



Sussex County Council Public/Media Packet

**MEETING:
October 22, 2013**

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
GEORGE B. COLE
JOAN R. DEEVER
VANCE PHILLIPS



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Sussex County Council

AGENDA

OCTOBER 22, 2013

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. Administrator's Report

Gina Jennings, Finance Director

1. Authorization to Execute Loan and Grant Documents

Continuation of Public Hearing

“AN ORDINANCE TO ADOPT CHAPTER 97 OF THE CODE OF SUSSEX COUNTY, ENTITLED “EXCESSIVE DOG BARKING” WHICH SHALL DEFINE “EXCESSIVE DOG BARKING” AND CREATE ENFORCEMENT PROVISIONS AND PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER”

Hal Godwin, Deputy County Administrator

1. Wastewater Agreement
 - A. Hunter's Walk

Joseph Wright, Assistant County Engineer

1. Consultant Selection for the North Coastal Planning Area



Grant Requests

1. Southern Delaware Choral Society for winter concert costs.
2. CHEER for “Deck the Halls” fundraiser.
3. City of Seaford Parks & Recreation for football program expenses.
4. Del-Mar-Va Council, BSA, Cub Scout Pack 5 for camping expenses.
5. Delaware State University Alumni Association for scholarship fundraiser.

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

Executive Session – Personnel, Pending/Potential Litigation, and Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 15, 2013 at 4:20 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 15, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 15, 2013, 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 R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
David N. Rutt	Assistant County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 477 13
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to amend the Agenda by deleting the item under Michael Izzo, County Engineer, "Letter of Credit – The Woods at Oyster Rock (Ext. of Scallop Court)"; and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent

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

Minutes

The minutes of October 8, 2013 were approved by consent.

**Corre-
spondence**

Under Reading of Correspondence, Mrs. Deaver referenced an article in the Bay Journal entitled "Calvert County holding the line on reducing new growth". (The article will be made a part of the record.)

Under Reading of Correspondence, Mr. Phillips announced that the County Council again won the trophy for the Scrapple Toss at the Apple Scrapple Festival in Bridgeville.

**Discussion/
Draft
Ordinance
Relating
to Bonding**

Mr. Lawson referenced the Council's discussion at the October 8th Council meeting on the bond program and requirements. He stated that, as presented to the Council, the County is considering decoupling the bond requirements that the County administers as it relates to the Sussex Conservation District; to do this would require an ordinance amendment. It is proposed that the change take place in January 2014.

**Discussion/
Draft
Ordinance
Relating to
Bonding
(continued)**

The Council members discussed the draft ordinance. Mr. Phillips and Mr. Wilson expressed concern about the County giving up any leverage/taking power away as a result of the proposed decoupling of the bond requirements. Mr. Lawson stated that this will have to be considered and discussed.

A discussion also was held regarding stormwater management and the approval of those facilities. It was noted that questions can be addressed during the Public Hearing process, if the Draft Ordinance is introduced.

**Introduction
of Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 90 OF THE CODE OF SUSSEX COUNTY, ENTITLED “SEDIMENT CONTROL AND STORMWATER MANAGEMENT” AND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED “SUBDIVISION OF LAND” IN REGARD TO THE BONDING AND GUARANTIES REQUIRED FOR SURFACE DRAINAGE FACILITIES AND EROSION AND SEDIMENTATION CONTROL FACILITIES UNDER THE JURISDICTION OF THE SUSSEX CONSERVATION DISTRICT”. The Proposed Ordinance will be advertised for Public Hearing.

**Discussion/
Draft
Ordinance
Relating to
Bonding**

Mr. Lawson referenced the Council’s discussion at the October 8th Council meeting on the Draft Ordinance relating to the No Bond Program. The No Bond Program is set to automatically sunset at the end of 2013. The Draft Ordinance is for an extension of time for the No Bond Program until January 1, 2015.

**Introduction
of Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED “SUBDIVISION OF LAND” IN ORDER TO EXTEND THE TIMEFRAME IN WHICH LANDOWNERS MAY PERFORM SITE WORK OR CONSTRUCT CERTAIN IMPROVEMENTS WITHOUT POSTING A BOND OR PERFORMANCE GUARANTY”. The Proposed Ordinance will be advertised for Public Hearing.

**Adminis-
trator’s
Report**

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

1. Delaware Solid Waste Authority Reports

There were 39,713 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of July, August, and September 2013. Attached are reports received for each month.

