

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 23, 1999

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 23, 1999, 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
Dale R. Dukes	Member
George B. Cole	Member
Vance Phillips	Member

The meeting was opened by repeating the Lord's Prayer and pledge of Allegiance to the Flag.

M 099 99 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve Approve Agenda the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 100 99 A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to amend Amend and Approve Minutes the minutes of February 16, 1999, by deleting Motion No. M 090 99 "A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Policy entitled 'A POLICY CREATING AN INTERGOVERNMENTAL COORDINATION AGREEMENT'.", and to approve the minutes as amended.

Motion Adopted: 5 Yea.

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

Minutes Clarified (The minutes of the February 16, 1999 meeting, relating to the Intergovernmental Coordination Agreement, were clarified in that it was the consensus of Council to approve the Draft of the Intergovernmental Coordination Agreement and that the Draft would be distributed to each town and to the members of the Comprehensive Land Use Plan Oversight Advisory Committee.)

Corre-
spondence

Mr. Bayard, County Attorney, read the following correspondence:

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Notice of Public Hearing Cancellation. The hearing was to consider a permit application filed by New Castle Hot Mix. The request for the hearing has been withdrawn.

HOUSE OF REPRESENTATIVES, STATE OF DELAWARE, LEGISLATIVE HALL, DOVER DELAWARE.

RE: The House Land Use and Infrastructure Committee will be holding five public committee meetings throughout the State to discuss local concerns about land use issues.

SUSSEX COUNTY FIRE CHIEFS' ASSOCIATION, SUSSEX COUNTY, DELAWARE.

RE: Letter in appreciation of \$500.00 grant.

THE CHRISTIAN STOREHOUSE, MILLSBORO, DELAWARE.

RE: Letter in appreciation of food donations received from the Carolling on The Circle Food Drive.

FAMILIES IN CRISIS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

JOHN S. "JACK" WALLS, STATE DIRECTOR, UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, CAMDEN, DELAWARE.

RE: Letter to Robert Stickels expressing appreciation to the County for its assistance at the announcement of USDA's \$2 Million commitment to the Ellendale sewer project.

EASTERN SHORE LADY CATS, MILLSBORO, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

GEORGE H. BUNTING, JR., SENATOR OF THE STATE OF DELAWARE, BETHANY BEACH, DELAWARE.

RE: Letter expressing concern about the lack of readily available police protection in the Oak Orchard – Long Neck area.

Old
Business
C/Z No.
1357

Change of Zone No. 1357 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN

Old
Business
(con't)

PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.18 ACRES, MORE OR LESS” (Change of Zone No. 1357) filed on behalf of Kenneth Woodring, was discussed. A Public Hearing was held on this application on December 1, 1998, at which time, action was deferred and the applicant was instructed by Council to submit (1) a new plan showing increased setbacks and (2) a list of amenities planned for the project. Council discussed the fact that sewer service is not immediately available to this area; that there is concern for the ability of the regional pumping station to accommodate proposed development for the West Fenwick area; and that this is a Priority II sewer planning area. Mr. Cole expressed concern that (1) the setbacks to residential areas are proposed to be less than setbacks to agricultural areas, (2) that the proposed density is too high and (3) there are infrastructure problems in the proposed development area. Mr. Dukes noted that the density needs to support infrastructure requirements

M 101 99
Adopt
Ordinance
No. 1289
(C/Z No.
1357)

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1289 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.18 ACRES, MORE OR LESS” (Change of Zone No. 1357) filed on behalf of Kenneth Woodring, with the following conditions:

1. A thirty (30) foot setback shall be maintained from Mill Creek Acres as a landscaped buffer area.
2. The number of residential units shall not exceed 95.
3. A thirty (30) foot setback shall be maintained from the Cobb property.
4. Connection to the Fenwick Island Sanitary Sewer District is required; no private on-site sewer or septic systems are permitted.
5. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all agency approvals.

