

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 26, 2002

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 26, 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 134 02 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve
Approve the Agenda, as distributed.
Agenda

Motion Adopted: 5 Yea.

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

M 135 02 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve
Approve the minutes of February 19, 2002, as distributed.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard read the following correspondence:
spondence

**DEAN C. BELT, CHAIRPERSON, DELAWARE ENVIROTHON,
DOVER, DELAWARE.**

RE: Letter in appreciation of grant.

**ALICIA H. HOLLILS, DIRECTOR OF COMMUNITY RELATIONS,
KENT-SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.**

RE: Letter in appreciation of grant.

**GORDON DAVIS, FIRE CHIEF, LEWES FIRE DEPARTMENT, INC.,
LEWES, DELAWARE.**

**Corre-
spondence
(continued)**

RE: Letters to Joe Thomas, Director, and Debbie Jones, Quality Assurance Supervisor, Sussex County Emergency Operations Center, in appreciation of the support received throughout the services for Louis A. Rickards.

**Southern
Delaware
Tourism/
Campaign
Update**

Rob Marshall and Karen O'Neill of the Southern Delaware Tourism Office provided an update on the "discover the treasures - so close to home!" campaign which began on November 28th and will end in May. The campaign included television, radio, and newspaper advertisements in the Maryland, Washington D.C. and Pennsylvania areas.

Mr. Marshall reported that tourism across the State and the Nation is significantly down; however, in Sussex County, there is only a 2 percent decrease in tourism compared to last year. He noted that tourism is down 15% - 17% in Kent and New Castle counties.

Plaques were presented to the County Council and Mr. Stickels in recognition of their contribution to tourism in Southern Delaware.

**First
State
Community
Action/
Youth
Program**

Thea Becton, Community Development Specialist, First State Community Action Agency, provided information to Council on the Ocean View 2002 Group Workcamp. First State Community Action Agency, in cooperation with Group Workcamps Foundation of Loveland, Colorado will be hosting the Group Workcamp project in Delaware beginning June 30th through July 6th. The workers and adult supervisors will be housed at the Cape Henlopen High School.

Group Workcamps are intensive one-week mission trips of service. Workcamps offer individuals and youth an opportunity to perform hands-on home-repair projects for needy residents. This year's program will target the Coverdale Crossroads, Greentop, Polly Branch, and West Rehoboth communities.

Ms. Becton advised that First State Community Action Agency is requesting that the County Council adopt the Workcamp as a community service project and permit County employees to volunteer.

Mr. Stickels suggested that County employees be allowed to volunteer one day without loss of compensation.

It was the consensus of Council to consider providing funding for the Group Workcamp Project. The matter will be placed on the March 12th Agenda.

**M 136 02
Adopt
Procla-
mation**

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

Motion Adopted: 5 Yea.

**M 136 02
(continued)**

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

**Adminis-
trator's
Report**

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

1. Delaware Department of Transportation Public Workshop

The Delaware Department of Transportation (DelDOT) is holding a public workshop to receive comments on the Statewide Long-Range Transportation Plan. DelDOT will explain why the Plan is being updated, the changes that have occurred since the current Plan was adopted in 1997, objectives guiding the Plan update, and present the first draft of the updated principles, policies, and actions that will serve as the foundation for the Plan update.

The Sussex County workshop will be held on Monday, March 4, 2002. DelDOT staff will be available from 3:30 p.m. to 7:30 p.m. to provide information on the Plan update and answer questions. The workshop will take place at the DelDOT South District Office, Route 113, Georgetown, Delaware. At 4:00 p.m. and 6:00 p.m., DelDOT staff will provide a presentation covering the information noted, followed by an opportunity for the public to offer comments and ask questions.

Anyone seeking additional information should contact the Office of External Affairs at 1-800-652-5600 or 302-760-2080.

2. Abandonment and Vacation of County Road 446-B

I have received notification from the Delaware Department of Transportation that the Department is considering abandoning and vacating Experimental Station Road (Road 446-B), measuring approximately 2,666 feet, more or less, between County Seat Highway and Asbury Road. I have notified Planning and Zoning, Engineering, and the Emergency Operations Center of the proposed action. At this point, I know of no reason why the County would object to this abandonment.

