SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 24, 2010

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 24, 2010, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	**President**
Michael H. Vincent	**Vice President**
George B. Cole	**Councilman**
Joan R. Deaver	**Councilwoman**
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 453 10 Amend and Approve Agenda

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend the Agenda by deleting "Personnel" and "Land Acquisition" under "Executive Session"; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of August 17, 2010 were approved by consent.

Board Appointments

Mrs. Deaver stated that she was prepared to recommend the reappointment of several members of the Advisory Committee for the Aging and Adults with Physical Disabilities.

M 454 10 Reappointments to Advisory Committee

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reappoint Vance Daniels and Francine Shockley to the Advisory Committee for the Aging and Adults with Physical Disabilities for a term of two years.

Motion Adopted: 5 Yeas.

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

DelDOT 2011 – 2017 CTP Request

Mr. Baker presented a Draft of the 2011 - 2017 Year Capital Transportation Program Request which will be presented in final form to DelDOT at a Public Hearing scheduled on September 16th from 4:00 p.m. to 7:00 p.m. at the DelDOT South District Office in Georgetown. Mr. Baker reviewed the Draft Report and encouraged the Council to submit comments prior to the submission of the report on September 16th.

The following items are Sussex County's transportation priorities for the 2011-2017 Capital Transportation Program: East-West Improvements (SR 24, SR 26, SR 54, Routes 404/9), evacuation routes, North-South Highway Improvements, SR 1 Improvements, Indian River Inlet Bridge, flooding issues, local roads, intersections and signalization, County Airport, and alternative transportation.

Mrs. Deaver requested that the following be included in the County's Program Request: Plantation Road / Postal Lane / Cedar Road – this intersection needs to be reconfigured and a traffic light is needed.

Mr. Cole stated that the East – West Corridors should be a priority.

Mr. Phillips commented on the funding of roads and the disconnect between land use and transportation infrastructure funding. Mr. Phillips questioned when Sussex County will be given its fair share of revenues for roads. Mr. Phillips discussed the transfer of authority of roads to the County; he stated that he understands this is not something that can take place "over night" and that it would take a transition period. Mr. Phillips questioned if there is any opportunity to discuss this with the State. Mr. Cole stated that the Council as a whole needs to decide on this issue prior to any discussions with the State. Mrs. Deaver stated that she would not support it. Mr. Vincent referenced the amount of road funding that New Castle County receives versus the amount of funding Sussex County receives and he stated that the Council should discuss the issue. Mr. Godwin was directed to compile information on this issue for presentation to the Council.

Mr. Cole raised questions as to whether the County could require existing commercial properties to interconnect with a new project and also, whether the County should have an ordinance that addresses interconnectivity of commercial properties. It was noted that an interconnectivity requirement could not be retroactive. Mr. Moore was asked to investigate this issue.

Mr. Cole stated that it is not prudent for DelDOT to take over the maintenance of roads in subdivisions, i.e. snow removal, since they do not have sufficient resources.

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

1. Millville Sanitary Sewer District Expansion Proposal

Administrator's Report (continued)

A public meeting will be held at 6:30 p.m. at the Millville Volunteer Fire Company, Route 26, Millville, Delaware, on August 25, 2010. The County Engineering Department will provide information to inform residents of the proposed project to expand the Millville Sewer District to include Denton Mills, West Ocean Farms, White's Neck Village, Squirrel's Run, and Bowerset, adjacent to County Road 347 (White's Neck Road). The presentation will include estimated costs, the County rate structure, construction impacts, and the process for connecting to the sewer system. A report regarding this meeting will be made at the next Council meeting on September 14, 2010.

2. Airport Advisory Committee Meeting – August 25, 2010

The Sussex County Airport Advisory Committee will meet on August 25, 2010, at 7:00 p.m. at the Sussex County Emergency Operations Center. Attached is a copy of the agenda for that meeting. Discussion regarding emergency response and airport policies, rules, and regulations will occur.

3. Vlasic/Pinnacle Foods Facility Modernization

We are pleased to announce that Pinnacle Foods, the owner of the Millsboro pickle processing facility, will be modernizing its facilities with a new tank farm to preserve pickles that would replace the 40-year-old tank farm in place today. Construction of the new tank farm will occur beginning in October, with completion by May 2011. This major investment reflects their decision to maintain their facility in the Millsboro area, which includes 149 full-time employees that expand to over 300 during the processing season. Pinnacle Foods Group also was approved for a $90,000 State Capital Facilities Grant from the Delaware Strategic Fund to convert their boilers to natural gas.

