

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 19, 2002

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 19, 2002, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
George B. Cole	Member
Dale R. Dukes	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

M 118 02 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the Agenda, as distributed.

Motion Adopted: 5 Yea.

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

M 119 02 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the minutes of February 12, 2002, as distributed.

Motion Adopted: 5 Yea.

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

Corre-spondence Mr. Bayard read the following correspondence:

UNITED STATES DEPARTMENT OF COMMERCE, U.S. CENSUS BUREAU.

RE: Certificate of Recognition for Sussex County's valuable contributions to the success of CENSUS 2000.

KEVIN C. DONNELLY, DIRECTOR OF WATER RESOURCES, STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DOVER, DELAWARE.

RE: Letter thanking Council for the opportunity to speak at a Council meeting on the matter of wastewater holding tanks.

M 120 02 **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the Proclamation entitled “PROCLAIMING SUNDAY, FEBRUARY 24, 2002 AS A DAY TO HONOR DAVID R. PEPPER, III”.**

Motion Adopted: **5 Yea.**

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

Economic Development Slogan Contest **Mr. Stickels discussed the results of the Economic Development Slogan Contest, which were announced at the January 29, 2002 Council meeting. Prior to that meeting, a committee of three (Mr. Stickels, Mr. Baker, and Mrs. Pettyjohn) reviewed the 148 entries which were received from area students. The committee then selected the following five entries for Council’s consideration:**

**“There’s No Business Like Your Business In Sussex County”
“Sussex County – Your Business Is Our Pleasure”
“Sussex County – The Biggest Part Of The First State”
“Sussex County – Taxes Are Low, A Good Place To Grow”
“Sussex County is Your Business Partner”**

On January 29, 2002 the County Council deferred action on selecting the winning slogan.

M 121 02 **Select Winners/ Economic Development Slogan Contest** **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to select “Sussex County is Your Business Partner” as the winning Economic Development slogan; and to award the entrant of the winning slogan with a \$100.00 savings bond to be funded by Mr. Phillips’ Councilmanic Account; and to award the entrants of the remaining four slogans with a \$50.00 savings bond to be funded equally by Mr. Cole’s, Mr. Dukes’, Mr. Jones’, and Mr. Rogers’ Councilmanic Accounts.**

Motion Adopted: **5 Yea.**

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

Economic Development Slogan Contest **“Sussex County is Your Business Partner” will replace the current Economic Development slogan “Sussex County Means Business”.**

Mr. Stickels announced the names of the winners:

**Matthew Parsons, Laurel
“Sussex County is Your Business Partner”**

Economic
Develop-
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Slogan
Contest
(continued)

Candice Evans, Frankford
"There's No Business Like Your Business In Sussex County"

Jasmine Walter, Laurel
"Sussex County – The Biggest Part Of The First State"

Jean Cherestal, Laurel
"Sussex County – Taxes Are Low, A Good Place To Grow"

Adminis-
trator's
Report

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

1. Sussex County Land Use Plan Update Meetings

Please be advised that the following Land Use Plan Update meetings have been scheduled:

Joint Workshop (Sussex County Council, Planning and Zoning Commission, Board of Adjustment)

Wednesday, February 27, 2002
Sussex County West Administrative Complex,
DuPont Highway, Georgetown
5:00 p.m.

Councilmanic District No. 5 (Fenwick Island, South Bethany, Selbyville, Dagsboro, Frankford, Millsboro, Delmar)

Tuesday, March 19, 2002
Selbyville Fire Hall
5:00 p.m.

Councilmanic District No. 4 (Henlopen Acres, Rehoboth Beach, Dewey Beach, Bethany Beach, Ocean View, Millville)

Wednesday, March 20, 2002
Rehoboth Beach Convention Center
5:00 p.m.

Councilmanic District No. 3 (Ellendale, Slaughter Beach, Lewes, Milton)

Tuesday, March 26, 2002
Lewes Public Library
5:00 p.m.

Administrator's
Report
(continued)

Councilmanic District No. 1 (Seaford, Blades, Bethel, Laurel)

Wednesday, March 27, 2002
Laurel Fire Hall
5:00 p.m.

**Councilmanic District No. 2 (Milford, Greenwood, Bridgeville,
Georgetown)**

Thursday, March 28, 2002
Sussex County Administrative Office Building,
2 The Circle, Georgetown
5:00 p.m.

The workshops held in the individual councilmanic districts include a County staff meeting with individual towns starting at 3:00 p.m. The public is encouraged to attend the meetings starting at 5:00 p.m. A formal presentation will be given at 6:00 p.m. It is anticipated that each workshop will end at approximately 7:30 p.m.

Old
Business/
C/U
No. 1436

Conditional Use No. 1436 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.77 ACRES, MORE OR LESS", filed on behalf of Blair A. Jones, was discussed.

The Planning and Zoning Commission held a Public Hearing on this application on January 10, 2002. On January 24, 2002, the Commission recommended approval of the application with three stipulations.

The County Council held a Public Hearing on this application on January 29, 2002 at which time they deferred action to allow sufficient time for Mr. Lank, Director of Planning and Zoning, to make available to Council for their review, information regarding the two previous applications of The Center for Neurology, LLC.

