

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE, DEC. 17, 2002

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, December 17, 2002, 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 C. Phillips	Member
Robert L. Stickels	County Administrator
David B. Baker	Finance Director
Eugene H. Bayard	County Attorney

Special Christmas music was provided by the children of Small Wonder Ones Day Care who were in attendance to sing Christmas carols.

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

Delaware
Earned
Income Tax
Credit
Campaign

Mr. Stickels requested that Council allow the reordering of items on today's agenda to permit Mr. Markell, Delaware State Treasurer, to speak first regarding Delaware's Earned Income Tax Credit Campaign. Council was provided with a packet of information explaining the different aspects of the campaign and tax credit. Mr. Markell introduced Mary DuPont and Vida Evelyn, Downstate Coordinator, who were also in attendance. Mr. Markell requested Council's assistance in promoting awareness of the Federal Earned Income Tax Credit. The State's campaign is funded without the use of State funds. The Earned Income Tax Credit (EITC) has been in existence by the Federal Government for more than 25 years and benefits working families making less than \$33,178 a year by enabling tax refunds of up to \$4,140, based on family size and income. Mr. Markell estimated that between 20 and 40 percent of persons eligible for this tax credit do not take advantage of it due to unawareness or because they do not know how to go about applying for the credit. The State's campaign has two phases, the first of which includes the recruitment of volunteers to staff walk-in facilities to assist persons with their actual tax preparation and, secondly, promoting awareness of the tax credit itself. Mr. Markell requested Council's assistance toward this goal. Mr. Stickels commented that two County employees were currently enrolled in the program, those being Susan Webb, Director of Accounting, and Dawn Breasure, Payroll Accountant for the County. The Council was informed by Ms. DuPont that flyers, giving information regarding the State's campaign and the tax credit itself, are available. Mr. Stickels stated that it is the intention of the County to include these flyers with future County payroll checks.

Resignation
of County
Attorney

Mr. Stickels read a letter into the record received from Eugene H. Bayard notifying Council of his resignation as Attorney for Sussex County Council effective 10:10 a.m., December 17, 2002.

- (Con't.) Council extended their sincere thanks and appreciation to Mr. Bayard for his service to the Council and the County for the past 12 years. As a small token of their utmost appreciation and gratitude, Council presented Mr. Bayard with a plaque recognizing his outstanding legal service to the County from 1991 to December 2002.
- M 743 02 Appointment of New County Attorney A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to appoint Dennis L. Schrader, as County Attorney, effective December 17, 2002 thru December 31, 2002.
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea
- Mr. Stickels read a letter into the record from Dennis Schrader offering his resignation as County Attorney effective as of midnight December 31, 2002.
- 900 Phone Service Contract Mr. Stickels requested Council to recognize Eddy Parker, Director of Assessment. Mr. Parker was in attendance to speak to Council regarding the 900 Phone Service Contract. Mr. Parker mentioned that the County, for the past 8 years, has had a 900 system in place, which has used the services of AT & T for the entire time. The County has been informed by AT & T that, at the end of 2002, they will no longer do the billing and collection for any 900 services. Costs to provide these same services by other companies will remain the same. It is Mr. Parker's recommendation that the County contract with BFD Productions, Inc., who is the only company that will allow the County to keep their current 900 number, thereby allowing better continuity of services. Phone lines would still be provided by AT & T.
- M 744 02 Award 900 Phone Service Contract/ BFD Productions, Inc. A Motion was made by Mr. Dukes, seconded by Mr. Rogers, authorizing the County to enter into a contract with BFD Productions, Inc. for the billing and collection of the County's 900 phone service.
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea
- Employee Service Recognition Mr. Jones took the opportunity to recognize Janet Adams for her 25 years of service with the County. Due to surgery, Ms. Adams was not able to attend the County's Christmas Luncheon on December 3, 2002, at which time employees were presented with certificates in recognition for every 5 years of service with the County.

M 745 02
Amend &
Approve
Agenda

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to amend the agenda by allowing Delaware State Treasurer Jack Markell and Eddy J. Parker, Director of Assessment, to present their agenda items prior to "Approval of Minutes", and to proceed with the remainder of 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 746 02
Amend &
Approve
Minutes of
12/10/02

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to amend the minutes of the December 10, 2002 meeting to reflect M 737 02 as "Vote by Roll Call: Mr. Phillips, Nay; Mr. Cole, Nay; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea", and to approve the minutes, as amended.