4. 2010 Inaugural Class – Delaware Tech's Airframe Maintenance Technology Program

Delaware Technical & Community College has announced that as of the end of this week, approximately 15 students will complete the requirements for Delaware Tech's Airframe Maintenance Technology Program. This is the first class which began in June of 2009 and was condensed to a 14-month timeframe that included student work through the summers. These 15 students will receive a certificate of completion next week on September 1, 2010. They now

will be eligible to take three tests to receive the airframe mechanics certification. It is my understanding that one of the students is currently working at PATS Aircraft, Inc., at the Industrial Airpark and that PATS may be hiring others in the near future.

Administrator's Report (continued)

The Sussex County Council contributed toward developing this program at the Industrial Airpark by investing in the purchase and renovation of a large hangar that was converted to the Aviation Maintenance Education Center. We wish to congratulate these students and wish them the best of luck in their future.

5. <u>Summer Holidays</u>

The County Council will not meet on August 31 and September 7, 2010, in honor of Labor Day and also for a summer recess. The next meeting of the Sussex County Council will occur on September 14, 2010, at 10:00 a.m. County offices will be closed on September 6, 2010, in honor of Labor Day.

Runway 4-22 Extension Environmental Assessment/ Grant Acceptance

Jim Hickin, Director of Airport & Industrial Park, reported that, on August 24th, the Council approved a contract with Delta Airport Consultants to perform an environmental assessment for the 500 foot runway extension, pending receipt of a Federal grant. Since August 24th, a grant offer has been made to the County. Mr. Hickin stated that the next step is to formally accept the funding and the obligations that come with it. A discussion ensued and concerns were expressed regarding (1) making sure there is sufficient runway for PATS Aircraft to remain viable and (2) spending tax dollars and continually changing the footage of the extension.

M 455 10 Accept FAA Grant/ Runway 4-22 Extension Environmental Assessment

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council accepts the Federal Aviation Administration's grant offer of $227,712.00 as the United States' share of 95 percent of the allowable costs incurred in accomplishing the project, Extend Runway 4/22 (Environmental), Phase I.

Motion Adopted: 5 Yeas.

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

Multi-Jurisdictional All Hazard Mitigation

Joseph Thomas, Director of Emergency Operations, reported that, in April 2005, in accordance with Federal guidelines, the County was required to create and adopt a Multi-Jurisdictional All Hazard Mitigation Plan. Now, in accordance with FEMA requirements, an Plan Update must be adopted. Mr. Thomas presented the 2010 Update; the purpose of the Update is to continue to provide the guidance for hazard mitigation in the County; it identifies mitigation goals and objectives, and recommended actions and initiatives for County government and municipal governments. Mr.

Plan Recom-mendation

Thomas noted that all the incorporated jurisdictions in Sussex County are involved in this Plan. Mr. Thomas reported that FEMA has reviewed and approved the Plan Update, pending the Council's adoption. The Plan Update will continue to keep Sussex County qualified to obtain all disaster assistance to include public assistance, individual assistance, and mitigation grants. Mr. Thomas noted that, without this Plan in place, local jurisdictions would be ineligible to receive a variety of disaster recovery programs including public assistance to repair or replace damaged public facilities.

Multi-Juris-dictional All Hazard Mitigation Plan Recom-mendation (continued)

Mr. Phillips stated that he would like to defer action for one week for the purpose of posting the 2010 Multi-Jurisdictional All Hazard Mitigation Plan on the County's website for public comment.

Mr. Thomas noted that the public has been involved in the planning process. In addition to the municipalities, the public was invited to comment on the document during two public hearings.

M 456 10 Approve and Adopt Multi-Juris-dictional All Hazard Mitigation Plan

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, that the Sussex County Council approves and adopts the 2010 Multi-Jurisdictional All Hazard Mitigation Plan Update which is required by the Federal Emergency Management Agency so that Sussex County may be eligible to receive pre- and post- disaster funding.

Motion Adopted: 3 Yeas, 2 Abstentions.

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

Mr. Thomas stated that the 2010 Multi-Jurisdictional All Hazard Mitigation Plan Update will be posted on the County's website on this date. It was noted that there is a mechanism in place for modifications to the Plan.

Inland Bays Regional WW Facility

Bob Jones, Project Engineer, presented Change Order No. 1 for Sussex County Project No. 09-19, Inland Bays Regional Wastewater Facility, Phase I Expansion. The Change Order consists of three material changes resulting in a net decrease of $4,885.00.