DelDOT will hold a public hearing in regard to the abandonment at the Department of Transportation Administration Building located at the intersection of County Road 431 and U.S. Route 113 near Georgetown in the Conference Room on Friday, March 15, 2002, at 10:00 a.m.

3. National Association of Counties Legislative Conference

The Sussex County Council will not have a Council meeting on

**Administrator's
Report
(continued)**

March 5, 2002. Council members and staff will be in Washington, D.C., that day at the National Association of Counties Legislative Conference. The next regularly scheduled Council meeting will be at 10:00 a.m. on Tuesday, March 12, 2002.

**Dagsboro-
Frankford
SSD/
Boundary
Extension
Request**

Mr. Archut, Assistant County Engineer, discussed extending the boundaries of the Dagsboro-Frankford Sanitary Sewer District to include a 1.1 acre lot with a single family home owned by George Oliver. Mr. Archut advised that the Sussex County Community Development Office is currently performing work on the property and has discovered problems with the septic system. He advised that the situation is an emergency due to the fact that sewage is possibly being discharged under the home.

**M 137 02
Authorize
Posting of
Notices/
DFSSD
Boundary
Extension
Request/
George
Oliver**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, that the Sussex County Council authorizes the Sussex County Engineering Department to post notices for the extension of the Dagsboro-Frankford Sanitary Sewer District boundary to include the George Oliver parcel.

Motion Adopted: 5 Yea.

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

**Public
Hearing**

Mr. Archut advised that the Public Hearing will be scheduled for March 26th.

**Wastewater
Facilities**

Mr. Green, Director of Utility Construction, discussed the construction of wastewater facilities (Ordinance 38 projects).

**M 138 02
Execute
Agreements/
Wedgfield
RPC
(onsite)**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 235, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Wedgfield Land, LTD, for wastewater facilities to be constructed in Wedgfield RPC (onsite), located in the Ocean View Expansion of the Bethany Beach 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**

**M 139 02
Execute
Agreements/**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 255, that Sussex County Council execute a Construction Administration and Construction

M 139 02 **Inspection Agreement between Sussex County Council and Atlantic Land**
Execute **Company, LLC, for wastewater facilities to be constructed in The Villages**
Agreements/ **of Old Landing, Section 2, Phase 4, located in the West Rehoboth**
The **Expansion of the Dewey Beach Sanitary Sewer District.**

Villages

of Old

Landing

(continued)

Motion Adopted: 5 Yea.

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

M 140 02 **A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon**
Execute **the recommendation of the Sussex County Engineering Department, for**
Agreements/ **Sussex County Project No. 81-04, Agreement No. 240, that Sussex County**
Cedar **Council execute a Construction Administration and Construction**
Valley **Inspection Agreement between Sussex County Council and Cedar Valley,**
 LLC, for wastewater facilities to be constructed in Cedar Valley, located in
 the West Rehoboth Expansion of the Dewey Beach 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

Ellendale **Mr. Baker discussed a Proposed Motion authorizing Mr. Stickels to sign a**
SSD/ **Binding Commitment Offer from the State of Delaware for the Ellendale**
State **Sanitary Sewer District. The State of Delaware Wastewater Advisory**
Grant **Council approved an additional loan for this project in the amount of**
and **\$1,000,000 for a term of forty (40) years at an interest rate of zero (0%)**
Loan **percent. The loan, along with additional Rural Development loans and**
Funding **grants and County grants, will enable the County to estimate rates at**
Agreements **\$435.00 per year for a typical user in the Ellendale Sanitary Sewer District.**

Mr. Baker advised that the State of Delaware is also requesting approval of
their offer for a \$3,814,000 21st Century Fund Grant. He noted that the
additional funding was needed due to the increasing construction costs for
the project.

Mr. Baker advised that, with Council's approval, a Proposed Ordinance
will be drafted.

