at
4:49 p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

Robin A. Griffith, Clerk of the Council