

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

Call to Order An Executive Session of the Sussex County Council was held Tuesday, March 23, 1999, at 9:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, for the purpose of discussing pending litigation. The Executive Session concluded at 9:40 a.m.

The regular meeting of the Sussex County Council was held Tuesday, March 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 145 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to amend the Amend and Approve Agenda Agenda to include the following items under Robert L. Stickels, County Administrator: 4(A) Human Service Grant Requests and 4(B) Proposed Resolution, and to approve the Agenda, 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

M 146 99 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the Approve Minutes minutes of the previous meeting, dated March 16, 1999.

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. Berl, Assistant County Attorney, read the following correspondence: spondence

HATTIE PALMER, SEAFORD, DELAWARE.

RE: Letter of appreciation for home improvements made possible by Community Development.

Delaware
Transit
Corporation/
Specialized
Transportation
Program

Mr. Stickels, County Administrator, and Representative Shirley A. Price, discussed the Delaware Transit Corporation's Specialized Transportation Reimbursable Program for Sussex County. Each year, this program has been underfunded based on the requests of the various eligible agencies.

Mr. Stickels distributed the proposed budgets for FY 2000 for the Sussex County Specialized Transportation Reimbursable Program. This year's funding requests are approximately \$110,000 short of what the Delaware Transit Corporation has said they would be funding. It was stressed that the continuing increase in the senior citizen population in Sussex County makes it imperative that the agencies receive the funding that they have requested.

A meeting was held between Delaware Transit Corporation, Representative Price, and Mr. Stickels to discuss this funding deficit. The Delaware Transit Corporation has stated that they can fund an additional \$22,848 which will still leave a \$90,000 deficit. Representative Price advised that the Joint Finance Committee will provide \$45,000 in additional funding if the County will match that amount.

M 147 99
Authorize
State
Funding
Match/
Specialized
Transportation
Program

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council authorizes the County Administrator to match State funding for the Sussex County Specialized Transportation Reimbursable Program by including in the FY 2000 Budget an amount not to exceed \$45,000.

Motion Adopted: 5 Yea.

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

Specialized
Transportation
Program
(con't)

Mr. Stickels noted that the County's contribution will be subject to program guidelines being signed by both the Delaware Transit Corporation and Sussex County. Mr. Stickels stated that it will be a requirement that the County be included in the budget preparation.

Mr. Stickels advised that he has suggested to the State that a Transportation Coordinator be located in Sussex County to look at all the transportation programs.

Senate Bill
No. 34

Mr. Stickels advised Council of Proposed Senate Bill No. 34 entitled "AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COUNTIES AND THE VALUATION, ASSESSMENT AND TAXATION OF PROPERTY". Mr. Stickels discussed his concerns with the effects this Proposed Bill would have on school district revenues as well as County income. This legislation would allow for the subdivision of farmland to occur with no charge in assessment or taxation as long as the land continues to be farmed. This is in total contrast to the current State law that was supported by the Delaware Department of Agriculture just a few years ago. At the time the

Senate Bill
No. 34
(con't)

current legislation was enacted, the Department of Agriculture intended to discourage the subdivision of farmland and allow for the change of assessment on farmland if a change of zone or subdivision took place.

The Sussex County Assessment Division undertook a rather in-depth review of properties along all major roadways which were zoned for use other than agriculture, but were assessed as farmland for a number of years. Current State law says the County is required to assess these properties at the highest and best use. During the County's audit of these properties, the County gave property owners the option of retaining their zoning and being assessed for what had been approved, or the opportunity to down-zone their land to AR-1 and maintain the current assessment. Many landowners chose to down-zone in order to retain their low assessment per acre. However, those who chose not to resulted in the County adding over \$500,000 of taxable assessments to the County's tax rolls as a result of this effort.

Mr. Stickels stated that the proposed changes that would be authorized by Senate Bill No. 34 would negatively impact the County, as well as school district revenues. This legislation would allow property owners to be afforded with a lower tax rate if they decide to rezone or subdivide their land. This would afford property owners an opportunity to speculate on their land and pay lower tax rates until it is beneficial for them to either develop or sell the land to someone else at a higher value.

Mr. Stickles noted that the Department of Agriculture has gone on record opposing this legislation.

Mr. Stickels asked for Council's directive on this proposed legislation.

Mr. Phillips recommended that the proposed legislation be reviewed by the leaders of Sussex County's agricultural community for their input and directive.

M 148 99
Table Action

A Motion was made by Mr. Phillips to table action on Senate Bill No. 34 for one week. There was no second to the Motion and the Motion died.

M 149 99
Oppose
Senate Bill
No. 34

A Motion was made by Mr. Dukes, seconded by Mr. Cole, that the Sussex County Council goes on record opposing Senate Bill No. 34 and, further; that these decisions are best made at the County level until assessments are assumed by the State of Delaware.

Motion Adopted: 4 Yea, 1 Nay.

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

Recorder
of Deeds/
Agenda
2000/
Proposed
Ordinance

Mr. Stickels, County Administrator, presented for discussion a draft ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY, TO INCREASE, ADD AND DELETE CERTAIN FEES CHARGED BY THE RECORDER OF DEEDS OF SUSSEX COUNTY".