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. Schrader read the following correspondence:

1. JOE FARRELL, MARINE RESOURCE MANAGEMENT SPECIALIST, UNIVERSITY OF DELAWARE, SEA GRANT COLLEGE PROGRAM
RE: Thanking Mr. Stickels for his participation in a seminar entitled, "Community Planning for Open Space and Natural Resource Protection".
2. STATE NEWS ARTICLE, DECEMBER 15, 2002
RE: Newspaper article entitled, "Business Groups Lauds Downstate", reporting that Sussex County had recently "been ranked the third-best place in the rural United States to start or grow a company in a national entrepreneurial study." This study was performed by Cognetics, a Massachusetts-based firm. The articles goes on to state, "Cognetics, which specializes in corporate demographics, conducts the study and ranks regions based on their success fostering new business. The four criteria used by Cognetics were the presence of universities, a skilled labor pool and airports, and the area being a nice place to live." Mr. Masten, Sussex County's Director of Economic Development, was in attendance and provided copies of promotional brochures and information that his office provides to interested businesses and individuals, which, in turn, helps with the ease of doing business with and in Sussex County. Mr. Stickels thanked Mr. Masten and his staff for their hard work and efficiency in getting information out to the many requests that they receive. Mr. Stickels also reported that, tentatively, State DEDO Secretary Cherry is scheduled to meet with the Council on January 7, 2003.

Reassign-
ment of
2002 Volume
Cap
Allocation

Mr. Stickels reported to Council that he had received a letter dated December 3, 2002 from David Singleton, Delaware Secretary of Finance, requesting that the County consider reassigning some portion of the 2002 bond volume cap to the State. Mr. Stickels requested Council's approval for a letter to be drafted, for Mr. Jones' signature, to be sent to Mr. Singleton requesting that the County be allowed to carryover the entire 2002 bond volume cap amount to calendar year 2003. Mr. Stickels mentioned that the County currently has pending a \$16.1 million request for 2002 and that the County is anticipating more applications in 2003.

M 747 02
Letter to
Delaware
Secretary of
Finance/
2002 Bond
Volume Cap

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, authorizing the President of the County Council to send a letter to the State requesting that the County be allowed to carryover the entire 2002 bond volume cap allocation to calendar year 2003.

Motion Adopted: 5 Yea.

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

Proposed
Ordinances/
Sheriff's
Fees

Council was presented with copies of two proposed Ordinances, both entitled, "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY TO ADD CERTAIN FEES CHARGED BY THE SHERIFF OF SUSSEX COUNTY". The purpose of the first ordinance would be to allow the Sheriff to collect an advance deposit against costs, which are incurred in connection with sales of real estate and personal property, in order to avoid situations in which the Sheriff's Office suffers a loss when sales are not completed. Sheriff Reed was in attendance to discuss the two proposed ordinances and to answer questions. Mr. Stickels explained that today's purpose was for introduction only. Mr. Stickels read from a September 26, 2002 letter addressed to him from Richard E. Berl, Jr., Esquire, explaining the basis and need for the two proposed Ordinances. Sheriff Reed explained that Sussex is the only county in Delaware that does not have an ordinance to cover this cost. Mr. Stickels announced that if this Ordinance is introduced by Council today, the Public Hearing will be held on Tuesday, January 14, 2003, at 11:00 a.m.

Introduction
of Proposed
Ordinance/
Sheriff's
Fees

Mr. Cole introduced the Proposed Ordinance entitled, "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY TO ADD CERTAIN FEES CHARGED BY THE SHERIFF OF SUSSEX COUNTY." (Synopsis: This ordinance will allow the Sheriff to collect an advance deposit against costs which are incurred in connection with sales of real estate and personal property, in order to avoid situations in which the Sheriff's office suffers a loss when sales are not completed). The Proposed Ordinance will be advertised for a Public Hearing.

(Con't.)

Mr. Stickels explained that the second proposed Ordinance would assure that deeds are prepared and recorded within a reasonable period of time after confirmation of a Sheriff's sale.

Introduction
of Proposed
Ordinance/
Sheriff's
Fees

Mr. Cole introduced the second Proposed Ordinance also entitled, "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY TO ADD CERTAIN FEES CHARGED BY THE SHERIFF OF SUSSEX COUNTY." (Synopsis: This ordinance will assure that deeds are prepared and recorded within a reasonable period of time after confirmation of a Sheriff's sale). The Proposed Ordinance will be advertised for a Public Hearing.

Mr. Stickels announced that the Public Hearing for the second proposed Ordinance would also be held on January 14, 2003, immediately following the first public hearing.

Adminis-
trator's
Report

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

1. Holiday Schedule

County offices will be closed Tuesday, December 24, and Wednesday, December 25, to allow employees to observe the Christmas holiday. County offices will reopen on Thursday, December 26, 2002.

County offices will also be closed Wednesday, January 1, 2003. All County libraries will close at 6:00 p.m. on Tuesday, December 31, 2002.

