

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 9, 2003

**Call to
Order**

The regular meeting of the Sussex County Council was held Tuesday, September 9, 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 489 03
Approve
Agenda**

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

Motion Adopted: 5 Yea.

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

**M 490 03
Approve
Minutes**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to approve the minutes of August 26, 2003, as distributed.

Motion Adopted: 5 Yea.

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

**Corre-
spondence**

Mr. Griffin read the following correspondence:

**SAM YODER & SON QUALITY MEATS, ELLENDALE, DELAWARE.
RE: Invitation to a dedication ceremony on Saturday, September 13th.**

**THELMA MONROE, MILLSBORO, DELAWARE.
RE: Letter in appreciation of plaque and recognition received in honor of
her association and work with SCAT.**

**KIM TEPHABOCK, DAGSBORO, DELAWARE.
RE: Letter thanking Council for their contribution to the *Celebration of
our Nation*, July 4th event.**

**Correspondence
(continued)**

GREGORY FERRESE, CITY OF REHOBOTH BEACH, REHOBOTH BEACH, DELAWARE

RE: Letter in appreciation of grant to help defray the expenses of the Delaware State University Marching Band's performance in Rehoboth.

JANE ROBINSON, SELBYVILLE, DELAWARE.

RE: Letter to Heather Sheridan commending the employees of SCRWF for resolving her septic system problem promptly and efficiently.

**Grant
Funding**

Mr. Dukes, Mr. Phillips, and Mr. Jones distributed checks to the Blades Economic Development Corporation (\$20,000), the Laurel Historical Society (\$5,000), and the Seaford Historical Society. The grant funding was allocated in the FY 2004 Budget.

**Local
Government
Revenue
Sharing**

Mr. Stickels noted that in FY '97 the County Council adopted an Ordinance to create Local Government Revenue Sharing which provides grant funding from the County in the amount of \$15,000 to any municipality that does not receive \$20,000 in Realty Transfer Tax revenues. Mr. Stickels asked Council to consider changing the Ordinance so that any municipality that does not collect \$35,000 in Realty Transfer Tax revenues would receive \$25,000 from the County. Based on a report of Realty Transfer Tax collected by municipalities during Fiscal 2003, the following municipalities would be eligible for funding: Bethel, Blades, Delmar, Ellendale, Frankford, Greenwood, and Slaughter Beach. Mr. Stickels advised that this proposal would require an Ordinance amendment.

Councilmembers expressed concern about the possibility that the County may not always be able to provide funding at the proposed level; that the approval of an Ordinance would "lock" the County into providing the funding unless another Ordinance amendment is adopted; and that the proposed funding scenario may not be equitable to all municipalities.

It was the consensus of Council that any increases in Local Government Revenue Sharing be incorporated into the annual budget process.

**Administrator's
Report**

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

1. **Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities**

The Sussex County Advisory Committee for the Aging and Adults with Physical Disabilities will be meeting on Monday, September 15, 2003, at 10:00 a.m. This month's meeting will be held at the Laurel Senior Center, 113 North Central Avenue, Laurel, Delaware. Theresa Perry will be speaking to the Committee on the topic of prepaid legal services. The general public as well as the media is welcome to attend these meetings.

Administrator's
Report
(continued)

2. Property Taxes

A reminder that Sussex County government and school property taxes are due Tuesday, September 30, 2003. The Tax Office will stay open on that date until 7:30 p.m. Any property taxes paid after September 30, 2003, will be subject to a delinquency penalty.

3. Engineering – Beneficial Acceptance

The Sussex County Engineering Department has granted Beneficial Acceptance to the following projects:

- Long Neck Sanitary Sewer District, Bayshore Subdivision, 2-34-23-Parcel 269, Agreement No. 272
- West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Henlopen Landing Associates, Inc., 3-34-5-Parcel 222, Agreement No. 273
- West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Henlopen Landing-Phase 2, Pumping Station and Force Main, 3-34-5- Parcel 222, Agreement No. 285
- Ocean View Sanitary Sewer District, Wedgefield-Phase III, 1-34-16- Parcel 27, Agreement No. 309
- West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Edgewater Park, 3-34-13.20-Parcel 113, Agreement No. 254

Included with this report are fact sheets on these approvals.

4. Nature Conservancy

On Page 61 of the Nature Conservancy Fall 2003 publication, notice was given regarding the County Council's participation and protection of the Great Marsh. The publication states:

"In one of the fastest-growing counties in the nation, innovative collaborations are key to effective conservation. The Great Marsh, near the mouth of the Delaware Bay and resort towns in Sussex County, encompasses 17,000 acres. This area is internationally recognized as one of the most important wetland systems remaining on the Atlantic coast. As part of an effort to preserve 600 acres of vital habitat in the Great Marsh, the Conservancy forged a partnership with a new land trust and local government. The Sussex County Land Trust (SCLT) and Sussex County Council have joined together to protect open space in the county. A 43-acre parcel recently purchased by the Conservancy will have a conservation

Adminis-
trator's
Report
(continued)

ease ment placed on it and then be transferred to SCLT. Funding for the project came from the county council."