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

Continued Discussion of Height Regulations in County Code

Vince Robertson, Assistant County Attorney, referenced the discussion held at the Council meeting on October 8 regarding height regulations. He noted that two issues resulted from that discussion:

- ✓ what the County is trying to accomplish with the introduction of the draft ordinance – the County Code is not being changed to create a 60 foot height limit; it is already in the Code – the purpose of the Draft Ordinance is to clarify what it means
- ✓ whether or not the County should impose a moratorium while the draft ordinance is being considered; Legal Counsel looked into this; moratoriums are often contentious and lead to litigation and it is recommended that the draft ordinance be introduced and the Public Hearing process followed to amend the height requirements

A discussion was held regarding the Draft Ordinance, the County Code as it relates to height requirements, the height of Sea Colony’s structures; comparisons to the height of structures in Ocean City; the County’s jurisdiction over height regulations in municipalities; and the concept of building out versus building up. Mr. Robertson stated that these are discussions that can take place during the Public Hearing on the Draft Ordinance, if it is introduced.

Introduction of Proposed Ordinance

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY RELATING TO HEIGHT REGULATIONS”. The Proposed Ordinance will be advertised for Public Hearing.

Consultant Selection for the North Coastal Planning Area

Joe Wright, Assistant County Engineer, was in attendance to request approval to select a consultant to provide planning, design, and construction inspection/administration services for water and wastewater in the North Coastal Planning Area for a five (5) year period effective upon Council’s approval and successful negotiation of an agreement. Mr. Wright stated that the current firm providing services in the North Coastal area is Whitman Requardt & Associates and this selection process for a new firm is in no way reflective of the quality of the work provided or any other issue regarding their contract. Rather, this selection process is another in a continuing effort to update all consultant service contracts relative to their contract expiration dates.

Mr. Wright reported that the scope of services was approved by the County Administrator and a committee was appointed to evaluate the consultant applications. Initially, seven consultants responded to the request for proposals and three of those firms were shortlisted for formal presentations. Final selection was based on factors including overall presentation quality and content, experience on similar water and wastewater systems, experience coordinating with USDA and State Revolving Fund, quality of the project team, accessibility, construction inspection and management, and cost.

Consultant Selection for the North Coastal Planning Area (continued)

Mr. Wright reported that the shortlisted firms were individually and collectively ranked, as follows: 1) Whitman Requardt & Associates, 2) Hazen & Sawyer, 3) George Miles & Buhr. Mr. Wright reported that Whitman Requardt & Associates has provided Sussex County continuous planning and engineering services since 1995.

Mr. Phillips stated that he raised concerns about this issue in an email to the County’s Legal Counsel; however, time did not allow for a review of the email and a response by Legal Counsel. For this reason, Mr. Phillips asked that the matter be tabled until it can be discussed in Executive Session since it does lend itself to pending/potential litigation. Mr. Rutt noted that the email raises concerns about the applicants and the selection process and that he has not had time to look into some of the issues raised in the email.

Mr. Cole stated that he is not familiar with the email and he questioned if the request for a deferral is justified. Mr. Rutt stated that, since he has not had time to look into the issues and to respond to the email, it is a reasonable request.

**M 478 13
Defer Action on Consultant Selection for the North Coastal Planning Area**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to defer action on the Agenda item “Consultant Selection for the North Coastal Planning Area”.

Motion Adopted: 5 Yeas.

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

Legal Questions

Mr. Cole stated that when Council members have a legal concern, it is his understanding that the Council member should direct their concern first to the County Administrator and/or the Finance Director to limit legal costs. Mr. Vincent asked Mr. Lawson to consider this question and to report back to the Council.

Pine Street Parking Facility

Julie Cooper, Project Engineer, was in attendance to request that Substantial Completion be granted for the Pine Street Parking Facility project, which was completed on October 5, 2013. The Town of Georgetown has issued a Certificate of Occupancy for the project.

**M 479 13
Grant Substantial Completion/ Pine Street Parking Facility**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grant Substantial Completion effective October 5, 2013, to Thompson & Sons Contracting LLC of Milford, Delaware for Sussex County Project No. 12-24, Pine Street Parking Facility, and further, that Balancing Change Order No. 1 be approved in the credit amount of \$15,019.20, thereby decreasing the contract amount from \$117,585.00 to \$102,565.20 and that final payment be made with the terms and conditions of the contract documents.