M 141 02 **A Motion was made by Mr. Dukes, seconded by Mr. Rogers, that the Sussex**
Approve **County Council authorizes the County Administrator to approve the**
Binding **Binding Commitment Offer from the State of Delaware for the Ellendale**
Commit- **Sanitary Sewer District for a \$1,000,000 loan for a term of 40-years at zero**
ment **percent interest, and a grant for the same project for \$3,814,000.**
Offer

Motion Adopted: 5 Yea.

**M 141 02
(continued)**

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

**SCRWF/
State
SRF Loan
Agreement**

Mr. Baker discussed a Proposed Motion authorizing Mr. Stickels to sign a Binding Commitment Offer from the State of Delaware for a loan for the South Coastal Regional Wastewater Facility (SCRWF) Upgrade. The funds are to be used to pay for an increase in capacity at the SCRWF Treatment Plant from 6 million gallons per day to 9 million gallons per day. This project is to be completed over the next few years. The loan is for a maximum of \$13 million for a term of twenty (20) years at an interest rate of approximately 3.1 percent. The debt service for the loan will be paid primarily from growth, connection fees, and from revenue from new customers.

Mr. Baker advised that, with Council's approval, a Proposed Ordinance will be drafted.

**M 142 02
Approve
Binding
Commit-
ment
Offer**

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, that the Sussex County Council authorizes the County Administrator to approve a Binding Commitment Offer from the State of Delaware for a \$13,000,000 loan for a term of 20 years for the South Coastal Regional Wastewater Facility Upgrades.

Motion Adopted: 5 Yea.

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

**Fiscal
2001
County
Audit
Report**

Mr. Baker and 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, 2001. During Fiscal Year 2001, Sussex County's General Fund experienced an excess of revenues over expenditures in the amount of \$2,516,306. This is the eleventh straight year that the County's General Fund has had a positive financial result.

Mr. Baker reported that Total Assets are \$317,430,000 and that the Undesignated Fund Balance is \$6,962,181, representing 22 percent of the current General Fund Balance. He noted that the County's goal has been to maintain between 18% and 25% of the budget as an undesignated fund balance to off-set future revenue short-falls or unanticipated expenditures and also to ensure stable tax rates.

The proposed appropriation of the funds in the Undesignated Fund Balance is as follows:

**Fiscal
2001
County
Audit
Report
(continued)**

• Open Space Land Trust Funding	\$1,000,000
• Ellendale Sewer Project Grant	500,000
• Oak Orchard Sewer Project Grant	400,000
• Cedar Neck Sewer Project Grant	400,000
• Bayview Estates & Sea Country Estates Sewer Project Grant	53,000
• South Ocean View Sewer Project Grant	50,000
• Local Library Funding	53,000
• Software Purchases	60,306

Total Proposed Appropriation of Above Funds \$2,516,306

Mr. Baker provided the following Financial Report highlights:

- **County Non-Sewer and Water Debt of \$3,494,353 Reduced to Zero and Defeased**
- **County Pension Plan**
 - Fully Funded as of January 1, 2001
 - Paramedic and Dispatcher Pensions Funded for 25-Year Retirement
- **Sewer and Water Bond Anticipation Notes Totaling \$16,900,000 Repaid June 15, 2001**
- **UHF Paging Project Operational for Fire Service**
- **West Rehoboth Sewer Rate Reduction from \$5.31 to \$4.79 per front foot from Fiscal 2000 to Fiscal 2002**
 - County Grants
 - EPA Grant
 - SRF Loans Refinanced to 1.5 Percent
- **Sewer Projects**
 - Holts Landing Hookup Completed within Budget
 - Ocean View Construction 90 Percent Complete as of June 30
 - Cedar Neck, Oak Orchard, Ellendale, Bay View Estates, Sea Country Estates, Pine Town in Design Phase
 - \$4,814,000 in Developer Infrastructure Contributions Received
 - Each Sewer and Water Fund Experienced an Increase in Retained Earnings for Fiscal 2001
- **General Fund Revenue Exceeded Expenditures by \$2,516,306**

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, 2001, and the results of its operations and the cash flows of its proprietary fund

**Report
(continued)**

types for the year then ended are in conformity with generally accepted accounting principles.