5. Council Meeting

A reminder that the County Council meeting will begin at 6:30 p.m. on Tuesday, September 16, 2003. Public hearings will begin at 7:30 p.m.

6. 9/11 Ceremony

The County Council will be hosting a 9/11 Memorial and Troop Support Ceremony on September 11, 2003, at 10:00 a.m. on The Circle. Federal, state, and local officials have been invited.

Lease
Agreement/
Mid
Sussex
Rescue
Squad

Mr. Luedtke, Director of EMS, presented a Lease Agreement between Mid Sussex Rescue Squad, Incorporated and Sussex County for the lease of a portion of the building located on Indian Mission Road in Long Neck for a Paramedic Station, including garage space sufficient to house one paramedic vehicle. The lease would commence on November 1, 2003 and would continue for a period of one year. The monthly rental amount would be \$900.00, which would include the cost of electricity, heating, air conditioning, and water and sewer services.

M 491 03
Approve
Lease
Agreement/
Mid
Sussex
Rescue
Squad

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council approves the Lease Agreement between Mid Sussex Rescue Squad, Incorporated and the Sussex County Council for a period of one year, commencing on November 1, 2003.

Motion Adopted: 5 Yea.

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

Shafer
Consulting
Contract
Amend-
ment

Mr. Baker discussed an Amendment to the Contract with Shafer Consulting for the Update of the Sussex County Comprehensive Plan. The Amendment is to provide consultant services for the purpose of preparing development regulations and a final report for the Environmentally Sensitive Developing Area. The work will be done under a matching grant program in the amount of \$25,000 from the Division of Soil and Water Conservation, Delaware Department of Natural Resources and Environmental Control (DNREC). The total funding for this Amendment will be \$50,000 with Sussex County providing \$25,000 in matching funds or in-kind services.

M 492 03
Approve
Contract
Amend-
ment

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the Sussex County Council approves Amendment No. 1 to the Shafer Consulting Contract for the Update of the Sussex County Comprehensive Land Use Plan; this Amendment for \$25,000 covers the study of the Environmentally Sensitive Developing Area as described in the grant

M 492 03
Approve
Contract
Amend-
ment/
Shafer
Consulting

approved by DNREC and is subject to approval by DNREC.

Motion Adopted: 5 Yea.

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

Pension
Committee
Report

Mr. Baker summarized the meeting of the Sussex County Pension Committee held on Tuesday, August 26th. A copy of the minutes of the August 26th meeting are attached to and made a part of these minutes.

Mr. Baker discussed the recommended Additional Fiscal 2003 Pension Benefit Fund Contribution. He noted that according to figures in the 2002 Actuarial Valuation, if the Government Accounting Standard was in effect now, the County would be required to expense approximately \$2 million in costs for employee group hospital versus the roughly \$350,000 that is expended currently. The Pension Committee is recommending that \$500,000 be contributed to the Post-Employment Retirement Fund from Fiscal 2003 and be invested in the State of Delaware Fund.

M 493 03
Authorize
Contri-
bution to
Post
Employ-
ment
Benefit
Fund

A Motion was made by Mr. Jones, seconded by Mr. Dukes, that the Sussex County Council authorizes a \$500,000 contribution to the Post Employment Benefit Fund from Fiscal 2003 and that this amount be invested with the State of Delaware Local Government Investment Pool, as recommended by the Sussex County Pension Committee.

Motion Adopted: 4 Yea, 1 Absent.

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

(Mr. Phillips was out of the room during the vote.)

Old
Business/
C/U
No. 1512

The County Council discussed the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6,000 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1512) filed on behalf of Randall J. Pentoney and Diane M. Pentoney.

The Planning and Zoning Commission held a Public Hearing on this application on July 24, 2003 at which time action was deferred. On August 14, 2003 the Commission recommended approval of the application with five conditions. The Commission's recommendation and findings were admitted as part of the record. The County Council considered the Commission's findings and recommendations.

**M 494 03
Adopt
Ordinance
No. 1631
(C/U
No. 1512)**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1631 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6,000 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1512) filed on behalf of Randall J. Pentoney and Diane M. Pentoney, with the following conditions:

- 1. A variance will be required from the Sussex County Board of Adjustment for the lot size and setbacks.**
- 2. Only 2 units shall be constructed on the property.**
- 3. The project shall be served as part of a Sussex County Sanitary Sewer District.**
- 4. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off, or to the property shall only occur between the hours of 8:00 a.m. and 6:00 p.m.**
- 5. The site plan shall be subject to review and approval by the Planning and Zoning Commission.**

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/
Issuance
of General
Obligation
Bonds/
Ellendale
SSD**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO AN ADDITIONAL \$815,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE ELLENDALE SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

This Ordinance authorizes a loan in the amount of \$815,000 from the Department of Agriculture, Rural Development, Rural Utilities Service (RUS) for the Ellendale Sanitary Sewer District.

