

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 18, 1996

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, June 18, 1996, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	Member
William D. Stevenson, Sr.	Member

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

M 257 96      A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Agenda      Adopt the Agenda, as presented. Motion Adopted by Voice Vote.

M 258 96      A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Approve      approve the minutes of the previous meeting dated June 11,  
Minutes      1996. Motion Adopted by Voice Vote.

Corre-      Mr. Bayard, County Attorney, read the following correspondence:  
spondence

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.  
RE: Notice of Commission Meeting and Public Hearing regarding applications for approval, none of which are located in Sussex County.

DELAWARE NATIONAL BANK, GEORGETOWN, DELAWARE.  
RE: Invitation to Open House.

JOHN SCHROEDER, STATE REPRESENTATIVE, DOVER, DELAWARE.  
RE: Letter of congratulations regarding funds the County will receive for the purchase of a motorized microfilm reader.

NANCY E. GIST, DIRECTOR, U. S. DEPARTMENT OF JUSTICE, WASHINGTON, D.C.  
RE: Local Law Enforcement Block Grants Program.

CHARLES V. BAYNUM AND ALLAN J. REDDEN, DEPARTMENT OF HIGHWAY OPERATIONS, STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION, GEORGETOWN, DELAWARE.  
RE: Letter to Mr. Jim Thomas, George, Miles & Buhr, regarding West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contracts No. 1 - 18.

JUNE HUEY, GREENWOOD CHEER MATURE LIFESTYLE CENTER, GREENWOOD, DELAWARE.  
RE: Letter to Mr. Stevenson in appreciation of his Councilmanic Grant.

GEORGE ROACH, (DAILY TIMES, SALISBURY, MARYLAND).  
RE: Postcard from Hungary.

- Appoint- Mr. Stickels, County Administrator, advised Council of several  
ments Committee appointments that will expire at the end of June.
- M 259 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Re- reappoint Ronald G. McCabe to the Board of Adjustment for a  
appoint- term of three years.  
ment  
to Motion Adopted: 5 Yea.  
Board  
of Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Adjust- Mr. Collins, Yea; Mr. Stevenson, Yea;  
ment Mr. Dukes, Yea
- Work- It was requested that a meeting/workshop be scheduled for the  
shop County Council, Board of Adjustment and the Planning & Zoning  
Commission.
- M 260 96 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to  
Re- reappoint Doris C. Mills to the Library Advisory Board for a  
appoint- term of three years.  
ment  
to Motion Adopted: 5 Yea.  
Library  
Advisory Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Board Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea
- Expired It was noted that Madeline A. Dunn's term on the Library  
Term on Advisory Board will expire at the end of June, 1996. Mr. Dukes  
Board advised that he will be recommending an appointment in the near  
future.
- Adver- Mr. Stickels, County Administrator, discussed the County's  
tising Sign Ordinance as it relates to advertising signs on school  
Signs bus stop shelters. It was discussed that four new school  
on bus stop shelters have been placed on Route 404 without the  
School school district's recommendation. The County's Ordinance states  
Bus that "Shelter locations shall be approved by the Director and  
Stop the State Department of Instruction through the school district  
Shelters in which the shelter is to be located. Should the State Depart-  
ment of Instruction, through the school district in which a  
shelter is located, determine that there is no longer a need  
for a shelter at its present location, the shelter shall be  
removed." Mr. Lank and Mr. Abbott of the Planning & Zoning  
Department are to meet with the Supervisors of Transportation  
of area schools to review the County's policy. In addition,  
inspectors of the Planning & Zoning Department are to locate  
school bus stop shelters and determine if they are appropriately  
located.
- Legis- Mr. Stickels, County Administrator, provided Council with the  
lative following legislative update:  
Update

Legis-  
lative  
Update  
(con't)

1. Senate Substitute No. 1 for Senate Bill 22

AN ACT TO AMEND CHAPTERS 26, 49, AND 69 OF TITLE 9 OF THE DELAWARE CODE RELATING TO ZONING AND SUBDIVISION IN NEW CASTLE, KENT AND SUSSEX COUNTIES

This legislation amends the procedure for the coordination of land use decisions between the State Department of Transportation and the Counties.

