

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 25, 2000

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 25, 2000, 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
Eugene Bayard	County Attorney

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

M 367 00 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, 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 368 00 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to approve the
Approve minutes of the July 18, 2000 meeting, 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. Bayard read the following correspondence:
spondence

AIR QUALITY MANAGEMENT, DELAWARE DIVISION OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DOVER, DELAWARE.
RE: Legal Notice of a Public Hearing to be held on a proposed amendment to Regulation No. 38 – Emission Standards for Hazardous Air Pollutants for Source Categories of the State of Delaware Regulation Governing the Control of Air Pollution.

Correspondence
(continued)

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Public Notice to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit.

NICK BERNSTEIN, SECTION DESIGN ENGINEER, E.I. DUPONT DE NEMOURS AND COMPANY, SEAFORD, DELAWARE.

RE: Letter commending County employees, Rose Hastings and Dot Smith.

M 369 00
Authorize
Executive
Session

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to authorize an Executive Session to be held in the Caucus Room of the Sussex County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, for the purpose of discussing personnel.

Motion Adopted: 5 Yea.

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

Ellendale
Sanitary
Sewer
District/
Loan
and Grant
Agreement

Mr. Stickels discussed the costs and funding associated with the planning, design and construction of wastewater collection and conveyance facilities for the Ellendale Sanitary Sewer District and to provide treatment and disposal at Georgetown's wastewater treatment and land application disposal facility. The project will include conventional gravity and grinder pumps with small diameter force mains to collect wastewater from within the boundaries of the Ellendale Sanitary Sewer District. The project will also include a pumping station and force main to convey the wastewater to Georgetown. The total cost of the project is \$7,790,000; this amount will be funded as follows:

Sussex County Council Grant	\$ 250,000
Delaware Water Pollution Control Revolving Fund	1,726,000
USDA/RUS Loan	1,250,000
USDA/RUS Grant	750,000
State 21st Century Fund Grant	<u>3,814,000</u>
Total Project Cost	\$ 7,790,000

Mr. Stickels explained that the \$1,726,000 loan portion of this funding will be for a term of twenty (20) years at an interest rate not to exceed three percent (3.0%). This interest rate will be negotiated; if necessary, the State has agreed to lower this interest rate. The goal of this project is to provide the average user with a \$399.00 annual cost. The General Obligation Pledge of the County will secure this loan. The County has pledged the revenue from the Ellendale Sewer District for this debt; the debt will not be subsidized with property taxes.

Ellendale
Sanitary
Sewer
District/
Loan
and
Grant
Agreement

Mr. Stickels reviewed the special conditions attached to the \$3,814,000 grant portion of the funding from the 21st Century Fund.

Mr. Stickels pointed out that \$4.8 million of the \$7.7 million project is grant funding. This project received a larger amount of grant funding than other sewer districts due to the concern over the high potential of ground water and well pollution in the area and the high concentration of low-income and minority residents. This has been one of the top funding priorities for EPA for the Philadelphia Region for several years.

M 370 00
Execute
Loan
and Grant
Agreements/
Ellendale
Sanitary
Sewer
District

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the County Administrator be authorized to execute necessary loan and grant agreements as presented for the Ellendale Sanitary Sewer District.

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 County Administrator's Report:

1. Sussex County Status Report – Delaware State Police – Second Quarter, 20000

The following hours of duty and enforcement were compiled by the Delaware State Police during the months of April, May, and June:

	<u>T-4</u>	<u>T-5</u>	<u>T-7</u>
Total Hours on Duty	13,660	14,623.5	16,647
Hours Assisted Other Agencies	134	71	95.50
Total Traffic Arrests	3,424	3,810	2,890
Total DUI's	81	119	151
Accident Reports:			
Property Damage	143	220	395
Personal Injury	<u>61</u>	<u>81</u>	<u>100</u>
Total Accidents Reports	204	301	495
Criminal Arrests: Felony	82	60	88
Misdemeanor	<u>244</u>	<u>278</u>	<u>555</u>
Total Criminal Arrests	326	338	643
Total 10-29 P's (wanted persons)	92	76	98
Total Number of Complaints	1,948	3,380	4,446

Adminis-
trator's
Report
(continued)

2. Sussex County Volunteer Firemen's Association

The monthly meeting of the Sussex County Volunteer Firemen's Association will be held on Tuesday, July 25, 2000, at the Roxana Fire Hall, Roxana, Delaware. During the meeting, the County Council will distribute checks totaling \$211,505.53. This funding was collected the fourth quarter of FY 2000 from the Building Permit Enhancement Fee. For Budget Year 2000, \$885,491.77 was collected for the fire service. This exceeds the budgeted amount by \$35,491.77.

