SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 9, 1999

Call to Order

The regular meeting of the Sussex County Council was held Tuesday, November 9, 1999, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

M 621 99
Approve Agenda

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 622 99
Approve Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the minutes of the previous meeting, dated November 2, 1999.

Motion Adopted: 5 Yea.

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

Corre-spondence

Mr. Berl, Assistant County Attorney, read the following correspondence:

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Public Notice/Project Review Applications Received.

WOLFGANG VON BAUMGART, MILLSBORO, DELAWARE.
RE: Resolution in Preservation of the historic landmark known as The Brick Hotel.

Corre-spondence (continued)

ABBY CORDREY, TEAM CAPTAIN (RELAY FOR LIFE), PRESIDENT, GOD'S PROPERTY METHODIST YOUTH GROUP, LAUREL, DELAWARE.
RE: Letter in appreciation of donation to the American Cancer Society.

EASTERN SHORE LADY CATS SOFTBALL, FAST PITCH GIRLS SOFTBALL TEAM, PITTSVILLE, MARYLAND.
RE: Letter in appreciation of grant.

GEORGE H. BUNTING, JR., STATE SENATOR, DOVER, DELAWARE.
RE: Copy of Senator Bunting's letter to Anne P. Canby, Secretary, Delaware Department of Transportation, Dover, Delaware.

T-Hangar Expansion

Mr. Stickels requested Council's permission to build four more T-Hangars at the Sussex County Industrial Airpark at a total project cost of $132,000. The funding for the construction of the T-Hangars will come from the County's Economic Development Account; income generated from the lease of the T-Hangars will result in a payback to the Economic Development Account in a maximum of 20 years. The rent for each T-Hangar will be $250 per month resulting in rental income totaling $12,000 annually. Mr. Stickels advised that the County has obtained pre-signed leases and deposits for three of the T-Hangars.

Mr. Cole questioned whether funding for this project should come from the County's Economic Development Account. Mr. Cole expressed his belief that the T-Hangars would provide no economic benefit to the County.

M 623 99 Authorize T-Hangar Expansion

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to authorize the Economic Development Office to construct four additional T-Hangars at the Sussex County Industrial Airpark.

Motion Adopted: 4 Yea, 1 Nay.

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

Human Service Grants

Mr. Stickels discussed the listing of recommendations for the Fiscal 2000 Human Service Grants, as follows:

American Heart Association	$1,000.00
American Red Cross	$2,500.00
ANKH, Inc.	$ 500.00

Human Service Grants (continued)	Arthritis Foundation	$1,000.00
	The Beacon Mission	$ 500.00
	Big Brothers/Big Sisters of DE, Inc.	$1,000.00
	Boy Scouts of America DEL-MAR-VA Council – No.81	$1,500.00
	Boy Scouts of America Troop # 584	$1,000.00
	Boys & Girls Club of Delaware - Oak Orchard/Riverdale	$2,500.00
	Boys & Girls Club of Delaware -Western Sussex at Hollis Park	$2,500.00
	Bridgeville Community Action Agency	$1,500.00
	Casa San Francisco	$2,000.00
	CHEER Centers	
	A. Georgetown	$1,000.00
	B. Greenwood	$1,000.00
	C. Huling Cove (Lewes)	$1,000.00
	D. Nanticoke Indian Elder	$1,000.00
	E. Oak Orchard	$1,000.00
	F. Roxana	$1,000.00
	G. Slaughter Neck	$1,000.00
	Center for the Inland Bays	$2,000.00
	Children & Families First	$1,000.00
	Community Legal Aid Society, Inc.	$1,000.00
	Contact Delaware	$1,000.00
	Creative Connections, Inc.	$1,000.00
	Dagsboro Church of God (Joseph's Storehouse Subsistence Ministry)	$ 500.00
	Dagsboro Church of God (July 4th Family Day Celebration)	$ 600.00
	Delaware Agricultural Museum and Village	$1,150.00