M 457 10 Approve Change Order/ Inland Bays Regional WW Facility/

A Motion was made by Mr. Cole, seconded by Mr. Vincent, based upon the recommendation of the Sussex County Engineering Department, and its Consultant, Whitman, Requardt & Associates, LLP, that Change Order No. 1 for Sussex County Project No. 09-19, Inland Bays Regional Wastewater Facility, Phase I Expansion, be approved, which decreases the Contract amount by $4,885.00 for a new total of $13,207,312.00.

Motion Adopted: 5 Yeas.

Phase I Expansion

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

Request to Prepare and Post Notices/ Parcel De-annexation from the Long Neck SSD

Rob Davis, Utility Planning Division, presented a proposal to prepare and post notices for a Public Hearing on a request for the de-annexation of a parcel of land from the Long Neck Sanitary Sewer District. The parcel of land, which is owned by Baywood, LLC, consists of 30.59 acres and is part of a project known as Baywood Garden Villas. If approved, the parcel will receive wastewater service from the Inland Bays Preservation Company's existing wastewater system within Baywood; the Baywood project adjoins this parcel. Mr. Davis reported that sewer service is not available to the parcel from the Long Neck Sanitary Sewer District.

If approved, a Public Hearing before the County Council will be scheduled.

Councilmembers expressed concern about (1) setting a precedent by allowing a de-annexation and (2) the potential affect on sewer rates.

It was noted that the purpose of discussion on this date is to consider authorizing a Public Hearing to be held for the purpose of hearing comments from the Applicant and the public on the de-annexation request.

M 458 10 Prepare and Post Notices/ Parcel De-annexation from the Long Neck SSD

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council authorizes the Engineering Department to prepare and post notices for the de-annexation of a parcel of land from the Long Neck Sanitary Sewer District

Motion Adopted: **5 Yeas.**

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

Requests

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

M 459 10 Community Grant

A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to give $250.00 from Mr. Phillips' Community Grant Account to Coasters, Inc. for the Mid-Coast Gymnastic Team and their uniform expenses.

Motion Adopted: **5 Yeas.**

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

M 460 10 Community

A Motion was made by Mr. Cole, seconded by Mr. Vincent, to give $3,000.00 from Mr. Phillips' Community Grant Account to the Town of

Grant **Dagsboro for drainage problems.**

Motion Adopted: 5 Yeas.

M 460 10 (continued) **Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea**

M 461 10 Community Grant **A Motion was made by Mrs. Deaver, seconded by Mr. Vincent, to give $200.00 from Mrs. Deaver's Community Grant Account to the HOB PTO Partners (H.O. Brittingham Elementary – Parent Teachers Organization) for the Partners Program.**

Motion Adopted: 5 Yeas.

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

M 462 10 Community Grant **A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to give $1,500.00 ($900.00 from Mr. Wilson's Community Grant Account and $300.00 each from Mr. Vincent's and Mr. Phillips' Community Grant Accounts) to the Bridgeville Apple-Scrapple Festival for operating expenses.**

Motion Adopted: 5 Yeas.

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

Additional Business **Under Additional Business, John Walsh stated that, during the Council's Workshop on August 17th with the Board of Adjustment: (1) the four members of the Board of Adjustment in attendance admitted that they did not follow the law and (2) the Board asked for guidance from the Council and did not receive any. Mr. Walsh commented on the Board of Adjustment appointments that "should have been made" by June 30th. Mr. Walsh also referenced comments during the Workshop that "there are also frequent situations in which a homeowner or builder has been given incorrect information by County employees..." and he questioned if there is an ongoing education or training program for County employees. He stated that there should be constant training for County employees. Mr. Walsh also referenced the County's luncheon with the Sussex County Association of Realtors (SCOAR) on August 17th and County employees' and SCOAR's employee's lack of knowledge regarding the public's ability to attend.**

Under Additional Business, Roberta Hemmerich questioned (1) when the appointments to the Board of Adjustment will be made and (2) when an update will be given on the recommendations of the Manufactured Housing

Committee.

M 463 10
Recess

(continued)

At 11:55 a.m., a Motion was made by Mr. Vincent, seconded by Mr. Wilson, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to pending/potential litigation. Motion Adopted by Voice Vote.

Executive Session

At 11:57 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 pending/potential litigation. The Executive Session concluded at 12:28 p.m.

M 464 10
Reconvene

At 12:29 p.m., a Motion was made by Mr. Vincent, seconded by Mr. Wilson, to come out of Executive Session and to reconvene the Regular Session. Motion Adopted by Voice Vote.

Action

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

M 465 10
Adjourn

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to adjourn at 12:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council