**M 479 13
(continued)**

Motion Adopted: 5 Yeas.

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

**Legal
Counsel**

Vince Robertson, Assistant County Attorney, served as Legal Counsel to the County Council for the next Agenda item.

**Old
Business/
C/U
No. 1969**

Under Old Business, the Council discussed and considered Conditional Use No. 1969 filed on behalf of Melvin L. Joseph Construction Co., Inc. The Planning and Zoning Commission held a Public Hearing on this application on September 26, 2013 at which time action was deferred. On October 10, 2013, the Commission recommended that the application be approved with the following conditions:

- A. No materials shall be brought from off the site for processing, mixing or similar purposes.**
- B. Water or a water truck shall be available to control dust from road traffic when conditions require.**
- C. The only entrance to the pit shall be from Burbage Road. There shall not be any access via Powell Farm Road, and the portion of the site that fronts on Powell Farm Road shall be fenced or gated to prevent access.**
- D. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant. All entrances shall be secured when the borrow pit is not in operation.**
- E. The hours of operation shall be between the hours of 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. until 12:00 Noon on Saturdays. No Sunday hours shall be permitted.**
- F. No materials shall be stored on any access roads or within any buffer areas.**
- G. The access road shall be on the eastern edge of the property, as shown on the site plan.**
- H. No fuel shall be stored on site.**
- I. No stumps, branches, debris or similar items shall be buried or placed in the site of the borrow pit.**
- J. The borrow pit shall have 2:1 slopes and the slopes shall be seeded and planted to control erosion.**
- K. A Final Site Plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance.**
- L. As proffered by the Applicant, the existing non-conforming borrow pit, known as the “Gibson Pit” shall be reclaimed. The reclamation plan for the “Gibson Pit” shall be included with the reclamation plans for this Conditional Use.**
- M. The Applicant shall comply with all State and County erosion and**

**Old
Business/
C/U
No. 1969
(continued)**

- sediment control regulations.
- N. Permanent concrete markers and signs shall be placed at appropriate locations to designate the boundaries of the subject property and pit areas. The boundary markers shall be raised and marked so that they are clearly visible to anyone nearing the site.**
 - O. Every 5 years after the start of excavation, the Office of Planning and Zoning shall inspect the site and request written comments from all appropriate State agencies so that the Planning and Zoning Commission can review the comments and verify their compliance with all regulations.**
 - P. The Applicant shall comply with all of the requirements set forth in Section 115-172B of the Sussex County Zoning Ordinance.**
 - Q. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation.**
 - R. The area of the old pit on the site that intrudes into the 50 foot buffer area shall be filled and landscaped to form part of the continuous buffer around the perimeter of the site.**
 - S. As proffered by the Applicant, the Conditional Use shall expire 40 years from the date the Ordinance is adopted, if and when, by the County Council.**
 - T. As proffered by the Applicant, after 20 years, the property owner shall complete at its expense an environmental resources and impact study, as that phrase is defined by DNREC or its successor agency. Upon confirmation by DNREC of the owner's compliance with the then-existing regulations, the permit shall continue for the remaining 20 year period that the Conditional Use is valid.**
 - U. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

The County Council held a Public Hearing on this application on October 8, 2013 at which time action was deferred pending a recommendation from the Planning and Zoning Commission.

Lawrence Lank, Director of Planning and Zoning, reported that at the Public Hearing before the Council, one of the questions raised by Council was in regards to the existing small borrow area with a required 50 foot buffer. Mr. Lank noted that this was addressed in the conditions recommended by the Planning and Zoning Commission: Condition R - The area of the old pit on the site that intrudes into the 50 foot buffer area shall be filled and landscaped to form part of the continuous buffer around the perimeter of the site.

Mr. Cole noted that the Applicant agreed to a maximum 25 foot pit depth and he asked that Condition J, as recommended by the Planning and Zoning Commission, be amended to limit the depth of the borrow pit to 25 feet.

**Old
Business/
C/U
No. 1969
(continued)**

Mrs. Deaver questioned the required 200 foot setback from any dwelling and she questioned if this includes manufactured/mobile homes. Mr. Lank responded that, in the Code, manufactured homes are not included in the definition of dwelling. Mr. Lank suggested that a setback of 200 feet from manufactured homes could be addressed in the conditions of approval. Mr. Lank suggested that Condition Q could be amended to read as follows: “The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling or residential manufactured home of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation.”