**M 143 02
Approve
Fiscal
2001
County
Audit
Report**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based on the recommendation of the County Administrator and the Finance Director, that the Sussex County Council accepts and approves the Audit Report for the Year Ended June 30, 2001, as prepared by Jefferson, Urian, Doane & Sterner, P. A.

Motion Adopted: 5 Yea.

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

**M 144 02
Adopt
Procla-
mation**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt the Proclamation entitled "PROCLAIMING TUESDAY, APRIL 30, 2002, AS A DAY TO HONOR TRUITT W. JEFFERSON".

Motion Adopted: 5 Yea.

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

Mr. Truitt Jefferson, who plans to retire on April 30, 2002, has served as auditor for Sussex County since 1970.

**M 145 02
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$500.00, \$100.00 from each Councilmanic Account, to The Auxiliary of Stockley Center for the 14th Annual Stockley Stride.

Motion Adopted: 5 Yea.

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

**M 146 02
Youth
Activity
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00, \$50.00 from each Youth Activity Account, to the Delaware Scorpions, an AAU 13 and under baseball team, for tournament expenses.

Motion Adopted: 5 Yea.

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

**M 147 02
Youth
Activity
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$100.00 from Mr. Phillips' Youth Activity Account to the Lower Sussex Little League for facilities maintenance.

Motion Adopted: 5 Yea.

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

**M 148 02
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$100.00 from Mr. Cole's Councilmanic Account to People to People Ambassador Program for Christopher Dalton's trip to Australia.

Motion Adopted: 5 Yea.

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

**Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE, BOAT, AND SMALL ENGINE REPAIRS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12,694.65 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1451) filed on behalf of Rickie L. Clogg. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC PRE-SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.00 ACRES, MORE OR LESS" (Conditional Use No. 1452) filed on behalf of The Lutheran Church of Our Savior. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 258.11 ACRES, MORE OR LESS" (Change of Zone No. 1468) filed on behalf of Boca East, LLC. The Proposed Ordinance will be advertised for Public Hearing.

**Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 139.367 ACRES, MORE OR LESS" (Change of Zone No. 1469) filed on behalf of Caroline Development, Inc. The Proposed Ordinance will be advertised for Public Hearing.

**Donation
of Land
in
Americana
Bayside
for Police
Substation/
Need for
Additional
Police**

Mr. Phillips raised the issue of the need for additional police, including a troop station, in the southeastern portion of the County. Mr. Phillips referred to the offer made by Carl M. Freeman Communities, LLC to donate land at Americana Bayside. Mr. Phillips read into the record a letter from Kenneth Green, Director of Land Development, Carl M. Freeman Communities, LLC, confirming that they will provide land to the Delaware State Police in addition to the Roxana Volunteer Fire Company. Mr. Phillips stated that he has also spoke to Delaware Department of Public Safety Secretary James L. Ford regarding this issue.

Mr. Phillips reported that people have been suggesting that this could be a role for the County Sheriff if the State Police cannot provide a police presence in the southeastern portion of the County.

Mr. Phillips asked Council to encourage the State to accept the land and create a police presence for that area.

Mr. Stickels stated that the County cannot afford to provide police services as proposed by Sheriff Robert Reed last year nor can the County afford to provide 100 percent funding for 20 additional troopers, as proposed by Senator George Bunting. Mr. Stickels advised that he has spoken with Secretary Ford about a joint venture with the State in which the County would pay for half of the cost of 20 additional troopers for Sussex County.

Captain Randy Hughes, Commander of Delaware State Police Troop 5, was present and advised that a study is planned to determine where additional troops are needed in Sussex County and that part of the study would be to determine whether or not the property offered by Freeman Communities is a good location for a sub-station.

Mr. Stickels reported that he plans to schedule a meeting with Major MacLeish of the Delaware State Police, paramedics, and representatives of the Roxana Fire Company.

**M 149 02
Recess**

At 11:35 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Rogers, to recess until 12:15 p.m. Mr. Stickels announced that the County Council will reconvene at the Sussex Conservation District Office for a luncheon meeting.

