

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 24, 1997

Building Dedication and Cornerstone Laying Ceremony A Building Dedication Ceremony was held Tuesday, June 24, 1997, at 9:00 a.m., for the Sussex County Administrative Office Building. Immediately following, a Cornerstone Laying Ceremony was performed by the Masons of the State of Delaware. Beatrice Pusey Simonds delivered the oration at the Building Dedication Ceremony; she was also orator for the Post Office Cornerstone Laying Ceremony in 1932. (Mr. Stickels, County Administrator, noted that the Cornerstone is to be opened in fifty years, in the Year 2047.)

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 24, 1997, at 10:30 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

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

M 278 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 279 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated June 17, 1997.

Motion Adopted: 5 Yea.

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

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

STAN TAYLOR, CHAIR, CRIMINAL JUSTICE COUNCIL, WILMINGTON, DELAWARE.

RE: Letter of appreciation for opening Council Chambers to the Criminal Justice Council for their annual public hearing.

GEORGE W. N. ADAMS, SUSSEX COUNTY, DELAWARE.

RE: Letter commending staff in the Recorder of Deeds office.

Corre-
spondence
(con't)

CHARLES HYATT, PRESIDENT, WHITE'S CREEK MANOR PROPERTY OWNERS ASSOCIATION, MILLVILLE, DELAWARE.

RE: Petition requesting the establishment of a sanitary sewer district in White's Creek Manor.

DONNA D. STONE, HOUSE OF REPRESENTATIVES, STATE OF DELAWARE, LEGISLATIVE HALL, DOVER, DELAWARE.

RE: Letter of appreciation for allowing Dennis Norwood, a Sussex County employee, to continue to serve as a spokesperson for the Sussex County Mobile Home Tenants Association on the Ad-hoc Landlord-Tenant Code Committee.

RONALD C. JESTER, EXTENSION SAFETY SPECIALIST, UNIVERSITY OF DELAWARE, COOPERATIVE EXTENSION, GEORGETOWN, DELAWARE.

RE: Letter requesting funds to be used for Sussex County Safe Kids Day.

Down-
zoning/
Filing
Fee

Mr. Stickels, County Administrator, advised that in March of 1997, Council began a policy to accept applications for down-zoning properties to AR-1 Agricultural Residential with no fee. This policy will expire on June 30, 1997. Since March, 1997, twelve applications have been filed for approximately 608 acres. Of the 608 acres, approximately 94 acres are for commercial properties along U.S. Route 113 and U.S. Route 9 where strip commercial zoning has existed since 1971. Some of the other downzonings relate to potential Agricultural Preservation District applications and changes in the assessment of properties where higher density or commercial zonings exist. Council discussed whether to extend the deadline for waiving the fee.

M 280 97
Extend
Dead-
line/
Filing
Fee/
Down-
zoning

A Motion was made by Mr. Collins, seconded by Mr. Rogers, that the County Council extend the deadline for waiving the filing fee on applications for downzoning properties to AR-1 Agricultural Residential until December 31, 1997.

Motion Adopted: 5 Yea.

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

Appoint-
ments

Council discussed several appointments that will expire on June 30, 1997.

M 281 97
P & Z
Appoint-
ment

A Motion was made by Mr. Collins, seconded by Mr. Jones, to reappoint Donald T. Ralph to the Planning and Zoning Commission for a term of three years.

Motion Adopted: 5 Yea.

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

M 282 97
Board of
Adjust-
ment
Appoint-
ment

A Motion was made by Mr. Jones, seconded by Mr. Collins, to reappoint L. William Wheatley to the Board of Adjustment for a term of three years.

Motion Adopted: 5 Yea.

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

Legis-
lative
Update

Mr. Stickels, County Administrator, provided the following legislative update:

1. Senate Bill No. 188

AN ACT TO AMEND TITLE 9, TITLE 14, TITLE 24 AND TITLE 30 OF THE DELAWARE CODE RELATING TO THE ASSESSMENT OF REAL PROPERTY FOR THE PURPOSE OF AD VALOREM TAXATION BY COUNTY GOVERNMENTS AND SCHOOL DISTRICTS

This Act is intended to improve the administration of *ad valorem* real property taxation by the Counties of the State.