**M 480 13
Amend
Condition
to C/U
No. 1969**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Condition J to read as follows: “The borrow pit shall not exceed a depth of 25 feet and shall have 2:1 slopes. The slopes shall be seeded and planted to control erosion.”

Motion Adopted: 5 Yeas.

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

**M 481 13
Amend
Condition
to C/U
No. 1969**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to amend Condition Q to read as follows: “The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling or residential manufactured home of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation.”

Motion Adopted: 5 Yeas.

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

**M 482 13
Adopt
Ordinance
No. 2324**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2324 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXCAVATION OF A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.2 ACRES, MORE OR LESS” (Conditional Use No. 1969) filed on behalf of Melvin L. Joseph Construction Co., Inc., with the following conditions:

- A. No materials shall be brought from off the site for processing, mixing or similar purposes.
- B. Water or a water truck shall be available to control dust from road

**M 482 13
Adopt
Ordinance
No. 2324
(continued)**

- traffic when conditions require.
- C. The only entrance to the pit shall be from Burbage Road. There shall not be any access via Powell Farm Road, and the portion of the site that fronts on Powell Farm Road shall be fenced or gated to prevent access.**
 - D. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant. All entrances shall be secured when the borrow pit is not in operation.**
 - E. The hours of operation shall be between the hours of 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. until 12:00 Noon on Saturdays. No Sunday hours shall be permitted.**
 - F. No materials shall be stored on any access roads or within any buffer areas.**
 - G. The access road shall be on the eastern edge of the property, as shown on the site plan.**
 - H. No fuel shall be stored on site.**
 - I. No stumps, branches, debris or similar items shall be buried or placed in the site of the borrow pit.**
 - J. The borrow pit shall not exceed a depth of 25 feet and shall have 2:1 slopes. The slopes shall be seeded and planted to control erosion.**
 - K. A Final Site Plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance.**
 - L. As proffered by the Applicant, the existing non-conforming borrow pit, known as the “Gibson Pit” shall be reclaimed. The reclamation plan for the “Gibson Pit” shall be included with the reclamation plans for this Conditional Use.**
 - M. The Applicant shall comply with all State and County erosion and sediment control regulations.**
 - N. Permanent concrete markers and signs shall be placed at appropriate locations to designate the boundaries of the subject property and pit areas. The boundary markers shall be raised and marked so that they are clearly visible to anyone nearing the site.**
 - O. Every 5 years after the start of excavation, the Office of Planning and Zoning shall inspect the site and request written comments from all appropriate State agencies so that the Planning and Zoning Commission can review the comments and verify their compliance with all regulations.**
 - P. The Applicant shall comply with all of the requirements set forth in Section 115-172B of the Sussex County Zoning Ordinance.**
 - Q. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling or residential manufactured home of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation.**

**M 482 13
Adopt
Ordinance
No. 2324
(continued)**

- R. The area of the old pit on the site that intrudes into the 50 foot buffer area shall be filled and landscaped to form part of the continuous buffer around the perimeter of the site.**
- S. As proffered by the Applicant, the Conditional Use shall expire 40 years from the date the Ordinance is adopted, if and when, by the County Council.**
- T. As proffered by the Applicant, after 20 years, the property owner shall complete at its expense an environmental resources and impact study, as that phrase is defined by DNREC or its successor agency. Upon confirmation by DNREC of the owner’s compliance with the then-existing regulations, the permit shall continue for the remaining 20 year period that the Conditional Use is valid.**
- U. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

Mrs. Jennings presented a grant request for the Council’s consideration.

**M 483 13
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$350.00 (\$250.00 from Mr. Cole’s Councilmanic Grant Account and \$100.00 from Mr. Phillips’ Councilmanic Grant Account) to the Town of Millville for the “Millville Great Pumpkin Festival”.

**Additional
Business**

Under Additional Business, Carole Somers, a resident of Lewes and representative of the League of Women Voters of Sussex County, commented on how the County runs the sewer districts very effectively and she stated that she is impressed with how the County and the County Engineer respond to sewer service requests. Ms. Somers advised that the League congratulates the County on their proposal to expand the County’s wastewater territory map; on their move to improve planning for sewer services; and for their promotion of efficient growth.

