

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 20, 2003

Call to Order The regular meeting of the Sussex County Council was held Tuesday, May 20, 2003, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

M 310 03 A Motion was made by Mr. Dukes, seconded by Mr. Jones, to approve the
Approve Agenda, as distributed.
Agenda

Motion Adopted: 5 Yea.

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

M 311 03 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve the
Approve minutes of May 13, 2003, as distributed.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Griffin read the following correspondence:
spondence

DEAN C. BELT, DELAWARE ENVIROTHON, DOVER, DELAWARE.
RE: Letter in appreciation of grant.

Live Mr. Stickels referred to the Proposed Live Near Your Work Program
Near which was discussed at the May 13th Council meeting. Mr. Stickels
Your reviewed additional information received including the following:
Work

Program

- **Conditional LNYW Fund Commitment Letter**
- **Agreement to Participate in the LNYW Program**
- **Addendum to Conditional LNYW Fund Commitment Letter outlining financial incentives the County would provide (if adopted).**

**Live
Near
Your
Work
Program
(continued)**

Mr. Dukes expressed concern that the program targets home ownership in Development Districts. Mr. Dukes stated that he feels this policy is not fair.

It was noted that a letter was received from the Citizens Coalition, Inc. in support of the program.

Public comments were solicited. No one spoke in favor of or in opposition to the program.

It was the consensus of Council to defer action.

**M 312 03
Adopt
Proclama-
tion for
“EMS
Week”**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt the Proclamation entitled “PROCLAIMING THE WEEK OF MAY 18 THROUGH MAY 24, 2003, AS EMERGENCY MEDICAL SERVICES WEEK”.

Motion Adopted: 5 Yea.

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

**Adminis-
trator’s
Report**

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

1. Delaware Department of Transportation Public Workshops

The Delaware Department of Transportation is holding two Public Workshops to present design options for the Indian River Inlet Bridge. The first workshop will be held on Wednesday, May 28, 2003, at the Rehoboth Convention Center at 229 Rehoboth Avenue, Rehoboth Beach, Delaware. The second workshop will be held on Thursday, May 29, 2003, at the Village at Bear Trap Dunes Clubhouse on Central Avenue in Ocean View, Delaware. The public is invited to attend either workshop from 4:00 to 7:00 p.m. The same information will be presented at each workshop. A brief presentation will be made at 4:15 p.m., 5:15 p.m., and 6:15 p.m. at both workshops.

At the workshops, the public will be able to review and discuss the bridge design concept options in terms of their ability to accommodate vehicles, bicycles, and pedestrians, and in terms of a livable design that will complement the natural beauty and recreational character of the Inlet.

2. Delaware Department of Transportation Public Workshop

The Delaware Department of Transportation is holding a Public Workshop to solicit public input on proposed bicycle and pedestrian facilities in the Town of Bridgeville. The workshop will be held on Tuesday, June 3, 2003, at the Town Hall, 101 North Main Street,

**Administrator's
Report
(continued)**

Bridgeville, Delaware. The public is invited to attend any time between 4:00 and 7:00 p.m.

Citizens will have an opportunity to review and comment on recommendations and concepts from the Bridgeville Bicycle and Pedestrian Planning Study. The Study is a joint effort between the Town of Bridgeville and the Department of Transportation to improve circulation by developing draft concepts to enhance bicycle and pedestrian facilities throughout Bridgeville. Improvements may include installation of new sidewalks, bicycle lanes, multi-use trails, landscaping, gateway treatments, and other enhancements.

3. Beneficial Acceptance

On Friday, February 21, 2003, the Sussex County Engineering Department granted Beneficial Acceptance to Sussex County Project No. 81-04, West Rehoboth Sanitary Sewer District, Palms of Rehoboth, Agreement No. 258. Included with this report is a summary of the activities for this project.

4. Holiday Schedule

Sussex County government offices will be closed on Monday, May 26, 2003, to allow employees to observe the Memorial Day holiday. There will not be a regularly scheduled Council meeting on Tuesday, May 27.

County offices will reopen on Tuesday, May 27, 2003, at 8:30 a.m. The next regularly scheduled Council meeting is Tuesday, June 3, at 10:00 a.m. in the Council Chambers of the County Administrative Office Building on The Circle in Georgetown, Delaware.

**Proposed
Annual
Operating
Budget/
Fiscal
Year
2004**

Mr. Stickels presented to Council the proposed annual operating budget for Fiscal Year 2004 and the accompanying budget letter. A comprehensive review of the proposed budget was provided by Mr. Stickels.

