

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 11, 2001

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, December 11, 2001, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

M 714 01
Approve
Agenda

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

Motion Adopted: 5 Yea.

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

M 715 01
Approve
Minutes

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to approve the minutes of December 4, 2001, as distributed.

Motion Adopted: 5 Yea.

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

Corre-
spondence

Mr. Bayard read the following correspondence:

ROCIO FLORES, EL CENTRO CULTURAL, GEORGETOWN, DELAWARE.
RE: Letter to Mr. Stickels thanking him for the opportunity to join the 19th Annual Caroling on The Circle.

TERRY L. PEPPER, COUNTY AND LOCAL GOVERNMENT LIAISON, OFFICE
OF THE GOVERNOR, DOVER, DELAWARE.
RE: Letter soliciting help on the Young American Medals Program.

2001
Bond
Volume
Cap

Mr. Stickels reported that a letter has been received from David W. Singleton, Secretary of Finance, State of Delaware, requesting that any portion of the 2001 Bond Volume Cap assigned to Sussex County (\$15,000,000) which will not be allocated either to a qualified project prior to year-end or identified as eligible for carry-forward

2001
Bond
Volume
Cap
(continued)

be reassigned to the State for reallocation between the Delaware State Housing Authority and/or the Delaware Economic Authority. This request is made annually to allow the State to maximize its usage of its Private Activity Bond Volume Cap. Mr. Stickels advised that, during calendar year 2001, the County did one Industrial Revenue Bond in the amount of \$4,500,000 for Decrane at the Industrial Airpark.

M 716 01
Reassign
2001
Bond
Volume
Cap

A Motion was made by Mr. Jones, seconded by Mr. Cole, that the Sussex County Council hereby reassigns to the State of Delaware its unallocated Private Activity Bond Volume Cap for 2001 in the amount of \$10,500,000 for reallocation to the Delaware State Housing Authority and/or the Delaware Economic Authority.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Miller Creek Sanitary Sewer District

On Saturday, December 8, 2001, the Engineering Department held a referendum for the proposed Miller Creek Sanitary Sewer District. This proposed district will serve an area along Miller Creek, north of Little Assawoman Bay. It will serve the various Plantation Park subdivisions and the George C. Moore, Malcolm's Manor, Chevy Chase, Ocean Air, and lands of Raymond Banks subdivisions. Homes in these subdivisions currently use on-site wastewater systems, such as septic tanks or holding tanks, to dispose of their wastewater. Construction of central sewer for this area will eliminate 483 on-site systems. It is believed that many of these systems are contributing nitrates to the groundwater and inland bays.

The project is projected at \$9.7 million. The assessment charge will be \$7.94 per front foot, service charge of \$225.00 annually, and a one-time system connection charge of \$1,650.00 per home. The total annual bill for a home with a 75-foot lot will be \$820.50.

On Saturday, 307 property owners and residents voted—196 for the sanitary sewer district and 111 against the sanitary sewer district. Of the 307 votes counted, 202 voted in person and 105 by absentee ballot.

A resolution establishing the sewer district will be submitted to the County Council for their approval within 30 days of the referendum.

2. Economic Development Slogan

A reminder that the County Council will be taking suggestions for a new Economic Development slogan until 7:00 a.m. on December 16, 2001.

Adminis-
trator's
Report

Entries can be submitted by contacting the County's homepage at www.sussexcounty.net or in paper form by mailing them to Robert L. Stickels, Sussex County Administrator, P. O. Box 589, Georgetown, Delaware 19947. Any school age student in Sussex County between kindergarten and twelfth grade is eligible for this contest.

3. Sussex County Land Use Plan Update

Please be advised that the location for the Councilmanic District No. 4 Land Use Update meeting has been moved from the South Coastal Library to the Bethany Beach Fire Hall. We have had a request stating that they did not think that the library would be large enough. Staff members will be meeting with representatives from Henlopen Acres, Rehoboth Beach, Dewey Beach, Bethany Beach, Ocean View, and Millville at 3:30 p.m. on Wednesday, December 12, 2001. The general public is invited to attend at 5:00 p.m. There will be a formal presentation at 5:30 p.m., and we anticipate taking comments until approximately 7:00 p.m.