**M 484 13
Go Into
Executive
Session**

At 11:15 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to recess the Regular Session and to go into Executive Session to discuss issues relating to land acquisition.

Motion Adopted: 5 Yeas.

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

Executive Session **At 11:17 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to land acquisition. The Executive Session concluded at 11:22 a.m.**

M 485 13 Reconvene Regular Session **At 11:23 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

E/S Action **There was no action on Executive Session items.**

M 486 13 Recess **At 11:23 a.m., a Motion was made Mr. Cole, seconded by Mrs. Deaver, to recess; the Council will reconvene at the Stockley Center in Georgetown to attend the Sussex Outdoors Summit Luncheon.**

Summit/ Luncheon **The Council reconvened at the Stockley Center in Georgetown for the Sussex Outdoors Summit Luncheon.**

M 487 13 Adjourn **At 2:05 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to adjourn.**

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov




Sussex County

DELAWARE
sussexcountyde.gov

MEMORANDUM:

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Vance Phillips

FROM: Gina A. Jennings 
Finance Director

RE: *Authorization to Execute Loan and Grant Documents*

DATE: October 18, 2013

Within the next month, I would like to submit an application for funding for an upcoming County sewer district. In order to do this, I will need the authority to execute loan and grant applications for USDA Rural Development, the State of Delaware, and other governmental entities on behalf of Sussex County. This is the same authority granted to previous Finance Directors. As a continued check and balance, the County Administrator will still be responsible for signing all bond documents. This requested authority simply allows me to apply for funding.

The motion for your consideration will be as follows:

Be it moved that the Sussex County Council hereby authorizes Gina A. Jennings, Director of Finance of Sussex County, to execute loan and grant applications for USDA Rural Development, the State of Delaware, and other governmental entities on behalf of Sussex County.

If you have any questions, please feel free to call me.

pc: Mr. Todd F. Lawson

ORDINANCE NO. ___

AN ORDINANCE TO ADOPT CHAPTER 97 OF THE CODE OF SUSSEX COUNTY, ENTITLED "EXCESSIVE DOG BARKING," WHICH SHALL DEFINE "EXCESSIVE DOG BARKING" AND CREATE ENFORCEMENT PROVISIONS AND PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER

WHEREAS, excessive dog barking has been a problem for some period of time in Sussex County; and

WHEREAS, many Sussex County residents have sought relief from excessive dog barking by contacting police and their elected officials; and

WHEREAS, Sussex County Council desires to adopt an ordinance to define excessive dog barking and create enforcement provisions and penalties for failure to comply with this Chapter.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County is hereby amended by creating a new Chapter 97, entitled, "Excessive Dog Barking" by inserting the underlined language as follows:

CHAPTER 97

EXCESSIVE DOG BARKING

§97-1. Title.

This chapter shall be known as the "Excessive Dog Barking Ordinance."

§97-2. Definitions.

For purposes of this chapter, the terms below are hereby defined as follows:

DOG – All canines which shall include male and female dogs regardless of whether dog has been spayed or neutered.

OWNER – Any person who owns, keeps, harbors or has in his/her care, custody, or control of a dog. Dogs owned by a minor shall be deemed to be in the custody of the minor’s parents, legal guardians or head of household where the minor resides.

EXCESSIVE DOG BARKING - Any dog that barks for a continuous period of thirty (30) minutes or more is considered to be engaging in excessive dog barking.

§97- 3. Ordinance Requirements.

This ordinance requires all dog owners to control their dog’s barking and will be in violation of this Chapter if their dog engages in excessive dog barking.

§97- 4. Exemption.

Any dog that is deliberately provoked by a trespasser (be that a human or animal), or is intentionally teased is exempt from this code per incident.

§97- 5. Enforcement and Jurisdiction.

- A. This ordinance shall be enforced by the Sussex County Constable, or his designee.
- B. Complaints of excessive dog barking shall be accepted by the Constable’s office during its regular business hours of Monday – Friday from 8:30 a.m. - 4:30 p.m.
- C. The Constable, or his designee, shall conduct an investigation of excessive dog barking complaints in a timely manner.
- D. The Justice of the Peace Courts in Sussex County shall have jurisdiction over all violations of this ordinance. Any person charged with a violation of this ordinance shall have such case adjudicated by a Justice of the Peace Court in Sussex County.

