



SUSSEX COUNTY COUNCIL

AGENDAS & MINUTES

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 13, 2011

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 13, 2011, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

Mr. Vincent called the meeting to order.

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

M 665 11 Amend and Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting "Approval of Minutes", "Industrial Park Lease Assignment – 21628 Baltimore Avenue", "Letter of Credit – Bay Crossing, Phase 3B", and by deleting "Job Applicants' Qualifications", "Pending/Potential Litigation" and "Land Acquisition" under "Executive Session"; 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

Recogni- tion of I.R.H.S. Football Team

The County Council recognized the Indian River High School Football Team for winning the Delaware Interscholastic Athletic Association II title as State Champions for the 2011 season and by Proclamation proclaimed Tuesday, December 13, 2011, as a day for all Sussex County residents to honor the team's remarkable achievement.

**Airport
Advisory
Committee
Appoint-
ments**

Jim Hickin, Airport Manager, advised that appointments to the Sussex County Airport Advisory Committee expire at the end of December each year. Mr. Hickin reported that the following are current members of the Committee:

**Airport
Advisory
Committee
Appoint-
ments
(continued)**

**Councilman Sam Wilson (County Council Member)
David Baker (Sussex County Administrator)
Michael Izzo, P.E. (Sussex County Engineer)
Julie Wheatley (Sussex County Economic Development Director)
Gus Croll (Airport-based Aircraft Owner)
Garrett Dernoga (Fixed Base Operator Representative)
Rick Garner (Airport-based Aircraft Owner)
Larry Kelley (Non-Commercial Airport Tenant)
Jeff Reed (Commercial Airport Tenant)
Mark Ryan (Industrial Park Tenant)
Richard Wilson (At-Large Representative)
Jim Hickin (Non-Member)**

Mr. Hickin proposed that the Council reappoint Garret Dernoga, Rick Garner, Jeff Reed, Larry Kelley, Mark Ryan, and Richard Wilson to the committee. He recommended that Gus Croll not be reappointed to the Committee, since Mr. Croll fills one of two “Airport-based aircraft owner” positions, but currently does not own an aircraft and has missed half of the meetings since his original appointment. Mr. Hickin recommended that Robert E. Young of Long Neck be appointed to fill the Airport-based aircraft owner position currently held by Gus Croll. Mr. Young owns an aircraft in one of the County’s T-Hangars and is a Certified Flight Instructor.

**M 666 11
Appoint-
ments to
Airport
Advisory
Committee**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, that the Sussex County Council appoints Sam Wilson, Robert Young, Garrett Dernoga , Rick Garner, Larry Kelley, Jeff Reed, Mark Ryan, and Richard Wilson to the Sussex County Airport Advisory Committee for 2012.

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**

**Adminis-
trator’s
Report**

Mr. Lawson read the following information in his Administrator’s Report:

- 1. Delaware State Police Communications – SUSCOM
Attached please find an email from Delaware State Police Communications Supervisor Bart Goldberg complimenting the Sussex County dispatchers on A-Shift regarding an incident that occurred on December 9, 2011. A-Shift is supervised by Joey Pepper, and Goldberg specifically praised Dispatcher Shane Smart as well as the entire Callboard for their assistance. Congratulations**

on a job well done.

Adminis-
trator's
Report
(continued)

2. **Sussex County EOC Call Statistics for November**
Attached please find the call statistics for the Fire and Ambulance Callboard for November 2011. There were 15,039 total calls handled in the month of November. Of that total, 8,744 were 9-1-1 calls, bringing the year-to-date total to 96,915. Of those 9-1-1 calls in November, 75 percent were made from wireless phones.
3. **Delaware State Police Report**
Attached is the report from the Delaware State Police for the month of October 2011. There were 3,398 traffic arrests and 1,860 criminal arrests made in Sussex County during the month of October. Approximately 42 percent of police staff was spent on criminal issues.
4. **Projects Receiving Substantial Completion**
As you will see from the attached Engineering Department fact sheets, The Reserves – Phase 3 and Bayville Shores South have reached Substantial Completion effective October 19, 2011 and December 2, 2011, respectively.
5. **Lawrence Sammons**
We regret to note that Mr. Lawrence Sammons passed away on December 6, 2011. Mr. Sammons served as the Prothonotary from January 4, 1977, to January 2, 1985. In addition, he was active in the fire service where he most recently served as the Treasurer of the 2011-2012 Sussex County Firefighter's Association. We wish to express our condolences to the Sammons family and friends.