2. Senate Bill No. 345

AN ACT TO AMEND TITLE 24 AND TITLE 30 OF THE DELAWARE CODE RELATING TO THE ASSESSMENT OF REAL PROPERTY FOR THE PURPOSE OF AD VALOREM TAXATION

This Act increases the uniformity and efficiency of the property assessment system through the standardization of property assessments and the implementation of uniform standards promulgated by the International Association of Assessing Officers (IAAO).

To promote uniformity and efficiency, this Act also establishes the General Assembly's intent to adopt legislation by July 1, 1998, to assume the assessment functions from the counties under a transition plan.

3. House Bill No. 246 As Amended By House Amendment No. 1

AN ACT TO AMEND CHAPTER 100, TITLE 16 OF THE DELAWARE CODE RELATING TO 911 ENHANCED EMERGENCY NUMBER SERVICE

This Act amends the legislation establishing 911 as the only three-digit telephone number in the State.

4. House Bill No. 293

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE ACQUISITION OF AGRICULTURAL LANDS PRESERVATION EASEMENTS

Legis-
lative
Update
(con't)

This legislation will permit the Delaware Agricultural Lands Preservation Foundation to purchase the development rights of smaller farms than what is presently allowed under the existing statute. At the present time, the minimum amount of land is 200 acres.

5. Senate Bill 361

AN ACT TO AMEND TITLE 9, OF THE DELAWARE CODE REGARDING LIMITATIONS ON TAXING POWERS

This Act amends Title 9, Section 8104, of the Delaware Code, by replacing "Sussex County" in Section 1(a) with "county". This Act also sets the tax rate for FY `98 in Sections 1(b) and FY `99 in Section 1(c). This Act will bring the county fees in line with the 1% currently assessed on real estate transactions.

6. House Bill 362

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE DOCUMENT FEES

This will establish the document tax at 2.5% in FY `98, 2.25% in FY `99 and 2% thereafter on the sale and registration of mobile homes. This will bring the state fees in line with the 2% currently assessed on real estate transactions.

7. Un-numbered Senate Bill

AN ACT TO AMEND CHAPTER 65 OF TITLE 9 OF THE DELAWARE CODE RELATING TO ESTABLISHMENT OF SANITARY SEWER OR WATER DISTRICTS IN SUSSEX COUNTY

Existing law makes it difficult to use special districts to establish needed infrastructure in Sussex County. For water or sewer districts either a referendum is required or an existing district must be expanded. Non-essential impediments to establishment of sewer or water districts to provide needed infrastructure, especially where their are demonstrated or imminent public health or environmental threats, should be eliminated. This Act allows Sussex County, DNREC and Public Health to jointly determine areas under threat and permits the County to proceed with establishing or expanding a district without referendum.

Mr. Stickels advised that there was no support in the House for this legislation.

Legis-
lative
Update
(con't)

8. Senate Bill 146

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ALLOCATION OF FUNDS TO THE COUNTIES AND INCORPORATED CITIES AND TOWNS TO BE KNOWN AS THE "DELAWARE FINANCIAL PARTNERSHIP ACT"

This Act would implement a financial partnership between the State of Delaware and its counties and incorporated cities and towns. The formula is calculated by taking 2.5% of the State Personal Income Tax. The fund would be equally divided among the counties and incorporated cities and towns on a per capita basis except in the County of New Castle and the City of Wilmington.

Mr. Stickels, County Administrator, also discussed tuition-based training for paramedics; additional state police officers; the Joint Finance Committee's recommendation of taking over the courts of the City of Wilmington and five parks in New Castle County; reducing the number of County Councilmen in New Castle County from 13 to 7; and license plates for all elected county officials.

Adminis-
trator's
Report

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

1. Subdivision Approval

On Thursday, June 12, 1997, the Planning and Zoning Commission granted approval for the Meadow Drive Subdivision in an AR-1 Agricultural Residential District, Dagsboro Hundred, north of Road 433, east of Road 410, 25 lots on 22.52 acres, minimum lot size .56 acre, largest lot size 1.24 acres. The roads will be private and built to County specifications, and all lots will be serviced with individual wells and septic systems.