This Ordinance provides for the issuance of up to an additional \$815,000 of Sussex County General Obligation Bonds in order to finance or refinance a portion of the costs for the design, construction, and equipping of the wastewater collection and transmission facilities for the Ellendale Sanitary Sewer District.

Mr. Baker reported that the RUS also approved, as part of the financing package, an additional \$570,000 in grant money. The County Council previously authorized \$1,250,000 in loans from the RUS for this project, as well as State SRF loan funding for \$2,726,000.

**Public
Hearing
(continued)**

Mr. Baker noted that the Bonds would mature in a term not exceeding 40 years from the date of issuance.

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

**M 495 03
Adopt
Ordinance
No. 1630**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Ordinance No. 1630 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO AN ADDITIONAL \$815,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE ELLENDALE SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 5 Yea.

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

**Heritage
Village/
Street-
lighting
District**

Mr. McCabe, Director of Public Works, reported that the subdivision known as Heritage Village has petitioned the County to obtain estimates of costs and charges for streetlighting and to submit the question of organizing a Streetlighting District to an election. Mr. McCabe requested Council's permission to circulate petitions for the proposed Streetlighting District.

**M 496 03
Authorize
Petition/
Heritage
Village
Proposed
Street-
lighting
District**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council has determined that the subdivision known as Heritage Village satisfies the criteria of a Suburban Community, as defined in Paragraph 95-1 of the Sussex County Streetlighting Code, and authorizes the Sussex County Engineering Department to circulate a petition form for the purpose of establishing a Streetlighting District, as required by the Code.

Motion Adopted: 5 Yea.

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

**Fox
Hollow/
Street-
lighting
District**

Mr. McCabe, Director of Public Works, reported that the Fox Hollow Proposed Streetlighting District election was held on Thursday, August 21, 2003. The election results were as follows: 26 voting "Yes" in support of the Streetlighting District and 6 voting "No" in opposition to the Streetlighting District.

**M 497 03
Adopt
Resolution
No. R 025 03**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Resolution No. R 025 03 entitled "A RESOLUTION ESTABLISHING THE FOX HOLLOW STREETLIGHTING DISTRICT".

M 497 03
(continued)

Motion Adopted: 5 Yea.

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

**Wastewater
Facilities**

Mr. Green discussed wastewater facilities to be constructed in the South Bethany Sanitary Sewer District.

M 498 03
Authorize
Execution
of Agree-
ments/
Ocean
Farm

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 297, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Country Life Homes for wastewater facilities to be constructed in Ocean Farm – Phase IV, located in the South Bethany 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**

M 499 03
Authorize
Execution
of Agree-
ments/
The
Village
at Bear
Trap
Dunes

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 315, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Carl M. Freeman Associates, Inc. for wastewater facilities to be constructed in The Village at Bear Trap Dunes – Phase 5, located in the South Bethany 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**

Requests

Mr. Stickels submitted grant requests for Council's consideration.

M 500 03
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$400.00 from Mr. Rogers' Councilmanic Account to Casa San Francisco for the After School Program.

Motion Adopted: 5 Yea.

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

Request Tabled **No action was taken on the funding request from J. Culver Construction Men's Softball Team.**

M 501 03 Youth Activity Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$100.00 from Mr. Jones' Youth Activity Grant Account to the Sussex County Pageant to sponsor Tiarra Baker, a contestant. (All proceeds from this event will benefit The Make-A-Wish Foundation.)**

Motion Adopted: 5 Yea.

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

M 502 03 Youth Activity Grant **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$100.00 from Mr. Rogers' Youth Activity Grant Account to the Sussex County Pageant to sponsor Courtney Russum, a contestant. (All proceeds from this event will benefit The Make-A-Wish Foundation.)**

Motion Adopted: 5 Yea.

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

M 503 03 Youth Activity Grant **A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$500.00 from Mr. Dukes' Youth Activity Grant Account to the City of Seaford Department of Parks and Recreation for the football program.**

Motion Adopted: 5 Yea.

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

M 504 03 Youth Activity Grant **A Motion was made by Mr. Dukes, seconded by Mr. Jones, to give \$100.00, \$50.00 each from Mr. Dukes' and Mr. Phillips' Youth Activity Grant Accounts, to the University of Delaware for the 4-H Achievement Banquet.**

Motion Adopted: 5 Yea.

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

M 505 03 Youth Activity Grant **A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$600.00, \$120.00 from each Councilmanic Account, to the Delaware Police Chiefs' Council, Inc. for conference travel expenses.**

Motion Adopted: 5 Yea.

**M 505 03
(continued)**

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

**M 506 03
Youth
Activity
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$400.00 (\$100.00 each from Mr. Rogers', Mr. Jones', Mr. Cole's, and Mr. Phillips' Youth Activity Grant Accounts) to Sussex Central Pop Warner Football for operating expenses.

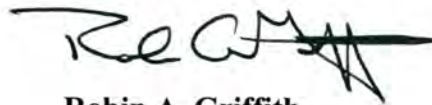
Motion Adopted: 5 Yea.

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

**M 507 03
Adjourn**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 11:30 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Re Griffith', with a long horizontal stroke extending to the right.

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