Mr. Stickels reported that the Recorder of Deeds office has experienced (1) a 32% increase in the number of documents filed over the past four years and (2) a 17% increase in the number of documents filed in 1998 over 1997. Mr. Stickels noted that the Recorder of Deeds office is expecting similar growth in future years and is proposing sweeping improvements in the office which will require greater expenditures on the part of the department for more staff, new equipment and a large one-time investment in upgrading plots. In addition, new services have been proposed by the Recorder of Deeds for which no fees have been authorized. It was noted that fees charged by the Recorder of Deeds office have not been increased since 1992.

Mr. Bell, Recorder of Deeds, discussed his "Agenda 2000", a detailed plan to improve and enhance the Recorder of Deeds office. Mr. Bell stated that "Agenda 2000" is a result of a lot of work on the part of all of the professional community -- title searchers, attorneys, surveyors, etc. Mr. Bell expressed his appreciation to Mr. Stickels and Mr. Baker, Finance Director, for their cooperation and mentoring on this project.

Mr. Bell reviewed the four sections of "Agenda 2000": (1) Objectives and Ground Rules, (2) Ten Initiatives for Improvement, (3) Budget Requests by Account Number and (4) Revised Fee Schedule.

The Ten Initiatives for Improvement are as follows:

- Change the way plots are accepted, processed and displayed.
- Reorganize the personnel chart of the office.
- Improve the use of office space.
- Make procedural changes.
- Make improvements in technology.
- Offer new services.
- Offer expedited services.
- Offer public education.
- Improve quality of indoor environment.
- Revise fee schedule.

Introduction
of Proposed
Ordinance/
Recorder of
Deeds

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY, TO INCREASE, ADD AND DELETE CERTAIN FEES CHARGED BY THE RECORDER OF DEEDS OF SUSSEX COUNTY". The Proposed Ordinance will be advertised for Public Hearing.

M 150 99
Authorize
Executive
Session

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to authorize an Executive Session of the Sussex County Council on March 30, 1999, beginning at 8:30 a.m. in the Caucus Room of the Council Chambers for the purpose of discussing personnel.

Motion Adopted: 5 Yea.

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

M 151 99
Human
Service
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$500.00 from Human Service Grants to the Minority Action Committee for the purchase of t-shirts for an alumni basketball game (proceeds of this game will provide scholarship funding for students in the Indian River School District).

Motion Adopted: 4 Yea, 1 Abstention.

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

M 152 99
Human
Service
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$800.00 from Human Service Grants to the Delaware Senior Olympics for attendance at the Senior Olympic games in Florida.

Motion Adopted: 4 Yea, 1 Abstention.

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

M 153 99
Adopt
Resolution
No.
R 011 99

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Resolution No. R 011 99 entitled "RESOLUTION TO ENCOURAGE THE DEVELOPMENT OF A NUTRIENT MANAGEMENT PROGRAM".

Motion Adopted: 5 Yea.

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, County Administrator, read the following information in his County Administrator's Report:

1. Concerned Citizens of Cedar Neck v. Sussex County Council

Adminis-
trator's
Report
(con't)

financing the construction of a 24-suite motel and four retail stores on 12,500 square feet of land at Route 1 and Rodney Street, Dewey Beach, Delaware.

4. Sussex County's Home Page

I thought the Council would be interested in knowing the activities on Sussex County's home page. From Saturday, February 13, 1999, to Sunday, March 14, 1999, the following activities took place:

Number of Hits for Home Page	519
Number of Successful Hits for Entire Site	14,605
Number of Page Views	1,979
Number of User Sessions	1,511
Average Number of Hits Per Day	486
Average Number of Page Views Per Day	65
Average Number of User Sessions Per Day	50

Sussex County residents may access the County's home page at www.sussexcounty.net.

As part of the Administrator's Report, I will periodically report to the Council on activities on the home page.

Old
Business/
Proposed
Ordinance/
Sheriff's
Fees

The Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY TO INCREASE AND ADD CERTAIN FEES CHARGED BY THE SHERIFF OF SUSSEX COUNTY, IN ORDER TO CONFORM SUCH COSTS TO THOSE BEING CHARGED IN NEW CASTLE AND KENT COUNTIES" was discussed. A Public Hearing was held on this Proposed Ordinance on March 16, 1999, at which time the Public Hearing was closed and action was deferred.

Mr. Stickels distributed an amended version of the Proposed Ordinance with the following suggested changes:

- (1) Deleting the words "IN ORDER TO CONFORM SUCH COSTS TO THOSE BEING CHARGED IN NEW CASTLE COUNTY AND KENT COUNTIES" from the title of the Proposed Ordinance.
- (2) Adding the statement that the Sheriff's office is not a law enforcement agency, but instead has historically served the function of carrying out and executing orders from the various courts.
- (3) Adding the statement that the Sheriff is an elected County official and neither the Sheriff nor his deputies are police officers as defined by the laws of the State of Delaware.