2. Extended Hours

The following activities took place on Wednesday, June 18, 1997:

(a) Planning and Zoning - One mobile home placement permit from 7:30 a.m. to 8:30 a.m., three building permits and one Building Code review from 4:00 p.m. to 7:30 p.m.;

(b) Utility Billing Division - No activity;

Adminis-
trator's
Report
(con't)

6. William D. Hatfield Award

I am pleased to inform the Council that I have been notified by the Chesapeake Water Environment Association that Rexford T. Powell has been selected as the recipient of the William D. Hatfield Award. This prestigious award recognizes operators of wastewater treatment plants for outstanding performance and professionalism. This is the second time that a Sussex County employee has won this award. In 1987, Heather L. Sheridan was recognized.

There will be an awards ceremony on Thursday evening, July 10, 1997, at 5:30 p.m. at the Sheraton Fontainebleau Hotel, 10100 Ocean Highway, Ocean City, Maryland. I will need to know by Wednesday, July 2, 1997, if any Council members wish to attend the ceremony.

Town of
Selby-
ville/
Request
for
Addi-
tional
Discharge
Capacity

Mr. Archut, Assistant County Engineer, discussed an Agreement between the Town of Selbyville and Sussex County Council permitting the Town to discharge treated wastewater, in the amount of 1 million gallons per day, into the South Coastal Regional Wastewater Facility's ocean outfall. This Agreement was amended in 1990 and permitted the Town to increase the daily discharge from 1 million gallons per day to 1.5 million gallons per day, contingent on certain conditions. Mr. Archut advised that these conditions have been met and the Town has paid the cost of the additional 500,000 gallons per day. The Town is now requesting that the daily discharge amount be increased another 500,000 gallons, to 2 million gallons per day. Council members and Staff discussed several comments/concerns regarding this request:

- The Town's current discharge permit from DNREC is 1.25 million gallons per day; 250,000 gallons less than the County has allocated.
- The plant design is for 1.25 million gallons per day. The plant is not designed to treat more wastewater than what is already allocated to them.
- The Town is required to do a dilution study prior to increasing their discharge beyond the 1.25 million gallons per day.
- The Town is currently discharging a little over 1 million gallons per day. They are only now beginning to use the additional capacity granted to them in 1990.
- The Town should be considering their long term needs regarding wastewater disposal.
- Increasing the Town's capacity decreases the County's capacity for the South Coastal area.

Town of
Selby-
ville
Request
(con't)

The Engineering Department recommends that a decision to increase the Town's discharge capacity be delayed until:

- The Town's daily average reaches 1.3 million gallons per day.
- The Town develops a planning study to address the long term wastewater needs of the Town.
- The Town increases the wastewater treatment capacity of their treatment plant beyond 1.25 million gallons per day.
- All State and local permitting needs are met.

Council recommended that the Town perform a study for a more formal request. Mr. Archut will meet with the Town Council to discuss the County's position on this matter. No action was taken by Council.

M 283 97 A Motion was made by Mr. Cole to give \$300.00 to the Town of
(Died) Henlopen Acres. The Motion died for the lack of a second.

M 284 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Council- give \$200.00 from Mr. Jones' Councilmanic Account to the
manic National Teenager Scholarship Foundation to sponsor Aimee
Grant Parker, Delaware National Junior Teenager.

Motion Adopted: 5 Yea.

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

M 285 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Council- give \$500.00 from Mr. Dukes' Councilmanic Account to the
manic Greater Seaford Chamber of Commerce for "Project 13" (land-
Grant scaping along U.S. Route 13).

Motion Adopted: 5 Yea.

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

M 286 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Council- give \$250.00, \$50.00 from each Councilmanic Account, to
manic the University of Delaware for Sussex County Safe Kids Day.
Grant

Motion Adopted: 5 Yea.

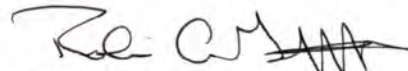
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

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Draft Mr. Cole requested that an Ordinance be drafted prohibiting
Ordinance the driving of piling for construction purposes for the period
May 15 through September 15.

M 287 97 A Motion was made by Mr. Rogers, seconded by Mr. Collins, to
Adjourn adjourn at 11:55 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council