Motion Adopted: 4 Yea, 1 Abstention.

M 101 99
(con't)

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

Mr. Phillips abstained from voting due to the fact that he did not participation in the Public Hearing which was held on this application.

Findings
of Fact

The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the change of zone and preliminary site plan, as amended, meet the purposes and goals of a development district in the Comprehensive Land Use Plan, without adverse impact of any sort on the residential character of the area, property values therein, traffic or the environment of the area.

Revenue
Sharing/
Town of
Greenwood

Mr. Stickels, County Administrator, introduced the Mayor of Greenwood, Randy Willey, who was in attendance to accept a check from Council in the amount of \$15,000. The \$15,000 check represents the County's revenue sharing contribution to towns/cities in Sussex County in accordance with Ordinance No. 1247. This Ordinance provides that any incorporated municipality within Sussex County which does not collect a realty transfer tax, or which collects a realty transfer tax but which during its fiscal year receives less than \$20,000 in revenue from its realty transfer tax, shall receive a distribution from the County of \$15,000 from the County's realty transfer tax receipts. Mr. Stickels reported that the audit of the financial statements of the Town of Greenwood has been completed; the audit has disclosed the total amount of transfer tax collected by the Town to be less than \$10,000.

M 102 99
Adopt
Proclamation

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF MARCH AS WOMEN'S HISTORY MONTH".

Motion Adopted: 5 Yea.

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

Route 26
Report

Mr. Stickels, County Administrator, reviewed the Delaware Route 26 Planning Study for Assawoman Canal to U.S. Route 113. The section of Route 26 east of the Assawoman Canal to Route 1 is scheduled to be improved by the Department to include shoulders and a center turn lane.

Route 26
Report
(con't)

However, Route 26 west of the Assawoman Canal also experiences congestion and safety problems; therefore, this study was initiated. The primary goal of this study is to develop and evaluate transportation improvements that enhance the efficiency of Route 26. The study effort does not involve an evaluation of a dualization of Route 26, but rather an assessment of potential upgrades that will improve the capacity and efficiency of the roadway.

Mr. Stickels noted that for the past two years the County has asked for this project to be placed on the Five Year Capital Improvement Plan Program. The Council was supportive of the first phase which was improvements from Route 1 to the Assawoman Canal but it did not carry it any further west. Mr. Stickels noted that Route 26 is an important route for evacuation and Council has expressed their support of improvements to continue from the Assawoman Canal to U.S. 113. Mr. Stickels noted that, as a result of this study, the project will be included in the Five Year Capital Improvement Plan Program.

Housing
Preservation
Grant
Program

A discussion was held on the development of a preapplication to the United States Department of Agriculture, Rural Housing Services, for a Housing Preservation Grant. It was noted that this year there is only a total of \$50,000 available for both Sussex and Kent Counties; the funding for this program has steadily decreased over the years. The County was informed that it could compete against Kent County for the funding or the two Counties could submit a joint application and agree to share the funding. Mr. Lecates, Director of Community Development, recommended that the preapplication be submitted, as follows:

	<u>Sussex</u>	<u>Kent</u>
Housing Rehabilitation Grants	\$20,000	\$20,000
Administration	\$ 5,000	\$ 5,000

The primary objective of the (HPG) Program is the development of viable rural communities, including decent housing and a suitable living environment, principally for persons of low and very low income. It is also a primary objective to alleviate or remove health or safety hazards of homes to meet applicable development standards or make needed repairs to improve the general living conditions of the resident(s), including improved accessibility by handicapped persons.

The preapplication will be submitted in the amount of \$50,000 (\$25,000 each for Sussex and Kent Counties) for Housing Rehabilitation Grants and Administration. The Statement of Activity was introduced; it is

Housing
Preservation
Grant
Program
(con't)

proposed that the HPG funds be utilized to improve substandard conditions of twelve households; ten grant recipients will be very low income homeowners and two will be low income homeowners. The program funds will be used to underwrite the costs of materials and labor from licensed contractors. All prospective grantees would have to meet Section 8 income guidelines.