Human Service Grants (continued)	Delaware Association for Children of Alcoholics	$ 500.00
	Delaware Crime Stoppers	$ 500.00
	Delaware Hospice	$2,000.00
	Delaware Music School	$ 500.00
	Delaware Nature Society	$1,000.00
	Delaware Police Chiefs' Council	$3,000.00
	Delaware Senior Olympics	$ 500.00
	Delaware Society for the Prevention of Cruelty to Animals	$1,000.00
	Delaware Soybean Board	$1,000.00
	Delaware State Police Museum	$1,000.00
	Delmarva Clergy United in Social Action, Inc.	$1,000.00
	Easter Seal Rehabilitation Center	$1,000.00
	Families in Crisis	$1,000.00
	The Family Recreation Park	$1,500.00
	Georgetown Day Care Center, Inc.	$1,000.00
	Girl Scouts of Area 30	$ 500.00
	Good Samaritan Aid Organization	$1,000.00
	Harbor Healthcare & Rehabilitation Center	$ 600.00
	Hickory Tree Children's Center	$ 500.00
	Historic Georgetown Association	$1,000.00
	Home of the Brave	$1,000.00
	Interfaith Mission of Sussex County	$ 500.00

Human Service Grants (continued)	Junior Achievement of Delaware	$1,000.00
	Kent-Sussex Industries, Inc.	$1,000.00
	Kiwanis Foundation of Rehoboth Beach, DE, Inc.	$1,000.00
	Laurel Lions Club	$1,000.00
	Laurel Youth Sports	$ 750.00
	Mammography of Delaware	$1,200.00
	Martin Luther King, Jr. Celebration Committee	$1,500.00
	Meals on Wheels of Lewes & Rehoboth, Inc.	$6,000.00
	Milford Second Street Players	$ 850.00
	National Multiple Sclerosis Society	$1,000.00
	Ocean View Leisure & Resource Center	$ 500.00
	People's Place II, Inc.	$2,500.00
	Pioneer Club of Sussex County/Visually Impaired	$ 250.00
	Possum Point Players	$ 500.00
	Primeros Pasos/Telamon Early Childhood Education Center	$ 500.00
	Prison Arts Program	$1,000.00
	Pyle Child Development Center	$ 750.00
	Read-Aloud Delaware	$1,000.00
	Rehoboth Art League, Inc.	$ 500.00
	Seaford Historical Society, Inc.	$1,000.00
	Slaughter Neck Community Action Organization	$1,000.00
	Sussex County Senior Centers	
	A. Bridgeville	$3,000.00
	B. Cape Henlopen	$3,000.00

Human Service Grants (continued)	C. Indian River	$3,000.00
	D. Laurel	$3,000.00
	E. Lewes	$3,000.00
	F. Milford	$3,000.00
	G. Nanticoke	$3,000.00
	Sussex Community Crisis Housing Services, Inc.	$2,000.00
	Sussex Community Swim Team AKA: Sussex County Swim Team	$ 500.00
	Sussex County AIDS Committee, Inc.	$1,500.00
	Sussex County S.A.L.T. Council	$1,000.00
	Sussex County Arts Council	$1,000.00
	Sussex Pregnancy Care Center	$1,000.00
	The Town of Selbyville	$1,000.00
	The Way Home Program	$ 500.00
	United Cerebral Palsy	$1,000.00
	West Side Beginnings, Inc.	$1,000.00
	Wildlife Habitat, Inc.	$ 500.00
	Women in Transition Program	$ 500.00
	Sussex Family YMCA – Campaign for Kids	$1,000.00

Mr. Stickels advised that the recommended distribution totals $112,650 with $12,350 remaining in grant funding that can be awarded during Fiscal Year 2000.

Mr. Cole questioned the recommended funding for the Delaware Soybean Board. Mr. Cole stated that the amount was excessive. In addition, Mr. Cole noted that the Delaware Soybean Board is not a "social" organization and therefore, does not meet the criteria to receive funding under the Human Service Grant Program. Mr. Cole suggested the funding be reduced to $500.