The purpose of the public meeting will be to review the County's existing Land Use Plan and discuss proposed changes to comply with the State of Delaware *Livable Delaware* legislation.

The fifth Land Use Plan meeting will be held on Thursday, December 20, 2001, at the Millsboro Civic Center.

Bond
Issue
Refunding
Report/
Moody's
Investors
Service
Rating

Mr. Baker reported on the results of the competitive bids that were received as a result of bond refinancing. The 2001 Bonds are being issued in the principal amount of \$10,025,000. The low bidder (out of six bidders) was Ferris Baker & Watts with a true interest cost of 2.9648 percent. As a result of the refunding of the 1993 Bonds, the County stands to realize a present value savings in the amount of \$349,632. The low bid was accepted on December 5, 2001 by Mr. Stickels and Mr. Baker, as allowed by the Ordinance. It is the opinion of Fairmont Capital Advisors, Inc. that the County received fair pricing for the Bonds consistent with current market conditions.

Mr. Baker reported that Moody's Investors Service assigned a Aa3 rating with a stable outlook to the Sussex County \$10.35 million 2001 General Obligation Bonds. In addition, Moody's affirms the Aa3 rating/stable outlook on the County's outstanding parity debt. The rating reflects the County's well-maintained financial operations reflected in a substantial General Fund balance driven by five consecutive operating surpluses, entirely self-supported outstanding debt levels with no additional borrowing planned, and a historically stable agricultural and tourism-based economy that has begun to diversify, with the addition of new commercial/industrial entities. Mr. Baker reported that Moody's reviewed four major factors: the economy in the County, the administration of the County, outstanding debt, and finances. Moody's felt that three of the four factors were at a Aa2 rating, the next higher rating level; however, they felt the economy was not quite diversified enough at this time to allow them to grant the County an upgrade to the Aa2 rating.

Ellendale
Sanitary
Sewer
District
Con-
struction
Contract
Bid
Award

Mr. Izzo, County Engineer, and Mr. Hasson of Whitman, Requardt and Associates, LLP, were present to discuss the Ellendale Sanitary Sewer District construction bid award. Mr. Izzo noted that this project has been broken into four separate contracts and if Council decides to award this contract, then they are making a decision to go ahead with the construction of the other three contracts.

Mr. Izzo distributed the bid results which were received on November 15, 2001. Two bids were received; the lowest responsive bidder was George and Lynch, Inc. at the bid amount of \$4,469,787.89. It was noted that the bid is still too high when compared to the estimated annual user cost (\$399.00) and the estimated total project cost (\$7,716,000). The November 2001 bid prices would result in an estimated annual user cost of \$637.00 and an estimated total project cost of \$11,407,000. Based on this information, the County Engineering Department is looking at other alternatives to make the project affordable: to change the State SRF loan agreement to 30 years instead of 20 years; to solicit an additional HUD grant in the amount of \$125,000; and to solicit an additional \$500,000 County grant. This would result in lowering the annual user cost to an estimated \$435.00 and total project costs to an estimated \$11,407,000.

Mr. Harold Truxon, President of the Ellendale Civic Association, and Mr. Joe Conaway, representing New Market Village, spoke in favor of the County Engineering Department's proposal of an estimated annual user cost of \$435.00. Mr. Stickels noted that he has also received favorable comments from the Town of Ellendale.

M 717 01
Allocate
Grant
Funding/
Ellendale
Sanitary
Sewer
District

A Motion was made by Mr. Jones, seconded by Mr. Phillips, that the Sussex County Council authorizes the County Administrator to allocate an additional \$500,000 grant from the retained earnings of the realty transfer tax for the construction of the Ellendale Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

M 718 01
Award
Bid/
Ellendale
Sanitary
Sewer
District
Con-
struction
Contract

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based on the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP and the County Engineering Department, that Sussex County Project No. 89-16A, Ellendale Sanitary Sewer Collection and Conveyance be awarded to George & Lynch, Inc. of New Castle, Delaware at the bid amount of \$4,469,787.89, contingent upon the receipt of approval from the Department of Natural Resources and Environmental Control and the Rural Utility Service.

Motion Adopted: 5 Yea.