§97- 6. Penalties.

- A. A person found guilty of violating any provision of Chapter 97 of the Sussex County Code by the Justice of the Peace Court shall be fined in accordance with the following schedule:
 - 1. For the first offense - \$25.00 to \$75.00
 - 2. For the second offense - \$50.00 to \$100.00

3. For the third offense and any subsequent offenses - \$75.00 to \$150.00

B. If multiple violations occur within any thirty (30) day period, the court may double the fine due up to a maximum of \$300.00.

Section 2. Effective Date. This Ordinance shall become effective immediately upon its adoption.

Synopsis

This Ordinance creates a new Chapter 97 in the Sussex County Code which defines excessive dog barking and creates enforcement provisions and penalties for failure to comply with this Chapter.

All text is new and is underlined. There is no deleted text.

PROPOSED

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

October 08, 2013

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
HUNTERS WALK
AGREEMENT NO. 956

DEVELOPER:

Mr. Benjamin Gordy
Hunter's Walk Lewes, LLC
20184 Phillips Street
Rehoboth, DE 19971

LOCATION:

East of Kings Highway in Lewes, DE 19958

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

8-18 Unit Multifamily Buildings, 3 buildings will be constructed during phase one, which will total 54 units.

SYSTEM CONNECTION CHARGES:

\$260,388.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
05/09/13

Department Of Natural Resources Plan Approval
02/28/13

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 210

Construction Admin And Construction Inspection Cost – \$50,886.11

Proposed Construction Cost – \$339,240.75

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



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October 22, 2013

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 956 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "HUNTER'S WALK LEWES, L.L.C.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "HUNTERS WALK", LOCATED IN WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 956

TODD LAWSON
COUNTY ADMINISTRATOR



PO Box 444 · Rehoboth Beach, DE 19971
Phone & Fax (302)226-5231

October 2, 2013

Councilwoman Joan Deaver
Sussex County Council
PO Box 589
Georgetown, DE 19947

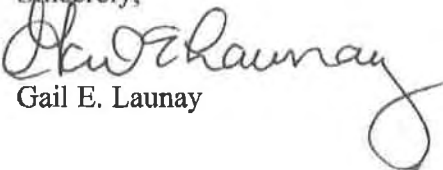
Dear Joan,

I am writing to request your assistance in support of the efforts of the Southern Delaware Choral Society. We are an 80 member volunteer chorus that provides high quality choral entertainment across Sussex County. We will perform Bach's "Christmas Oratorio" on December 14th at Georgetown Middle School and on December 15th at Cape Henlopen High School in Lewes. We have just finished our annual fundraising drive and fell significantly short of our goal. A sign of the tough economic times that we are facing, I am sure.

This means that we will encounter difficulties in providing the high quality, musical accompaniment that our audiences have come to expect. Typically, our revenue from ticket sales at our concerts is at about \$4,000 per concert. In order to do justice to this beautiful music, we require a small chamber orchestra and have been able to hire members of the Newark Symphony Orchestra and their conductor to perform with us. The cost for artistic assistance is budgeted at \$8,500. If you do the math, we are at a loss without adding in the costs for renting performance halls and buying tickets, posters and publicity for the concerts. We planned to use some of the money from our fundraising efforts to offset this deficit so that we would not have to increase ticket costs to generate the revenue. We believe that at \$20 per ticket, our concerts provide a value that is affordable for our local residents, yet if you were to go to a more urban area to see this type of offering, you can bet that price would be doubled.

Over the years, we have benefitted from small grants from Sussex County Council that have helped us to meet our mission of providing high quality choral music across Sussex County. If there is any way that you can assist our efforts, I know that you will be enriching the quality of life for all of the residents in Sussex County. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Gail E. Launay". The signature is written in dark ink and is positioned above the printed name.

Gail E. Launay



546 S. Bedford Street
Georgetown, DE 19947
302-856-5187 • FAX 302-856-5451
www.cheerde.com

April 1, 2013

Dear Friend of CHEER:

The 2013 "Deck the Halls with CHEER" fundraiser will be held Friday December 6, from 6 till 10 pm at the CHEER Community Center in Georgetown.

Founded in 1971, CHEER is a nonprofit, comprehensive provider of services for persons aged 50+. Our programs for mature adults include home care, transportation, homebound meal delivery, nutrition, and managed care resources. Many of the services we provide are done regardless of a client's ability to pay. To maintain the high quality and range of services we provide, additional funds must be raised.