A discussion ensued regarding establishing a cap on the amount of funding made available through this Program and establishing criteria to define what is required to qualify for the funding.

M 624 99
Authorize Distribution of Human Service Grants

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, that the Sussex County Council authorizes the distribution of $112,650 in Fiscal 20000 Human Service Grants, as recommended by the County Administrator; to direct the County Administrator to develop criteria for awarding future funding requests; to set the amount of funding for the Human Service Grant Fund at $112,650 with the amount to increase annually at a rate of no more that the rate of the assessment base; and to incorporate in this year's correspondence to the recipients of the funding that they should not become dependent on these funds as part of their budget process.

Motion Adopted: 4 Yea, 1 Nay.

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

Draft Ordinance/ 3 Percent Bid Fee Charged by Sheriff

Mr. Stickels distributed a Draft Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY TO EXEMPT INCORPORATED MUNICIPALITIES FROM THE 3% BID FEE CHARGED BY THE SHERIFF OF SUSSEX COUNTY". At the November 2, 1999, meeting, Mr. Stickels reported that a letter was received from the City of Seaford requesting relief from the three percent fee that is charged by the County on the total selling price of a property that is bought at Sheriff's Sale. It was also reported at that meeting that County Ordinance requires the County to levy this fee and it would take a motion to accommodate the City of Seaford's request. It was the consensus of Council to waive the three percent fee charged to the City of Seaford and to authorize the drafting of an Ordinance to exempt all municipalities Countywide, if the municipality is both the selling and buying party.

Sheriff Reed addressed Council and advised them that he had not been consulted regarding the drafting of the Ordinance; that waiving these fees for municipalities would impact his budget; and that he requests sufficient time prior to the Public Hearing to research the impact the draft ordinance will have on his budget.

It was noted that the Town of Selbyville paid the three percent fee to the County in a recent Sheriff's Sale. Mr. Cole stated that if the County reimburses the City of Seaford's fees, it should also reimburse the Town of Selbyville's fees. It was the consensus of Council to reimburse fees to the Town of Selbyville if a request for reimbursement is received.

Proposed Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY TO EXEMPT INCORPORATED MUNICIPALITIES FROM THE 3% BID FEE CHARGED BY THE SHERIFF

Ordinance (continued)

OF SUSSEX COUNTY". The Proposed Ordinance will be advertised for Public Hearing in January, 2000.

M 625 99 Waive Fee (Withdrawn)

A Motion was made by Mr. Dukes to waive the three percent fee for all municipalities until such time as the Public Hearing has been held and action taken.

Mr. Dukes withdrew his Motion based on the consensus of Council that the fee will be waived if requested by the municipality.

Administrator's Report

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

1. House Resolution 32 Working Committee

   The Working Committee established under House Resolution 32 will meet Friday, November 12, 1999, beginning at 9:00 a.m. at the Sussex Conservation Center, Cashar Evans Building, Georgetown. The Committee was established under House Resolution 32 to look at developing regulations regarding the Inland Bays watershed.

   The Sussex Conservation District, Cashar Evans Building, is located on Shortly Road, off of Route 113, Georgetown, just west of the State Police building and Magistrate Court. Agenda items that will be discussed on Friday include open space requirements, buffer subcommittee update, and septic system requirements.

   All Working Committee meetings are open to the general public.

2. Public Hearing Dates 2000

   Included with this report are the hearing dates scheduled for the Board of Adjustment and the Planning and Zoning Commission, and County Council dates that public hearings will be held. It should be noted that these dates are subject to change. However, for planning purposes, I thought it would be useful if everyone obtained a copy of the scheduled dates.

State Property Tax Assistance Programs

Mr. Baker discussed two Property Tax Assistance Programs that were approved by the State of Delaware:

State Education Expense and Property Tax Relief Program

This Program is an across-the-board property tax rebate program for owners of residential properties. Only residents of the Indian River School District are eligible for this program this year in Sussex County.