2. Senate Bill No. 382

AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO TAX RATES IN SCHOOL DISTRICTS WHOSE JURISDICTION TRAVERSES COUNTY BOUNDARY LINES

This Act would permit school districts traversing county lines to adjust their tax rates based on full valuation of the properties in both counties without referendum or county reassessment, but would not permit the district to increase total revenues from total assessments from the previous year, resulting in more equitable distribution of the school tax burden.

3. Senate Bill No. 411

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO CORRIDOR CAPACITY PRESERVATION

This bill will permit the acquisition of necessary property interests to provide capacity preservation or designated transportation routes.

(It was the consensus of Council to support this Bill.)

4. House Bill No. 646

AN ACT TO AMEND CHAPTER 21, TITLE 10, DELAWARE CODE, RELATING TO COMPENSATION OF THE SHERIFF OF SUSSEX COUNTY

This legislation requires the Sussex County Council to establish the Sheriff's salary equal to that of Kent County.

(It was the consensus of Council not to support this Bill.)

5. House Bill No. 641

AN ACT TO AMEND TITLE 13, DELAWARE CODE RELATING TO MARRIAGE LICENSES

This Bill gives the clerks of the peace discretion to modify the waiting period between obtaining a marriage license and

Legis-  
lative  
Update  
(con't)

holding the ceremony. Additionally, the clerks of the peace may extend the term of the license up to 90 days.

(It was the consensus of Council to support this Bill.)

6. House Bill No. 654

AN ACT TO AMEND CHAPTER 21, TITLE 25, OF THE DELAWARE CODE RELATING TO THE SATISFACTION OF MORTGAGES

This Act would upon its effective date and thereafter, require a satisfaction of mortgage in Sussex County to be made only by recordation of a satisfaction of mortgage piece, or by an attorney's affidavit as provided in Title 25, § 2120 of the Delaware Code, or by a Court order to satisfy, in the Office of the Recorder of Deeds.

Adminis-  
trator's  
Report

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

1. Airport Open House

Governor Thomas R. Carper presented Mr. Dale R. Dukes, President of the Sussex County Council, with a Proclamation Statement in observance of Hurricane Awareness Week on Saturday, June 15, 1996, at the Airport Open House. Mr. Stickels thanked Betty Collins, Acting Director of Emergency Preparedness; Diana Pettyjohn, Susan Smart, Carol Lewis, Frank Calio, Stephen Masten, Jamie Hall, and Richard King for their help in making June 10 through June 15, Hurricane Awareness Week, a success. Activities ended on Saturday at the airport with a visit from the Governor and Lieutenant Governor.

2. Troop 4 Status Report - Month of May

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, during the month of May, 1996:

Total Hours on Duty	3,361.0
Hours Assisted Other Agencies	42.5
Total Traffic Arrests	758
Total DUI Arrests	20
Accident Reports:	
Property Damage	41
Personal Injury	<u>15</u>
Total Accident Reports	56
Criminal Arrests:	
Felony	29
Misdemeanor	<u>67</u>
Total Criminal Arrests	96

Adminis-  
trator's  
Report  
(con't)

Total 10-29 P's (wanted persons) 32  
Total Number of Complaints 605

3. School District FY '97 Tax Rates

Although the County government property tax rate will remain the same, residents of Sussex County may see an increase in their property taxes as a result of school district increases. For information purposes, Mr. Stickels reported what the rates are for each school district. The rates are as follows:

<u>School District</u>	<u>FY '97</u>	<u>FY '96</u>	<u>Change</u>	<u>Percent of Change</u>
Indian River	\$1.733	\$1.529	+\$ .204	+13.34%
Laurel	2.39	2.19	+ .20	+ 9.13%
Seaford	2.32	2.09	+ .23	+11.00%
Milford	2.041	2.002	+ .039	+ 1.95%
Woodbridge	2.229	2.258	- .029	- 1.28%
Cape Henlopen	1.585	1.585	Same	-0-
Delmar	1.81	1.75	+ .06	+ 3.43%
Sussex Tech	.2113	.2123	- .001	- 0.47