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

Corre-
spondence

Mrs. Deaver presented a letter to the County Administrator from a constituent regarding concerns about Prime Hook Road.

Procla-
mation
Recog-
nizing
Retiring
County
Adminis-
trator
David
Baker

The County Council recognized retiring County Administrator David B. Baker and presented the following Proclamation on the occasion of his last official County Council meeting prior to his retirement date of December 30, 2011:

"A PROCLAMATION TO HONOR COUNTY ADMINISTRATOR DAVID B. BAKER"

WHEREAS, the Sussex County Council wishes to recognize County employees for their outstanding accomplishments and contributions to the County government; and

WHEREAS, David B. Baker has dutifully and faithfully served the County government since beginning employment with Sussex County in April 1978;

and

WHEREAS, David B. Baker will retire from Sussex County government as County Administrator on December 31, 2011, with more than 33 years of service to the people of Sussex County; and

**Proclamation
Recognizing
Retiring
County
Administrator
David
Baker
(continued)**

WHEREAS, David B. Baker held the position of County Administrator from 2006 to 2011, the fifth administrator since the Delaware General Assembly granted Sussex home rule in the early 1970s; and

WHEREAS, David B. Baker joined County government on April 24, 1978, beginning his more than three decades of public service, first as director of the Accounting division, then as Finance Director, and finally as County Administrator, the County's top appointed position; and

WHEREAS, David B. Baker has ably guided County government through a period of tremendous transition and economic uncertainty; and

WHEREAS, David B. Baker can count many accomplishments among his years of service, both as Finance Director and County Administrator, which include:

- **A reputation for developing balanced, sensible annual County budgets that have been the envy of other local governments, and earned nine consecutive national awards for financial reporting;**
- **Leading the County's efforts to procure more than \$60 million in federal 'stimulus' funding to expand public wastewater service in various communities, particularly around the Inland Bays;**
- **Overseeing economic growth in the County's industrial park, as well as leading the charge to extend the County airport's main runway;**
- **Working collaboratively with the County's many partners, including Delaware Technical & Community College, to develop programs that have strengthened local businesses and created new job opportunities for Sussex Countians;**
- **Guiding the development, adoption and implementation of the County's 2007 Comprehensive Plan Update;**
- **Steering the County toward full funding of its pension fund;**
- **Maintaining a record of stable, conservative financial leadership that has helped the County earn its bond rating of 'Aa'.**

WHEREAS, David B. Baker will leave County government with a host of accomplishments too numerous to list, all of which have earned him the respect, admiration and appreciation of a grateful staff and thankful public;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council proclaims Tuesday, December 13, 2011, as a day for all Sussex Countians to

honor David B. Baker, and

BE IT FURTHER RESOLVED that this proclamation shall serve as a public ‘thank you’ on behalf of the people of Sussex County for David B. Baker’s 33 years of service and dedication to the County of Sussex.

**Airport
Runway
Extension
Update**

Mr. Baker reported that staff has been working with various State and Federal offices to develop a plan to fund an extension of the airport main runway from 5,000 feet to 6,000 feet. He reported on the cost estimates for extending the main Airport runway to 6,000 feet, totaling \$24.7 million, and a cost estimate for extending the main runway to 5,500 feet, with a total of \$9.3 million. The net cost to the County, after grants, of extending the runway 500 feet, to 5,500 feet, would only be approximately \$232,000 since it is funded with 95 percent FAA grants. To fund the runway an additional 500 feet, to 6,000 feet, at the present time is estimated to cost the County approximately \$12 million. Mr. Baker reported that County staff has been in contact with the Secretary of the Delaware Department of Transportation in an attempt to receive funding for the realignment of Park Avenue, an approximately \$6.3 million expenditure. The realignment of Park Avenue would be required to extend the runway from 5,500 to 6,000 feet. Mr. Baker reported that, on this date, a call was received from the Secretary of the Delaware Department of Transportation, who indicated that he does anticipate the County obtaining funding for moving the road. Mr. Baker stated that this reduces the cost by 50 percent.