Old
Business
(con't)

Sheriff Reed requested that the Proposed Ordinance, as amended, be withdrawn because it removes the Sheriff from law enforcement duties and the Sheriff is a Law Enforcement Officer in accordance with Title 9, Chapter 11, Section 222 of the Delaware Code.

A discussion was held regarding Sheriff Reed's budget requests and plans for the department. Mr. Dukes stated that he would not support anything in the budget that goes beyond the historical function of the Sheriff's office; i.e. carrying out and executing orders for the various courts.

Council members expressed concern over the amended Proposed Ordinance as it conflicts with State Law and, for this reason, it was recommended that the Proposed Ordinance, as originally introduced, be considered for adoption with an amendment to the title only.

It was noted that the purpose of the Proposed Ordinance is to provide for an increase in fees for services provided by the Sheriff's Office to recover costs associated with performing these services. It is anticipated that this increase in fees will reduce the deficit the Sheriff's Office has experienced over the years. There has been no increase in fees charged by the Sheriff's Office in thirteen years.

Mr. Phillips questioned the increased revenues that would be realized as a result of this fee increase. In view of the fact that the County has a \$3.1 Million surplus, Mr. Phillips further questioned whether the Ordinance could be made revenue neutral so that money collected does not exceed that which is needed and the overall revenue generated by the County does not increase.

M 154 99
Adopt
Ordinance
No. 1295

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1295 entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY, TO INCREASE AND ADD CERTAIN FEES CHARGED BY THE SHERIFF OF SUSSEX COUNTY". (As originally introduced with amended title.)

Motion Adopted: 3 Yea, 2 Nay.

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

During the roll call of the vote, Sheriff Reed assured the Councilmen that he has no intentions of starting a County police force.

M 155 99
Amend
Ordinance

During the Motion to Adopt Ordinance No. 1295, a Motion was made by Mr. Phillips to amend the Ordinance making the fee increases revenue neutral. The Motion died for the lack of a second.

Proposed Ellendale SSD Mr. Izzo, County Engineer, discussed referendum results for the Proposed Ellendale Sanitary Sewer District. The eligible voters of the Proposed Ellendale Sanitary Sewer District approved the creation of the sewer district by a vote of 162 to 47 in an election held on March 18, 1999.

M 156 99 Adopt Resolution No. R 012 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt Resolution No. R 012 99 entitled "ELLENDALE SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 54 OF THE DELAWARE CODE".

Motion Adopted: 5 Yea.

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

Savannah's Landing Mr. Green, Director of Utility Construction, discussed the granting of Beneficial Acceptance for the wastewater facilities constructed in Savannah's Landing, Phase IV.

M 157 99 Grant Beneficial Acceptance/ Savannah's Landing A Motion was made by Mr. Dukes, seconded by Mr. Rogers, based on the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Savannah's Landing, Phase IV, located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Abstention.

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

Submersible Pumping Equipment Project Mr. Hawkes, Director of Utility Engineering, discussed Change Order No. 1 to Sussex County Project No. 98-09 – Submersible Pumping Equipment. The Change Order is for the purpose of purchasing an additional pump in the amount of \$24,990.00.

M 158 99 Approve Change Order/ Submersible Pumping Equipment Project A Motion was made by Mr. Cole, seconded by Mr. Rogers, based on the recommendation of the Engineering Department, that the Sussex County Council approve Change Order No. 1 to purchase an additional pump for Sussex County Project No. 98-09, from Pump and Power Equipment Corporation in the amount of \$24,990.00, thereby increasing the contract cost from \$47,836.00 to \$72,826.00.

Motion Adopted: 5 Yea.

M 158 99
(con't)

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

Proposed
Ordinance

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AGRICULTURAL AND TURF CONSULTING BUSINESS AND REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRES, MORE OR LESS" (Conditional Use No. 1286) filed on behalf of G. Anthony and Jacqueline R. Keen. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR FOUR MINI-STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS" (Conditional Use No. 1287) filed on behalf of Ken Shapter. The Proposed Ordinance will be advertised for Public Hearing.

M 159 99
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 from Mr. Cole's Councilmanic Account to the Indian River High School Band Boosters for instrument replacement.

Motion Adopted: 5 Yea.

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

M 160 99
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$100.00 from Mr. Cole's Councilmanic Account to the S.D.S.A.P.T.O. (Southern Delaware School of the Arts, P.T.O.) for new playground equipment.

Motion Adopted: 5 Yea.

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

Sharps
Road

Mr. Rogers welcomed the Sharp family who were in attendance due to their concerns regarding the naming of Sharps Road. Mr. Rogers advised that a letter would be forthcoming to them guaranteeing that the road will indefinitely be named Sharps Road.

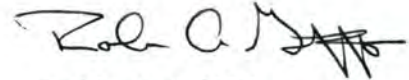
Road
Renaming
Ordinance

Mr. Stickels, County Administrator, advised that next week's agenda will include a draft ordinance establishing a procedure for requesting the renaming of a county road or street.

M 161 99
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 12:17 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council