We hope you will consider being a 2013 "Deck the Halls with CHEER" wreath and/or tree sponsor. Businesses, clubs, and individuals in our community sponsor wreaths and/or trees which are decorated by local artists. Our enclosed "Deck the Halls with CHEER" flyer includes sponsorship information for your review.

At the conclusion of the event, CHEER will have the wreaths and trees delivered to the destination selected by you. Sponsors may elect to donate the wreath/tree to another organization such as a nursing home, hospital, or needy family, or keep to use in your office or home, or donate their item back to CHEER for auction. Sponsors who wish to pick up their wreath/tree may do so on Saturday December 7th, between the hours of 8am and Noon. We hope to have your reply by Wednesday, November 13, 2013.

Thank you for your continued support of CHEER. On behalf of our clients, their loved ones, our staff and our many volunteers, thank you. For additional information, please call Dave Tidwell at 302-854-2888.

Sincerely,

Dave Tidwell

Dave Tidwell, Chairman
Deck the Halls with Christmas CHEER

Nancy Dorman

Nancy Dorman, Decorator Chairman
Deck the Halls with Christmas CHEER

10/12 - \$50 each
\$250

DEPARTMENT OF PARKS
AND RECREATION
320 VIRGINIA AVE.
PHONE 629-6809
FAX 629-9118

City of Seaford



SEAFORD, DELAWARE 19973

Councilman Mike Vincent
734 East Ivy Dr.
Seaford, DE 19973

October 1, 2013

Councilman Vincent:

I am writing you to request some financial help with our Seaford Youth football program this year. Our numbers are up this year, so we added another team in the senior division. As you know it takes quite a bit of money to operate, purchasing new equipment, pads, pants, etc.

Any help you can provide would be greatly appreciated . I thank you for your service to the Seaford community.

Respectfully,

A handwritten signature in cursive script that reads "Scott Coulbourn".

Scott Coulbourn
Superintendent Parks & Recreation



Cub Scout Pack 5
Sussex District...Del-Mar-Va Council, BSA
Longneck, DE 19966
m.ostendarp@verizon.net
<http://cspack5.scoutlander.com>



To The Honorable George B. Cole

Sussex County Council, DE

Hi my name is Matthew Ostendarp I am the Committee Chair for Cub Scouts Pack 5 in Long Neck, DE. I am writing you today to seek the support of the Sussex County Council

Let me just take a brief moment and tell you a little about our pack. Our pack was formed over 5 years ago and every year we have increased membership. Currently our Pack consists of 23 boy's grade 1-5 and 6 adult leaders. We have a very active pack, we camp 4-5 times per year, we spend most of the summer building our program so we may provide the boys with the best possible scouting experience, and we perform numerous community service projects and recently have adopted a highway. We meet every Monday at Potnets Lakeside Community Center at 6:00pm. We recently acquired a pack trailer by donation from the Kiwanis Club of Coastal Delaware based in Rehoboth Beach.

Our pack runs solely on fundraisers and donations from community members. We are looking for support from The Sussex County Council either in the form of a monetary donation or in the form of camping supplies as this is our biggest challenge to get more cubs and their family's to attend our camps.

Thank you for your time and consideration. We look forward to hearing from you and your office.

Regards,

Matthew Ostendarp

302. 344-6468

DELAWARE STATE UNIVERSITY

ALUMNI ASSOCIATION

SUSSEX COUNTY CHAPTER

P.O. Box 108 Millsboro, DE. 19966

October 11, 2013

Joan Deaver
Sussex County Council
1928 Plantation Rd.
Rehoboth Beach, DE. 19971

Dear Councilwoman Deaver:

Greeting and best wishes from the Sussex County Chapter of Delaware State University Alumni Association

For the past four years the Sussex County Chapter has sponsored a Holiday Dinner Dance to raise scholarship funds for deserving students from Sussex County attending Delaware State University. Last year four students from Sussex County received \$1000.00 scholarships to attend DSU owing largely to your significant contribution.

We would appreciate a contribution from the County Council to support our scholarship fundraising efforts for deserving 2014 high school graduates of Sussex County.

As always, your contribution and support is greatly appreciated by the Sussex County Chapter and prospective students in Sussex County.

Sincerely,



Robert G. Draine, Sr.
President