Mr. Baker commented on PATS Aircraft’s need for their business for the runway extension to 6,000 feet and their analysis that a 6,000 foot runway would enable Boeing 757 owners to attain adequate insurance so that they could land and take off at the County Airport. John Martin, President and CEO of PATS Aircraft Systems, LLC has stated that “This entry into a new fleet capability will in turn create 50 to 100 new skilled aviation job opportunities.”

Mr. Baker stated that County Administration is recommending that the Council authorize a grant application to the State of Delaware Economic Development Infrastructure Program for approximately \$9 million toward the cost of extending the runway to 6,000 feet. If such a grant application is approved, the County would still be responsible for an additional \$3 million towards the project. There is also the possibility that Federal and/or State highway money may be available toward the cost of realigning Park Avenue. A grant application for the Economic Development Infrastructure Fund would be a joint application originated by PATS Aircraft and endorsed by the County for infrastructure costs that will help provide jobs in Sussex County. John Martin of PATS spoke regarding the benefits of a 6,000 foot runway and thanked the County for its support.

M 667 11

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

Support Grant Application for Runway Extension **Sussex County Council supports a grant application with PATS Aircraft to request funding assistance from the State of Delaware Economic Development Infrastructure Fund for the extension of the main airport runway to 6,000 feet.**

Motion Adopted: 4 Yeas, 1 Absent.

M 667 11 (continued) **Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Absent; Mr. Wilson, Yea; Mr. Vincent, Yea**

Fiscal 2011 Financial Report and Recommendations **Mrs. Webb stated that, last June, some funding requests were approved by the Council after a report was made estimating a Fiscal 2011 General Fund Excess of Revenues over Expenditures of approximately \$1,000,000. Mrs. Webb reported that, at this time, the excess of revenues over expenditures is considerably higher at a level of approximately \$3.4 million. She noted that, because the actual amount of Revenues over Expenditures is considerably higher, and because the need to fund additional amounts in the Pension Trust Fund and Pension Benefit Trust Fund (OPEB Fund), the following is being recommended:**

- **\$136,000 for various grants authorized by the Council on June 21, 2011**
- **obligating 10 percent, approximately \$346,153 for Open Space, as per County Ordinance**
- **obligating for a one-time 3 1/2 cent tax credit for the Fiscal 2013 Budget, costing approximately \$1,063,888;**
- **expending 50 percent of the remaining balance as a contribution to the Sussex County Pension Trust Fund, totaling approximately \$957,746;**
- **expending 50 percent of the remaining balance as a contribution to the Sussex County Pension Benefit Trust Fund, totaling approximately \$957,746**

Mrs. Webb reported that the increase is mainly due to an increase over budget of the Realty Transfer Tax and a very large decrease in expenditures, especially in personnel and employee benefits.

M 668 11 Authorize Expending and Obligating Amounts from the Fiscal 2011 General **A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council authorizes expending or obligating the following amounts from the Fiscal 2011 General Fund Excess of Revenues over Expenditures:**

- **\$136,000 for various grants authorized by the Council on June 21, 2011;**
- **obligating 10 percent, approximately \$346,153 for Open Space, as per County Ordinance;**
- **obligating for a one-time 3 1/2 cent tax credit for the Fiscal 2013**