A discussion was held as to the interdependence between complying with the State Housing Code and receiving funds from the HPG and CDBG Programs. Mr. Phillips noted that he has requested information from the Delaware State Housing Authority with respect to this issue. To date, a response has not been received. Mr. Phillips expressed concern regarding what strings are attached when these funds are received from the Federal Government.

Mr. Lecates reported that in order for the County to receive CDBG funds, the County does have to a housing code equal to that of the Delaware State Housing Authority. This requirement is questionable as it relates to HPG funds.

M 103 99
Adopt
Resolution
No. R 010 99

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Resolution No. R 010 99 entitled "ENDORSED PROJECT TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL HOUSING SERVICES, FOR FUNDING AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT PREAPPLICATION".

Motion Adopted: 4 Yea, 1 Abstention.

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

M 104 99
Adopt
Proclamation

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING TUESDAY, FEBRUARY 23, 1999, AS A DAY TO HONOR WILLIAM H. HENDERSON".

Motion Adopted: 5 Yea.

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

Report

Mr. Stickels, County Administrator, distributed the following County Administrator's Report:

Adminis-
trator's
Report
(con't)

1. Sussex County Volunteer Firemen's Association

The Ellendale Fire Company will host the monthly Sussex County Volunteer Firemen's Association meeting on Tuesday, February 23, 1999, starting at 7:30 p.m. at the Ellendale Fire Hall, Ellendale, Delaware.

2. West Complex Open House

A reminder that the Sussex County Council will be hosting an Open House on Wednesday, March 3, 1999, starting at 1:30 p.m. and lasting until 5:00 p.m. The County's West Complex is located at West Market Street and DuPont Highway, Georgetown, Delaware. The West Complex was the former corporate headquarters of Sussex Trust bank. Currently, the County leases a portion of the building to Delaware National Bank. County offices located at the facility include Library Administration, Paramedic Administration, Economic Development, Community Development and Housing, and the Sheriff's Office. The public is encouraged to attend this Open House.

3. National Association of Counties Annual Conference

The Sussex County Council will not have a Council meeting on Tuesday, March 2, 1999. Council members will be attending the National Association of Counties Annual Legislative Conference in Washington, D.C. On Tuesday, March 2, 1999, Council members will have an opportunity to visit the offices of our congressional representatives.

4. Delaware State Police Troop 4 Status Report – January 1999

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, Delaware, during the month of January 1999:

Total Hours on Duty	4,628
Hours Assisted Other Agencies	57.5
Total Traffic Areas	1,001
Total DUI Arrests	26
Accident Reports: Property Damage	44
Personal Injury	<u>17</u>
Total Accident Reports	61

Adminis- trator's Report (con't)	Criminal Arrests: Felony	36
	Misdemeanor	<u>103</u>
	Total Criminal Arrests	139
	Total 10-29 P's (wanted persons)	80
	Total Number of Complaints	592

5. House of Representatives – Land Use Committee Meetings

The House Land Use and Infrastructure Committee will be holding public committee meetings throughout the State within the coming weeks. The meetings are scheduled as follows:

March 2	Rehoboth Beach Convention Center	7:00 p.m.
March 3	Brandywine High School Auditorium	7:00 p.m.
March 9	Seaford Middle School Auditorium	7:00 p.m.
March 10	Kent County Building, Room 202	7:00 p.m.
March 11	Middletown High School Auditorium	7:00 p.m.

The purpose of the meetings will be to discuss local concerns about land use issues with the municipalities, counties, and State.

I would encourage the general public, as well as local elected officials, to attend these important meetings.