The theme of the FY 2003 budget is "Things Have Been Good....Up Till Now!!!" Mr. Stickels explained that for 15 years, the budget has always been as conservative as possible. Although the new budget will increase spending at a higher percentage than recent budgets, Council should not think that thrift was ignored in developing the proposed 2004 budget. With continued growth in property assessments and population, it is inevitable that the percent of budget expenditures will exceed past budgets.

For the proposed 2004 budget, assessments are projected to increase at a rate of 4.5 percent. The value of building permits issued in Sussex County for calendar year 2002 exceeded that of both Kent and New Castle County combined.

**Proposed
Annual
Operating
Budget/
Fiscal
Year
2004
(continued)**

The Proposed General Fund FY 2004 budget will increase 19.81 percent over FY '03's General Fund expenditures. The primary reason for the proposed General Fund increase in expenditures for FY 2004 of 19.81 percent is because of this year's Appropriated Reserve. This year's Appropriated Reserve is in the amount of \$6.2 Million. This compares to FY 2003 expenditures for this account of \$2,516,306.

In addition to the increase in the Appropriated Reserve, the Budget Committee is recommending a new program entitled "Economic Development Stimulus Loan Program". There is \$1 Million being proposed for this program. Without the Appropriated Reserve and Economic Development Stimulus Loan Program expenditures, the proposed FY 2004 budget would have increased 5.65 percent. This 5.65 percent is comparable to increases in the General Fund from FY 1994 through FY 2003. During that ten-year period, County expenditures increased an average of 8.6 percent annually.

Mr. Stickels noted that other factors are contributing to increased spending:

- Public officials' liability insurance, airport liability insurance, Sheriff's liability insurance, and double-digit increases in health insurance, workers compensation liability insurance, general liability, and bonding.
- Gasoline and propane costs.
- A change in the funding for paramedic services.
- Increased funding for State Police service.

Mr. Stickels stated that all of these are contributing factors as to why the Budget Committee feels it is necessary to allow for this year's budget to have a 19.81 percent increase.

Highlights of the Proposed Fiscal 2004 Budget are as follows:

- No tax increase.
- Rainy day fund 20.3%.
- Elimination of failing septic systems and holding tanks.
- Property tax, sewer service and septic system assistance for low-income residents.
- Revenue Sharing for local governments.
- Airport expansion.
- Aggressive Capital Improvement Program.
- Staffing of seventh paramedic unit.
- Continuation of Open Space Program.
- Expanded State Police Program.
- Community Investment Program.
- \$3 Million General Fund Wastewater Grant.
- Increased contribution to Paramedic Program.
- Economic Development Stimulus Loan Program.
- Ellendale and Phase I Cedar Neck Wastewater Sewer Districts On-Line.

**Proposed
Annual
Operating
Budget/
Fiscal
Year
2004
(continued)**

Mr. Stickels reported that the Budget Committee once again is recommending a grant for the water and sewer districts. The Committee is recommending that \$3 Million be used from the Appropriated Reserve Account. This is the sixth consecutive year that the Budget Committee has been able to recommend subsidies to the sewer districts for a total of \$13.5 Million.

Mr. Stickels noted that the only proposed increases that are being recommended by the Budget Committee are sanitary sewer system connection charges. Many of these charges have not been raised in seven years. The Budget Committee believes these increases are necessary to allow for the purchase of land to expand treatment facilities and for future upgrade of capacity.

Mr. Stickels noted that the realty transfer tax is projected to generate \$11,850,000 of income during FY'04. This is a 33 percent increase over FY '03. He stated that, if the General Assembly successfully passes House Bill No 157, it would reduce the realty transfer tax for the County and the towns and would result in the loss of approximately \$2.90 Million. The programs that would suffer from this reduction in funding are: State Police program; Capital Improvements to Troop 5, Open Space Program; Community Improvements; Revenue Sharing for the Towns; and Human Service Grants.

Mr. Phillips commented that the \$7.9 Million surplus should be looked at as an opportunity to look at ways to put money back into the peoples' pockets through some form of tax rebate. He stated "It seems like it's just an appropriate time to look at opportunities to refund some of the tax money to the folks who live and work in this County."

Mr. Phillips also suggested that the County exempt outbuildings from property taxes, since these buildings do not put stress on the County's services.

Mr. Dukes opposed Mr. Phillips suggested tax rebate concept. He stated that "If you can't afford to live here, you can't afford to live anywhere."