Reconvene

Mr. Jones called Council back into session at 12:15 p.m.

**Luncheon Meeting/
Sussex Conservation District**

Following a luncheon, Mr. William Vanderwende and Mr. Eric Buehl of the Sussex Conservation District conducted the meeting. The following were in attendance: Sussex Conservation District Board of Supervisors and staff; John Hughes, Department of Natural Resources and Environmental Control; and Sussex County Council members and staff.

Mr. Buehl reviewed the Sussex Conservation District's Audited Financial Statements for the Years Ended December 31, 2001 and 2000; Agricultural Conservation Activities; Information and Education Activities; and District Programs.

Equipment Program

- The District did maintenance work on 40 tax ditches and constructed 20 public ditches.
- Sold and/or set 124 pipes.
- Cleaned out 24.4 miles of existing ditches.
- Constructed 4.9 miles of new ditches.
- Did work for 5 different public agencies or municipalities.
- Continued operating the Weed Wiper Bar on tax ditches in Sussex County.

Stormwater Management

- Approved 166 detailed sediment and stormwater plans for construction totaling 1,938.6 acres.
- Staff participated in Delaware's Certified Construction Reviewer Program.

A discussion was held at length regarding the complaints received regarding the maintenance of stormwater ponds/drainage and the lack of any legislation requiring maintenance. It was noted that even though maintenance agreement language is still in DNREC regulations, there is no such thing as a maintenance agreement, as determined by DNREC's lawyers. Mr. Hughes stated that regulations can require the collection and treatment of stormwater; however, DNREC has no control over discharge.

It was noted that there are no County ordinances to enforce the maintenance of stormwater ponds.

County Council members and staff expressed concern that when comments are solicited through the LUPA process from DNREC and the Sussex Conservation District for rezonings/conditional uses, comments should refer to areas with drainage problems.

Mr. Hughes expressed concern that the first person developing within a

**Luncheon
Meeting/
Sussex
County
Conser-
vation
District
(continued)**

particular area/watershed is permitted to proceed without taking drainage into account; and that thereafter, people developing in that same area are the ones that have to deal with drainage problems. He also noted that another problem is that sometimes there are not enough votes to create tax ditches to remedy a drainage problem.

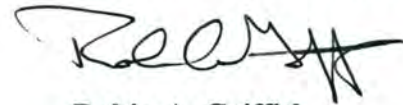
Mr. Stickels expressed his belief that DNREC's existing program should be strengthened instead of another program being developed by the County.

Mr. Vanderwende and Mr. Buehl thanked Council for their continued moral and financial support.

**M 150 02
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 1:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



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

**SUSSEX CONSERVATION DISTRICT
SUSSEX COUNTY COUNCIL
MEETING MINUTES
February 26, 2002**

The meeting was called to order by Chairman Vanderwende.

Also present were:

Richard Clendaniel
Ron Breeding
Dean Belt
Finley B. Jones, Jr.
Eric Buehl
Tim Garrahan
Joan Kirk
Robert Johnson
Lynn Rogers
Dale Dukes
George Cole
Vance Phillips

Robert Stickels
Dave Baker
Steve McCabe
Shane Abbott
Mike Brady
Robin Griffith
John Hughes
Bruce Jones
John Barwick
Kip Foskey
Cindy Pepper
Debbie Absher

Chairman Vanderwende welcomed the County and lunch was served.

Program Updates:

1. Eric reviewed the District's audit.
2. The 2001 Year in Review was distributed featuring highlights from the District's Equipment, Stormwater Management, Agricultural Conservation, and Information and Education Programs.

Open Discussion:

1. Eric discussed the recent change in the equipment and stormwater management programs.
2. There was a brief discussion regarding stormwater management, private road subdivisions, single-family homes, and a drainage code. Land Use Planning Act (LUPA) comments were also discussed.

Chairman Vanderwende thanked the Council for attending the meeting and for their support.

There being no further business, the meeting was adjourned at 1:22 p.m.