PATS, Inc.
Ceremony

Mr. Stickels, County Administrator, reported that a Federal Aviation Administration Certification Ceremony will be held on Wednesday, February 24, 1999, at 11:30 a.m. at the Sussex County Industrial Airpark, PATS, Inc., facility. PATS, Inc. a Federal Aviation Administration approved maintenance and manufacturing facility located at the Sussex County Industrial Airpark in Georgetown, Delaware, has reached a major milestone. PATS, Inc. has completed its first auxiliary fuel tank installation on the 737-700 IGW Boeing Business Jet (BBJ). The FAA Aircraft Certification Office will be in Georgetown to issue PATS, Inc. the Supplementary Type Certificate (STC) for the auxiliary fuel system on the Boeing 737-700 IGW series aircraft. This certification is paramount not only for PATS, Inc., but more importantly Boeing. The auxiliary fuel tank system provides the needed fuel capacity to make long-range flights non-stop.

Fiscal 1998
Audit
Report

Mr. Baker, Finance Director, and representatives of the accounting firm of Jefferson, Urian, Doane & Sterner, P.A., Certified Public Accountants, presented the County of Sussex, Delaware, Audited Financial Statements and Additional Information for the Year Ended June 30, 1998. During Fiscal Year 1998, Sussex County's General Fund experienced an excess of revenues over expenditures of \$3,171,529. This is the eighth straight year that the County's General Fund has had a positive financial result.

Fiscal 1998
Audit
Report
(con't)

The undesignated fund balance has been maintained at a healthy level of 26.4 percent of General Fund budgeted expenditures. It was noted that although this is a favorable General Fund Financial Report, consideration must be given to future needs in Sussex County. The Report notes a potential Landfill postclosure Liability of \$2,720,000, as well as unfunded Pension Obligations of \$2,192,918. Other obligations, such as reassessment, a new computer-aided dispatch program for the Dispatch Center, the Road Addressing Project, computer upgrades, loan repayments, sewer planning study funding, Industrial Airpark Improvements, Paramedic system upgrades, and Library expansion projects must be considered. A reasonable reserve level is especially important given these future needs of Sussex County's Government. Adequate working capital is also needed for day-to day operations, as well as for unexpected emergencies.

Fiscal 1998 highlights included the following:

- (1) For the sixth straight year, the County contributed to its Pension Fund at the appropriate level as recommended by its actuaries, to provide funding for future pensioners. The Pension Trust Fund enjoyed a good year with gains of \$1.6 million. This will help reduce future pension contribution expense.
- (2) A strong economy meant economy sensitive revenues from the Realty Transfer Tax, Recorder of Deeds fees, and Building Permit fees; these fees were over budget for the year.
- (3) During Fiscal 1998, a \$955,000 loan for the construction of the Administrative Building was repaid early.
- (4) The one-time State Revenue Sharing Program provided funding for County vehicles for Zoning Inspectors and Assessors, Library expansions, and improvements and acquisitions at the County Industrial Airpark. Airport T-Hangars were built and airport lighting system improvements were achieved. The new 800-MHz communications system at the Dispatch Center was installed, including a needed remodeling of the Center to accommodate the new system.
- (5) \$469,000 was received from a 911 50-cent fee, which will be spent for Road Addressing.
- (6) A County economic development fund assisted a new business, PATS, Inc., at the Industrial Airpark, which employs over 150 employees.

Fiscal 1998
Audit
Report
(con't)

- (7) The County assisted in funding twelve State Police troopers to provide additional law enforcement County coverage.
- (8) Funding for libraries totaled \$2,082,000.
- (9) The County's paramedic program cost \$3,496,000.

Sussex County's Water and Sewer Districts experienced an increase in operating cash of 11.8 percent during Fiscal Year 1998. These funds are increasingly important as many of the Sewer District age and maintenance needs increase. Extensive pump station electrical control rebuilds, including major rebuilds at the Long Neck, Dewey Sewer, and Fenwick Sewer, were completed during Fiscal Year 1998 and more are anticipated due to the age of our sewer districts. Although these were expensive projects, the sewer districts realized substantial savings because much of this needed work was done by in-house staff. Nine of the eleven sewer and water funds experienced an increase in retained earnings during Fiscal Year 1998. The West Rehoboth Sewer Project experienced a successful year and was able to maintain a level debt repayment schedule for loans outstanding. Engineering design work proceeded for Phase III of the West Rehoboth sewer extension. The first out of four construction contracts was awarded for this project.