Pension  
Fund  
Committee  
Report

Mr. Baker, Finance Director, reported that a meeting of the Pension Fund Committee was held on June 13, 1996. At this meeting, Mr. H. Scott Berry, from the Wilmington Trust Company, presented a report which reviewed the Wilmington Trust Company Pension Fund investments as of April 30, 1996. Regarding the allocation of assets in the Pension Fund, Mr. Berry presented a recommendation that the County increase its Pension Fund allocation in equities or stocks to the 50 to 60 percent range from the current 40 percent range. Mr. Berry did point out that equities involved more price risk and volatility versus other investments. The Pension Fund Committee agrees that over the long-term, performance should improve with a higher asset allocation in equities versus the current 40 percent. The Committee recommends an asset allocation for equities of 50 percent with a 5 percent tolerance range.

M 261 96  
Approve  
Pension  
Fund  
Committee  
Recommendation

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council approves the recommendation of the Sussex County Pension Committee to change the Pension Fund Asset Allocation Formula from 40 percent equity and 60 percent fixed income to 50 percent equity and 50 percent fixed income, with a 5 percent tolerance range. The Equity Investment Allocation

M 261 96 tion would remain as is, value funds 37.5 percent, growth funds  
(con't) 37.5 percent, and small cap funds 25.0 percent.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Pension Fund Committee Report Mr. Baker, Finance Director, also reviewed a report as of April 30, 1996, showing returns by Wilmington Trust and Fidelity Investments. The combined funds overall are earning an annualized rate of 10.57 percent, which would exceed the actuary's goal of 8 percent per year. The Wilmington Trust funds have exceeded the comparable indexes; 3.72 percent for the first four months of 1996 versus a comparable index of 3.4 percent. The Fidelity Investments funds, as of April 30, 1996, have not performed quite as well. The combined total return for the Fidelity Investments funds was 2.41 percent versus comparable indexes of 3.40 percent, and the Wilmington Trust return of 3.72 percent.

Discover Card Proposal Mr. Baker, Finance Director, discussed a proposal whereby the County's Tax Office and Utility Billing Office would accept payments that are paid by Discover Card. Mr. Baker explained that this would be a voluntary payment option for the customer; the fee for the use of the card would be paid by the customer in addition to the County bill paid; receipts would be electronically processed; deposits would be made to the County's account on the next business day; and Discover would provide all equipment free of charge to the County. Following a discussion regarding the need to consider other credit cards in addition to the Discover Card, the matter was deferred to allow time to obtain additional information.

Agreements/  
Harold Dukes, Jr. Mr. Green, Director of Utility Construction, discussed a Construction Administration and Construction Inspection Agreement between Sussex County Council and Harold E. Dukes, Jr. for wastewater facilities to be constructed at Maplewood, Section IV.

M 262 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, based  
Execute Agreements/  
Harold Dukes, Jr. upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Harold E. Dukes, Jr. for wastewater facilities to be constructed at Maplewood, Section IV, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

M 262 96 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 32,384 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1284) filed on behalf of John Bruce Mears. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RECYCLING METALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.82 ACRES, MORE OR LESS" (Conditional Use No. 1161) filed on behalf of Joel and Nancy Kroeger. The Proposed Ordinance will be advertised for Public Hearing.

M 263 96 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to  
Council- give \$300.00, \$150.00 from Mr. Collins' Councilmanic Account and  
Grant \$150.00 from Mr. Stevenson's Councilmanic Account to the Sussex  
Central Golf Team for operating expenses.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

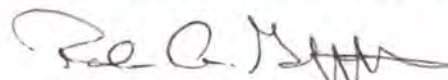
Retire- Mr. Stickels, County Administrator, announced that Mr. Wood,  
ment County Engineer, will be retiring in July. Mr. Izzo, will  
serve as Acting County Engineer following Mr. Wood's retirement.

Murder/ Mr. Stickels, County Administrator, discussed the highly  
Suicide publicized double murder/suicide that occurred in Milton on  
in June 8, 1996. The events that involved the Fire and Ambulance  
Milton Dispatch Center were discussed as well as the investigation  
of the Delaware State Police.

Com- Action to be taken regarding the abandonment of a mobile home  
plaint on Stage Coach Road was discussed.

M 264 96 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
Adjourn to adjourn at 11:49 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council