Fund Excess of Revenues Over Expenditures	Budget, costing approximately \$1,063,888; <ul style="list-style-type: none">• expending 50 percent of the remaining balance as a contribution to the Sussex County Pension Trust Fund, totaling approximately \$957,746;• expending 50 percent of the remaining balance as a contribution to the Sussex County Pension Benefit Trust Fund, totaling approximately \$957,746.
M 668 11 (continued)	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
Draft Ordinances Relating to Disability Benefits for Sussex County Employees	<p>Karen Brewington, Director of Human Resources, presented two draft ordinances for the Council’s consideration. One ordinance would correct a typographical error in Ordinance No. 2223 and authorizes disabled employees under Sussex County’s short-term disability plan to accrue holiday time, if applicable. A second ordinance extends survivor benefits to survivors of any individual who, at the time of his or her death, is receiving benefits from an approved Sussex County Long term Disability Plan.</p> <p>Mr. Moore clarified some procedural questions regarding the draft ordinance relating to amending Chapter 26. Mrs. Brewington stated that, in regards to matters in the draft ordinance relating to Chapter 26, a Personnel Board meeting will be held before the end of the year and the matter has been discussed with the Personnel Attorney.</p>
Introduction of Proposed Ordinances	<p>Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 29 OF THE CODE OF SUSSEX COUNTY RELATING TO DISABILITY BENEFITS FOR SUSSEX COUNTY EMPLOYEES”.</p> <p>Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO DISABILITY BENEFITS FOR SUSSEX COUNTY EMPLOYEES”.</p> <p>The Proposed Ordinances will be advertised for Public Hearing.</p>
Possible Options for Pension and Medical Insurance for New Employees	<p>Mrs. Brewington reported that, at the request of the Council, they have reviewed several options regarding the County’s current pension plan and ways to reduce costs. Mrs. Brewington presented two options for new hires only:</p> <ul style="list-style-type: none">• Defined benefit pension plan (what County currently has) – employee would contribute 3 percent – 5 percent of their annual base pay to the pension plan. If they left prior to vesting, employees would be able to take their contribution with them. The

Unemployment Compensation Amendments Act requires the County to withhold federal taxes from the portion of the distribution that is eligible for rollover, unless the employee chooses to rollover to a IRA or another qualified employer plan.

**Possible
Options for
Pension
and
Medical
Insurance
for New
Employees
(continued)**

- **Offer choice of defined benefit pension plan with a 3 percent – 5 percent employee contribution or employee could enroll in the defined contribution plan. The County contributes 1 percent of the employee’s annual salary and will match up to 5 percent of employee’s contribution. If left prior to vesting, employees would be able to take their contributions with them. The Unemployment Compensation Amendments Act requires the County to withhold federal taxes from the portion of the distribution that is eligible for rollover, unless the employee chooses to rollover to an IRA or another qualified employer plan.**

Mrs. Brewington stated that they took a poll of governments within the State of Delaware and other counties and she presented a comparison of benefits. She noted that Kent County is not proposing any changes at this time.

Mr. Cole stated that, for new hires, the County should look at providing pensions at age 65 instead of age 62 and possibly after 10 years of service instead of after 8 years of service. Mr. Cole suggested raising the numbers higher in a draft ordinance and then, during the Public Hearing process, the amounts could be adjusted.

Mr. Vincent also asked that staff present options for new hires for medical insurance.

Mr. Cole suggested that draft/proposed ordinances on both issues be considered at the same time.

Mrs. Brewington stated that the County needs to address the Family Medical Leave Act. She clarified that the Family Medical Leave Act of 1993 is a Federal statute, not a County policy.

**Pending
Zoning
Applica-
tions**

Lawrence Lank, Director of Planning and Zoning, presented a listing of pending Change of Zone and Conditional Use applications. It was decided that some of the pending applications will be placed on agendas in January 2012 for consideration.

**Inland
Bays
Regional
Wastewater
Improve-
ments
Proposal**

Michael Izzo, County Engineer; Heather Sheridan, Director of Environmental Services; and Dennis Hasson of Whitman Requardt & Associates presented a proposal for improvements to the Inland Bays Regional Wastewater Facility (IBRWF). He advised that the County was recently contacted by the Rural Utility Service (RUS) stating that they have the potential for a \$2 million grant; however, there are several caveats: (1) the funds must be used at the IBRWF and (2) the funds must be expended

by May 2012.