It is the opinion of Jefferson, Urian, Doane & Sterner, P.A. that the general purpose financial statements present fairly, in all material respects, the financial position of the County of Sussex, Delaware as of June 30, 1998, and the results of its operations and the cash flows of its proprietary fund types for the year then ended in conformity with generally accepted accounting principles.

M 105 99
Approve
Fiscal 1998
Audit
Report

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, that the Sussex County Council approves the Audit Report as prepared by Jefferson, Urian, Doane & Sterner, P. A., entitled "County of Sussex, Delaware, Audited Financial Statements and Additional Information for the Year Ended June 30, 1998", based on the recommendation of the County Administrator and the Finance Director.

Motion Adopted: 5 Yea.

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

Pepland,
Inc.

Mr. Green, Director of Utility Construction, discussed the wastewater facilities constructed at Pepland, Inc., a sewer extension of the Long Neck Sanitary Sewer District.

M 106 99 Grant Conditional Acceptance (Pepland, Inc.) A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Inspection Engineer, Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed for Pepland, Inc., located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Correction (Cost of Proposed Ordinance) Mr. Dukes corrected a statement that he made at the previous Council meeting that the Proposed Ordinance relating to senior citizens tax exemptions cost the County \$3,000. Mr. Dukes reported that, in actuality, the Proposed Ordinance cost the County \$4,364.39.

Dukes/ Public Statement Mr. Dukes read in its entirety a Public Statement/Press Release regarding "Hidden Taxes in Sussex County". This Public Statement/Press Release was in response to remarks made by a fellow Councilman.

Comments/ Phillips Mr. Phillips stated that he thought it was unusual that a Councilman would cite the cost of creating an ordinance as the creation of ordinances is commonplace in government today. Mr. Phillips stated that public hearings allow people to have input in the process.

Comments/ Dukes Mr. Dukes reiterated his belief that if an idea does not have preliminary support from a majority of Council, then the process of developing a Proposed Ordinance and holding a Public Hearing should not continue.

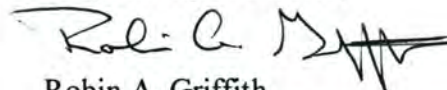
Comments/ Phillips Mr. Phillips stated that a lot of the costs involved in preparing the Proposed Ordinance were "static" costs; costs involving staff time -- time of salaried employees.

Comments/ Rogers Mr. Rogers agreed with Mr. Dukes that if a Proposed Ordinance does not have a consensus to proceed, it is a waste of taxpayers' money. Mr. Rogers stated that he does not believe that County employees, who work for the taxpayers, are available as personal staff to spend time researching and performing tasks for the personal needs of the Councilmen.

Comments/ Phillips Mr. Phillips responded by emphasizing that he does not work in the County offices on personal business nor does he ask County staff to assist him with personal business.

Comments/ Rogers	Mr. Rogers stated that he did not imply that Mr. Phillips was utilizing County staff for personal business. Mr. Rogers clarified his statement that County staff is being asked to perform work for issues that do not have a consensus of Council resulting in a waste of staff time and taxpayers money.
Report on DeIDOT Meeting	Mr. Jones reported on the meeting he attended with Secretary Canby, Delaware Department of Transportation. Issues discussed at the meeting were Route 54, Route 1 and Five Points, Route 26, Sussex County Airport, permits for entrance ways and the inspection lanes. Also discussed was the Access Management Plan and the fact that Sussex County Council finds the Plan unacceptable in its present written form. Future meetings will be held regarding these issues.
M 107 99 Adjourn	A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to adjourn at 12:45 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council