Mr. Lank reviewed the information pertaining to the applications of The Center for Neurology, LLC.

Mr. Stickels reviewed proposed conditions and proposed findings of fact.

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Adopt
Proposed
Ordinance
(C/U
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M 122 02 Adopt Proposed Ordinance (C/U No. 1436) (continued)	COUNTY, CONTAINING 2.77 ACRES, MORE OR LESS" (Conditional Use No. 1436) filed on behalf of Blair A. Jones, with the conditions and findings of fact, as read by Mr. Stickels. Motion Denied: 3 Nay, 2 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Nay; Mr. Dukes, Yea; Mr. Rogers, Nay; Mr. Jones, Nay
Waste- water Facilities	Mr. Green, Director of Utility Construction, discussed wastewater facilities to be constructed in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.
M 123 02 Execute Agreements/ Wastewater Facilities/ Village of Five Points	A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 229, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Olde Towne Pointe, L.L.C. for wastewater facilities to be constructed in The Village of Five Points, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, contingent upon final plan approval by DNREC. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 124 02 Youth Activity Grant	A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$2,000.00, \$400.00 from each Youth Activity Grant Account, to Delaware District III for the Major League Softball Eastern Regional Tournament. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
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Request	<p>Action was deferred on the funding request from the Delaware Scorpions.</p>
M 127 02 Council- manic Grant	<p>A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$200.00, \$50.00 each from Mr. Cole's, Mr. Jones', Mr. Phillips' and Mr. Rogers' Councilmanic Accounts, to the Sussex Central Wrestling Program for participation in the Tournament of Champions Wrestling Tournament.</p> <p>Motion Adopted: 5 Yea.</p> <p>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea</p>
Request	<p>Action was deferred on the funding request from Sussex Central High School for sponsorship of the Athletic Schedule Poster.</p>
M 128 02 Council- manic Grant	<p>A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$100.00 from Mr. Cole's Councilmanic Account to Cub Scout Pack 87 for activity expenses.</p> <p>Motion Adopted: 5 Yea.</p> <p>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea</p>
M 129 02 Council- manic Grant	<p>A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$1,000.00, \$200.00 from each Councilmanic Account, to the American Cancer Society in sponsorship of the Relay for Life "2002" fundraiser.</p> <p>Motion Adopted: 5 Yea.</p> <p>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea</p>
M 130 02 Grant	<p>A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$1,000.00, \$600.00 from Mr. Dukes' Councilmanic Account and \$100.00 each from Mr. Cole's, Mr. Jones', Mr. Phillips, and Mr. Rogers'</p>

M 130 02 Council- manic Grant (continued)	Councilmanic Accounts, to the Greater Seaford Chamber of Commerce for the Delmarva Chicken Festival. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 131 02 Youth Activity Grant	A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 from Mr. Phillips' Youth Activity Grant Account to the Town of Selbyville for the new ballfield. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Funding Information	Council requested that a list be prepared outlining information on sports teams which have received funding.
Question Regarding Disposal of Mobile Home	Mr. Dukes advised that a mobile home park owner has contacted him regarding a tenant who has not paid his rent for over two years; has not paid his County taxes; and has moved out and left the mobile home on the lot. The mobile home park owner has questioned what recourse he has in the matter of disposing of the mobile home. Mr. Bayard advised that the park owner could: docket a judgement against the tenant for the rent due; execute on the judgement (take the mobile home to sale); the mobile home would be sold by a constable at public sale; the park owner could bid the mobile home in and get a constable's bill of sale for the mobile home; then the park owner could go to the Department of Motor Vehicles and have the home re-titled.
Schedule Public Workshop	Mr. Jones requested (and it was the consensus of Council) that a public workshop be scheduled for the purpose of discussing the International Building Code. Mr. Stickels advised that the public workshop will be scheduled for Tuesday, April 23, 2002 beginning at 1:30 p.m.
Citizen's Comments/ Questions	Mr. Dan Kramer spoke regarding the retainer and billing practices of the County Attorney. Mr. Kramer was advised to put his questions in writing and submit them to the County.
M 132 02 Recess	At 11:20 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Rogers, to recess until 12:30 p.m. Motion Adopted by Voice Vote.
Luncheon Meeting Announced	Mr. Stickels announced that the County Council will reconvene at the CHEER Center in Georgetown at 12:30 p.m. for a luncheon meeting with the Sussex County Independent Library Trustees Association.

Reconvene **Mr. Jones called Council back into session at 12:30 p.m.**

**Luncheon Meeting/
Sussex County
Independent Library
Trustees Association** **Following a luncheon, Mr. Dennis Forney, Trustee for the Lewes Public Library, opened the meeting by thanking the Sussex County Council for its continued support of the libraries in Sussex County (a network of 11 independent libraries, three County-owned libraries, and the bookmobile).**

Mr. Forney advised that representatives were in attendance from each of the eleven independent libraries, including trustees, volunteers and staff. Also in attendance were members of the Sussex County Council, Senator F. Gary Simpson, Representative V. George Carey, Representative Charles P. West, Mayor George H. P. Smith, Robert L. Stickels, David Baker, and Carol Fitzgerald, County Librarian.