Mr. Rogers stated that many future projects/expenses (i.e. landfills) are unknown; that the County cannot predict the future; and that a reserve is a necessity.

Mr. Stickels encouraged Council to review the proposed annual operating budget carefully prior to the Public Hearing scheduled for June 17, 2003.

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2004". The Proposed Ordinance will be advertised for a Public Hearing on June 17, 2003.

Introduction of Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION, AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”.

Introduction of Proposed Ordinance The Proposed Ordinance will be advertised for Public Hearing on June 17, 2003.

Proposed Ordinance At 1:33 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Mr. Rogers called Council back into session at 1:30 p.m.

M 313 03 Recess A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL

Reconvene DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT/RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 72.18 ACRES, MORE OR LESS” (Change of Zone No. 1502) filed on behalf of DOC Properties, LLC.

Public Hearing (C/Z No. 1502)

The Planning and Zoning Commission held a Public Hearing on this application on May 8, 2003 at which time they deferred action. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing. The summary was admitted as a part of the record of this Public Hearing.

The Council found that Don Conaway, Partner of DOC Properties, LLC, and Tom Ford of Land Design Inc. were present on behalf of the application. Mr. Ford stated that the application is for a reuse of a borrow pit; that the borrow pit will become a lake with sloping banks; that the poultry houses will be removed from the premises; that they are proposing seventy single family residential homes; that there will be community wastewater and individual wells; and that the application has a gross density of less than one dwelling per acre.

In response to comments made by the Office of State Planning, Mr. Ford stated that no one from the State has visited the site and that in their letter they left out references to adjacent land uses, poultry production and nutrient loading of the subsequent spreading of the manure, and the active borrow pit and its potential industrial character in the area.

Mr. Ford asked that the record show that the State’s comments on the nutrient loading of the ERES waters ignores the fact that the Little Assawoman Bay Area does not have any nitrogen reduction standards yet; that he believes the standards will be set by the end of the year; and that this applicant will look to do a nutrient reduction on the site.

**Public
Hearing
(C/Z
No. 1502)
(continued)**

Mr. Cole expressed concern that lot lines should not go into the water; that the proposed rear property lines should be on uplands; that amenities should be provided; that streetlighting should be required; that the borrow pit should be made safe and should meet the shelving requirements of borrow pits previously approved by Council.

There were no public comments and the Public Hearing was closed.

**M 314 03
Defer
Action on
C/Z
No. 1502**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on Change of Zone No. 1502.

Motion Adopted: 5 Yea.

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

**Public
Hearing
(C/Z
No. 1504)**

A Public Hearing was held on 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 22.5737 ACRES, MORE OR LESS" (Change of Zone No. 1504) filed on behalf of Ruggiero Development Group, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on May 8, 2003 at which time they deferred action. Mr. Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing. The summary was admitted as a part of the record of this Public Hearing.

Mr. Lank read correspondence into the record from Larry Larsen in support of the application stating that everyone in The Greens does not oppose this application.

The Council found that Joe Ruggiero was present with Jim Fuqua, Attorney, and Jerry Friedel and Mike Wigley of Davis, Bowen & Friedel, Inc. Mr. Fuqua distributed a revised plot showing the layout of the development. He noted that the revised plot matches the plot included in the exhibit book distributed to Council. Mr. Fuqua stated that the application is for a 75 single family lot MR-RPC; that the land is currently zoned AR-1; that the development is to be known as the Preserve at Iron's Landing; that the intent is that lot/house packages will be sold; that there are no Federal or State wetlands on the site; and that the gross density is approximately 3.3 lots per acre which complies with the Land Use Plan and the RPC density calculations.

**Public
Hearing
(C/Z
No. 1504)
(continued)**

Public comments were heard in support of the application.

Public comments were heard on concerns relating to traffic on Road 348 and the infrastructure to support all of the development in the area.

Public comments were heard in opposition to the application. Concerns were expressed regarding the location of the entrance; the condition of Road 348, the number of projects being created along Road 348; the dangerous conditions for walkers, bikers and joggers; the lack of paved shoulders along Road 348; the need for a four-way stop sign at the intersection of Road 348 and Road 346; and that another 70 homes will only exacerbate the problems on Road 348.

The Public Hearing was closed.

**M 315 03
Defer
Action on
C/Z
No. 1504**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to defer action on Change of Zone No. 1504 filed on behalf of Ruggiero Development Group, LLC.


Motion Adopted: 5 Yea.

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

**M 316 03
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 2:47 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



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