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

Ocean
View
SSD/
Final
Change
Orders

Mr. Izzo, County Engineer, discussed final change orders for the Ocean View Expansion of the Bethany Beach Sanitary Sewer District Contract. Change Order No. 5, in the amount of \$47,768.00, is for additional paving requested by the Town of Ocean View. The Town of Ocean View will refund this money to the County. Change Order No. 6, in the amount of \$6,458.00, is for paving that was put in to accommodate roads outside of the Town of Ocean View. Change Order No. 7, in the credit amount of \$58,087.93, balances the base contract and the contingent items.

M 719 01
Approve
Final
Change
Orders/
Ocean
View
SSD

A Motion was made by Mr. Rogers, seconded by Mr. Jones, based on the recommendation of the Consulting Engineers, Whitman, Requardt and Associates, LLP and the County Engineering Department, that the Sussex County Council approves Change Order Nos. 5, 6, and 7 for Contract 99-09, Ocean View Expansion of the Bethany Beach Sanitary Sewer District, which decreases the contract amount by \$3,860.14, and provides a final contract total of \$7,901,444.26.

Motion Adopted: 5 Yea.

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

M 720 01
Youth
Activity
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$300.00 (\$100.00 each from Mr. Jones', Mr. Phillips', and Mr. Dukes' Youth Activity Grant Accounts) to Delmarva Heat (NSA Girls Softball Teams) for operating expenses.

Motion Adopted: 5 Yea.

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

M 721 01
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$500.00 (\$250.00 each from Mr. Jones' and Mr. Rogers' Councilmanic Accounts) to the Delaware Nature Society for scholarship funding for educational programs.

Motion Adopted: 5 Yea.

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

M 722 01
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$300.00 from Mr. Dukes' Councilmanic Account to the People to People Student Ambassador Program for Kyle Boyce's trip to Australia.

Motion Adopted: 5 Yea.

M 722 01
(continued)

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

Proposed
Ordinance

Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR USED CAR AND TIRE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 19,526 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1444) filed on behalf of Alfonso Matos. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL AND/OR OFFICE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS" (Conditional Use No. 1445) filed on behalf of Mark Grahne. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (Conditional Use No. 1446) filed on behalf of Scott Shubert. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Phillips introduced the Proposed Ordinance entitled AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12.1637 ACRES, MORE OR LESS" (Change of Zone No. 1459) filed on behalf of David Brown. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

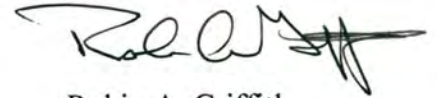
Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 219.42 ACRES, MORE OR LESS" (Change of Zone No. 1460) filed on behalf of Bunting-Gray, LLC. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL

- Proposed Ordinance (continued) DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 103.08 ACRES, MORE OR LESS” (Change of Zone No. 1461) filed on behalf of Ocean Atlantic Associates V, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance Mr. Jones introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 53.7 ACRES, MORE OR LESS” (Change of Zone No. 1462) filed on behalf of Helen E. Passwaters. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19,198 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1463) filed on behalf of Bruce McGuigan. The Proposed Ordinance will be advertised for Public Hearing.
- Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17.85 ACRES, MORE OR LESS” (Change of Zone No. 1464) filed on behalf of Gulfstream Development Corp. The Proposed Ordinance will be advertised for Public Hearing.
- Letter Received/
Road Naming Mr. Stickels advised that he has received a letter from Michael J. Malkiewicz of Barros, McNamara, Scanlon, Malkiewicz & Taylor, P.A., on behalf of Margaret J. Cressner, questioning the County’s action on the road name change application for Wil King Road. This matter will be placed on the December 18th County Council Agenda.
- Sussex County Land Trust Mr. Stickels announced that the County Council would be having lunch with Sussex County Land Trust. The purpose of the luncheon is to meet the Board of Directors. There will not be any County action taken at the luncheon and anything discussed will be presented formally at the County Council meeting on December 18th.
- News Article Mr. Kramer commented on an article in the News Journal written by Lee Ann Wahling of Governor Minner’s office.
- M 723 01 Adjourn A Motion was made by Mr. Rogers, seconded by Mr. Jones, to adjourn at 11:12 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Griffith", with a stylized flourish at the end.

Robin A. Griffith
Clerk of the Council