Major
Joe
Forrester

Mr. Stickels recognized Major Joe Forrester who is retiring from the Delaware State Police. It was noted that Major Forrester was very instrumental in the reopening of Troop 4 in Georgetown.

Rehoboth
Shores

Mr. Green, Director of Utility Construction, discussed granting Beneficial Acceptance for the wastewater facilities constructed in Rehoboth Shores, Phase III.

M 371 00
Grant
Beneficial
Acceptance/
Rehoboth
Shores/
Phase
III

A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon 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 Rehoboth Shores, Phase III, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Economic
Development
Office

Mr. Phillips recognized the Economic Development Office for their prompt attention in putting together Sussex County memorabilia for participants in the Eastern Regional Little League Tournament being held in Laurel.

M 372 00
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00, \$100.00 from each Councilmanic Account, to the Mason Dixon Woodworkers for the purchase of supplies for making toys.

Motion Adopted: 5 Yea.

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

M 373 00
Youth
Activity
Grant

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$500.00 from Mr. Cole's Youth Activity Account to the River Soccer Club for administrative costs and scholarships.

M 373 00
(continued)

Motion Adopted: 5 Yea.

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

M 374 00
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$200.00 from Mr. Dukes' Councilmanic Account to the Seaford Middle School Marching Band for the purchase of a new banner.

Motion Adopted: 5 Yea.

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

Trap
Pond
State
Park

Mr. Dukes reported that he is still receiving a lot of correspondence from residents in the Trap Pond area regarding the water park that is being proposed. Mr. Dukes advised that the Parks and Recreation Department are proposing a spray playground. Area residents have expressed support of a pool/water park instead of a spray playground. Mr. Dukes asked that a meeting be scheduled with Senator Venables and Representative Lee and/or a letter be written to the Division of Parks and Recreation requesting that they do something more than a spray playground, possibly construct a pool and/or water park. Mr. Phillips expressed concern about over-commercialization of the area.

Road
Signs

Mr. Dukes expressed his dissatisfaction with DelDOT regarding road signs that have not been changed since road name change approvals in August, 1999. Mr. Dukes provided a list of the road names to Mr. Stickels and asked that Mr. Norwood contact DelDOT regarding these road name changes.

Litigation

Mr. Bayard briefed Council on a court decision that was rendered in the court case The Citizens Coalition, Inc. v. County Council of Sussex County. The Court of Chancery has dismissed the case filed by the Citizens Coalition challenging the Council's rezoning of the Lingo property. The Council had granted rezoning of the property just outside Rehoboth Beach for an RPC, which was subsequently challenged by the Coalition. A portion of the case was dismissed several months ago, and the most recent decision dismisses the remainder of the case. The Citizens Coalition's motion for summary judgement was denied and the Lingos' motion for summary judgement was granted.

M 374 00
Recess

At 11:05 a.m., a Motion was made by Mr. Jones, seconded by Mr. Dukes, to recess and to into Executive Session. Motion Adopted by Voice Vote.

Executive
Session

An Executive Session of the Sussex County Council was held Tuesday, July 25, 2000, at 11:15 a.m., in the Caucus Room of the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Executive
Session
(continued)

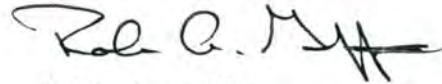
Lynn J. Rogers
Dale R. Dukes
George B. Cole
Finley B. Jones, Jr.
Vance Phillips
Robert L. Stickels
David Baker
Eugene Bayard
Dennis Cordrey
Robert Reed

President
Vice President
Member
Member
Member
County Administrator
Finance Director
County Attorney
Personnel Director
Sheriff

Meeting
Adjourned

The Executive Session was held for the purpose of discussing personnel. The Executive Session concluded at 11:30 p.m. and the meeting was adjourned.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council