State Property Tax Assistance Programs (continued)

The Indian River School District approved a 10.37% decrease in school taxes. A typical single family home will receive a rebate check in the amount of $20.42; a typical manufactured home will receive a check in the amount of $6.69. In order to be eligible for this rebate, a property owner must have their taxes paid in full. The State of Delaware has already mailed out letters to the residents of the District explaining the Program; an application to receive the rebate is not necessary. The State of Delaware will mail out the rebate checks.

State of Delaware Senior School Property Tax Credit

This Program is a rebate program for school property taxes. All Sussex County school districts have approved the program at the maximum level. To qualify for this program, the following is required: (1) the applicant must be a full-time resident of the County, (2) the applicant must be the owner of the dwelling, and (3) the applicant must be 65 years of age or more by May 1, 1999. Residents who have previously been approved for the existing Over 65 Property Tax Program will automatically be accepted for this program and need not apply. The State will be mailing application forms to all Sussex County residents the week of November 8, 1999. Residents who have already completed an application and submitted it to the County do not have to reapply. The deadline for submitting an application for this tax credit is April 15, 1999.

Paging Equipment/ Bid Results

Mr. Thomas, Director of Emergency Operations, reported on bid results for Sussex County Project EOC – 05, Paging Equipment (UHF), as follows:

Delmarva Communications, Inc. New Castle, Delaware	$75,062.34
Comm-tronics, Inc. Glen Burnie, Maryland	$74,360.00
Caldabaugh Communications, Inc. Salisbury, Maryland	$61,850.00

The bids will be reviewed for a recommendation within 30 days.

Airport Sewer and Water Project

Mr. Sapp, Project Engineer, discussed Change Order No. 2 to the Sussex County Airport Sewer and Water Installation Project. Mr. Sapp explained that Change Order No. 2, in the amount of $1,385.00, is for extra work consisting of applying paint striping to all additional paving work done in the previous change order.

M 626 99
Approve Change Order/ Airport Sewer and Water Project

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department that Sussex County Council approves Change Order No. 2 for Sussex County Project No. 98-07 entitled "Sussex County Airport Sewer and Water Installation", in the amount of $1,385.00, increasing the contract amount from $435,809.90 to $437,194.90.

Motion Adopted: 5 Yea.

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

Road Naming Project

At the request of Mr. Dukes, Mr. Norwood, Supervisor of Mapping and Addressing, updated the Council on the Road Naming/Addressing schedule.

M 627 99
Grant Conditional Acceptance/ Clearwater Development

A Motion was made by Mr. Rogers, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Clearwater Development, Phases B, C, D, and E, 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. Rogers, Yea; Mr. Jones, Yea

M 628 99
Authorize Agreements/ 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, 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 to serve Ocean Farm III – A, 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. Rogers, Yea; Mr. Jones, Yea

M 629 99
Authorize Agreements/

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, that the Sussex County Council execute a Construction Administration and Construction Inspection

M 629 99
Authorize Agreements/ Land of Beneficial National Bank (continued)

Agreement between Sussex County Council and Fenwick Island Properties, L.L.C., for wastewater facilities to be constructed to serve Land of Beneficial National Bank – Phase II, located in the Fenwick Island Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 630 99
Grant Conditional Acceptance/ Bethany Meadows

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for the wastewater facilities constructed in Bethany Meadows – Phase II, 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. Rogers, Yea;
Mr. Jones, Yea

DelDOT Entrance Permit Fee

Mr. Sam Wilson addressed Council regarding a fee he was recently required to pay to DelDOT when he was in the process of having a parcel of property recorded. Mr. Wilson expressed his belief that the $100.00 fee charged by DelDOT is an unfair cost; that when DelDOT does not have to provide any services, no fee should be charged. It was explained to Mr. Wilson that this fee is charged only if a parcel is subdivided or a new parcel is created and that State law requires that DelDOT issue an entrance permit before a property can be recorded. Mr. Wilson was urged by Council members to contact his State representatives regarding his opposition to this fee.

M 631 99
Adjourn

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to adjourn at 12:02 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council