Mr. Hasson presented a power point presentation outlining the proposed RUS project:

- Installation of new spray irrigation rig lines
- Pre-purchasing and installation of new spray irrigation rigs
- Construction of cake storage and equipment storage buildings
- Pre-purchasing of solids handling equipment

Inland
Bays
Regional
Wastewater
Improve-
ments
Proposal
(continued)

Mr. Hasson advised that the proposed project, using the grant funds, would provide an additional 90 acres of irrigation lands and additional disposal capacity estimated at 0.56 MGD.

Mr. Hasson explained the two phases of the project:

Phase 1 – (\$2.1 million) Construction must be completed by May 2012. This phase would focus on pre-purchasing dewatering equipment, pre-purchasing irrigation equipment, and getting irrigation up and operation.

Phase 2 – (\$2.7 million) This phase would deal with solids handling, construction of sludge dewatering building, aeration lagoon modifications, installation of pre-purchased dewatering equipment, and permitting for new sludge disposal fields. Construction in late 2012.

Mr. Hasson reported on the benefits of the project to the County and the benefits for agriculture.

The Council discussed the proposed project and the portion of the cost that the County will be responsible for (\$2.7 million).

M 669 11
Pursue
Grant
Funding
and
Administer
Contracts/
IBRWF
Project

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council directs the Engineering and Finance Departments to pursue grant funding and administer contracts to move forward with the project to purchase equipment to expand irrigation and provide solids handling at the Inland Bays Regional Wastewater Facility.

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

Mrs. Deaver stated that the County should look into the idea of the entire County becoming the County's sewer district whereby the County would consider franchises to private companies instead of the Public Service Commission. Mr. Vincent stated that the Council will be discussing this matter in early 2012.

Rudder Lane Drainage Improvements Project	Julie Cooper, Project Engineer, presented the bid results for Sussex County Project No. 09-24, Rudder Lane Drainage Improvements, Eight bids were received and the apparent low bidder was Teal Construction, Inc. of Dover, Delaware, in the bid amount of \$164,988.00. The Engineer's estimate for the project was \$285,000.00. Ms. Cooper stated that this project would alleviate flooding on Rudder Lane and would allow for the construction of additional projects on that street.
M 670 11 Award Bid/ Rudder Lane Drainage Improvements Project	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 09-24, Rudder Lane Drainage Improvements, be awarded to Teal Construction, Inc. of Dover, Delaware, at the bid amount of \$164,988.00.</p> <p>Motion Adopted: 3 Yeas, 1 Abstention, 1 Absent.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Absent; Mr. Wilson, Abstained; Mr. Vincent, Yea</p>
Introduction of Proposed Ordinances	<p>Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.1185 ACRES, MORE OR LESS" (Change of Zone No. 1711) filed on behalf of James Moses.</p> <p>Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT BY AMENDING CONDITION NO. 2 AND NO. 3 OF ORDINANCE NO. 2055 (CONDITIONAL USE NO. 1765) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 38,054 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1921) filed on behalf of Judith Folmsbee.</p> <p>The Proposed Ordinances will be advertised for Public Hearing.</p>
Additional Business	<p>Under Additional Business, Karson Morrison, President of the Mason Dixon Woodworkers, presented a wooden toy to the Council in appreciation of its annual contribution to help the members of the Woodworkers to continue their toy-making efforts for Christmas distribution.</p>
M 671 11 Go Into Executive Session	<p>At 11:30 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to recess the Regular Session and to go into Executive Session for the purpose of discussing personnel issues.</p>

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**

Executive Session At 11:33 a.m., an Executive Session of the Sussex County Council was held in the Second Floor Conference Room for the purpose of discussing personnel issues. The Executive Session concluded at 11:50 a.m.

M 672 11 Reconvene Regular Session At 11:53 a.m. a Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to come out of Executive Session and to reconvene the Regular Session.

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**

Mr. Moore announced that no action was needed on Executive Session items.

M 673 11 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 11:54 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**