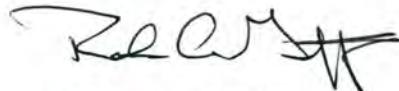
Mr. Forney discussed the needs, challenges, and opportunities facing the libraries today and stated that the purpose of the meeting was to request additional funding to be factored into the County's 2002-2003 budget. The Sussex County Independent Library Trustees Association (SCILTA) is requesting that the County Council consider a 1/16 percent increase in building permit fees and a \$5 capitation tax for libraries which together would generate between \$500,000 and \$600,000 to be split by the formula. The SCILTA is further requesting that these proposals be instituted in time for inclusion in the 2002-2003 budget proposal. Mr. Forney stated that these additional funds are essential for maintaining the tradition of strong libraries which help make Sussex County such an attractive place to live. A formal proposal was presented to County Council members and County staff.

Council members advised that the request for additional funding will be taken into consideration during the preparation of the Fiscal Year 2003 Budget.

At the conclusion of the meeting, Council members presented checks to the eleven independent libraries representing funds the County collected from the 1% Mobile Home Placement Tax (during the last quarter). Each library received a check in the amount of \$6,931.00.

**M 133 02
Adjourn** **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn at 1:50 p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,



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

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Dale R. Dukes	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

M 118 02 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the Agenda, as distributed.

Motion Adopted: 5 Yea.

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

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Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
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RE: Letter thanking Council for the opportunity to speak at a Council meeting on the matter of wastewater holding tanks.

M 120 02 **Adopt Proclamation** **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the Proclamation entitled “PROCLAIMING SUNDAY, FEBRUARY 24, 2002 AS A DAY TO HONOR DAVID R. PEPPER, III”.**

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Funding Information	Council requested that a list be prepared outlining information on sports teams which have received funding.
Question Regarding Disposal of Mobile Home	Mr. Dukes advised that a mobile home park owner has contacted him regarding a tenant who has not paid his rent for over two years; has not paid his County taxes; and has moved out and left the mobile home on the lot. The mobile home park owner has questioned what recourse he has in the matter of disposing of the mobile home. Mr. Bayard advised that the park owner could: docket a judgement against the tenant for the rent due; execute on the judgement (take the mobile home to sale); the mobile home would be sold by a constable at public sale; the park owner could bid the mobile home in and get a constable's bill of sale for the mobile home; then the park owner could go to the Department of Motor Vehicles and have the home re-titled.
Schedule Public Workshop	Mr. Jones requested (and it was the consensus of Council) that a public workshop be scheduled for the purpose of discussing the International Building Code. Mr. Stickels advised that the public workshop will be scheduled for Tuesday, April 23, 2002 beginning at 1:30 p.m.
Citizen's Comments/ Questions	Mr. Dan Kramer spoke regarding the retainer and billing practices of the County Attorney. Mr. Kramer was advised to put his questions in writing and submit them to the County.
M 132 02 Recess	At 11:20 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Rogers, to recess until 12:30 p.m. Motion Adopted by Voice Vote.
Luncheon Meeting Announced	Mr. Stickels announced that the County Council will reconvene at the CHEER Center in Georgetown at 12:30 p.m. for a luncheon meeting with the Sussex County Independent Library Trustees Association.

Reconvene
Luncheon
Meeting/
Sussex
County
Independent
Library
Trustees
Association

Mr. Jones called Council back into session at 12:30 p.m.

Following a luncheon, Mr. Dennis Forney, Trustee for the Lewes Public Library, opened the meeting by thanking the Sussex County Council for its continued support of the libraries in Sussex County (a network of 11 independent libraries, three County-owned libraries, and the bookmobile).

Mr. Forney advised that representatives were in attendance from each of the eleven independent libraries, including trustees, volunteers and staff. Also in attendance were members of the Sussex County Council, Senator F. Gary Simpson, Representative V. George Carey, Representative Charles P. West, Mayor George H. P. Smith, Robert L. Stickels, David Baker, and Carol Fitzgerald, County Librarian.

Mr. Forney discussed the needs, challenges, and opportunities facing the libraries today and stated that the purpose of the meeting was to request additional funding to be factored into the County's 2002-2003 budget. The Sussex County Independent Library Trustees Association (SCILTA) is requesting that the County Council consider a 1/16 percent increase in building permit fees and a \$5 capitation tax for libraries which together would generate between \$500,000 and \$600,000 to be split by the formula. The SCILTA is further requesting that these proposals be instituted in time for inclusion in the 2002-2003 budget proposal. Mr. Forney stated that these additional funds are essential for maintaining the tradition of strong libraries which help make Sussex County such an attractive place to live. A formal proposal was presented to County Council members and County staff.

Council members advised that the request for additional funding will be taken into consideration during the preparation of the Fiscal Year 2003 Budget.

At the conclusion of the meeting, Council members presented checks to the eleven independent libraries representing funds the County collected from the 1% Mobile Home Placement Tax (during the last quarter). Each library received a check in the amount of \$6,931.00.

M 133 02
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn at 1:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council