The Sussex County Council will not meet on Tuesday, December 24, or Tuesday, December 31, 2002. The next scheduled Council meeting will be Tuesday, January 7, 2003, at 10:00 a.m. in the Council Chambers on The Circle in Georgetown, Delaware.

2. Airport Committee Meeting

The next regularly scheduled Sussex County Airport Committee meeting will be held on Wednesday, January 8, 2003, at 10:00 a.m. at the Sussex County West Administrative Complex, DuPont Highway, Georgetown, Delaware.

Standard
& Poor's
Bond
Rating
Review

Mr. Baker, Finance Director, was in attendance to update Council regarding a recent Standard & Poor's Bond Rating Review. Mr. Baker introduced Mr. Thomas Beckett, Senior Vice President of Fairmount Capital Advisors, Inc., the County's bond financial advisor. Mr. Baker explained that representatives from Standard & Poor's, of New York and Washington, visited Sussex County in November, and also met with Mr. Beckett, as well as Mr. Baker and Mr. Stickels. In addition to a tour of the County, Standard & Poor's was also provided with financial and economic development information regarding the County. Mr. Baker was pleased to announce

(Con't).

that on December 5, 2002, Standard & Poor's upgraded the County's bond rating from "A+" to "AA", which brings their rating in line with Moody's. Mr. Baker presented and discussed with Council a recent press release from Standard & Poor's announcing their recent rating. Mr. Baker explained that this bond rating will make County bonds more attractive to investors, as well as helping to reduce the interest rate paid by the County. Mr. Beckett explained that there are 10 investment grade rating categories, ranging from BBB- to AAA. Previously, the County was last rated by Standard & Poor's at the A+ level, which is a 5 out of the 10 levels. Mr. Beckett explained that the new rating of "AA" is a two-category jump, which, in his firm's and Standard & Poor's experience, has never been seen. Mr. Baker thanked Mr. Beckett, as well as Council, Mr. Stickels and County staff, for their work and effort in making this bond rating upgrade possible. Additional appreciation was also expressed by Councilmen Dukes and Jones.

Bond
Refunding
Status
Report

Mr. Baker presented Council with a bond refunding status report and recommendation. Mr. Baker mentioned that on November 12, 2002, the Council approved an ordinance authorizing a bond refinancing for approximately \$33,000,000 to refinance Bond Issue 1993 and a Rural Development Bond that was issued for Dagsboro/Frankford. Currently, the County is paying 5.6 and 5.7 percent on the Bonds from 1993, and 5.50 percent on the Dagsboro/Frankford bonds. Mr. Baker stated that these bonds would be replaced with bonds paying about 4 percent. The savings realized would benefit sewer districts, with Long Neck - 51 percent of the savings, SCRWF - 22 percent, North Bethany - 16 percent, Fenwick - 3 percent, and other districts (such as Dewey Sewer, Sussex Shores, Blades, Henlopen, and Dagsboro/Frankford) also receiving some savings. Mr. Baker presented Council with information and explanation as to the two different options available for the proposed refinancing: (1) a traditional fixed-rate bond sale and (2) a "SWAP". The fixed-rate option could realize possible savings of approximately \$2,000,000. Fixed-rate bonds are the bond format the County has used in the past. Mr. Baker explained that the "SWAP" option could save the County more money than the fixed-rate bonds, but has additional risks. A chart showing the pros and cons of each option was provided Council members. Mr. Baker and Mr. Beckett reviewed the additional risks and expenses associated with a SWAP, which includes the issuance of variable rate bonds. Per Mr. Beckett and Mr. Baker, any additional savings over time from a SWAP could be lost due to risks and expenses. Mr. Baker noted that the State of Delaware has not issued SWAPs in the past, although the University of Delaware has done so. Mr. Baker, Mr. Stickels and Mr. Beckett recommended the more conservative fixed-rate bond issue at this time, given the additional risks, costs and complexity of the SWAP financing.

M 748 02
Approve the
issuance of
Fixed-rate
Bonds/
2003 Bond
Refinancing

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the County continue the process to issue traditional fixed-rate bonds for the 2003 Bond Refinancing.

Motion Adopted: 5 Yea.

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

Bid Results/
Oak Orchard
SSD -
Contract A

Mr. Izzo, County Engineer, presented Council with the following Bid Summary for the Oak Orchard Sanitary Sewer District Wastewater Force Main, Sussex County, Delaware, Contract No. 99-19A:

<u>Bidder's Name</u>	<u>Total Bid</u>
Hopkins Construction, Inc.	\$ 857,968
David A Bramble, Inc.	\$ 870,440
JJID, Inc.	\$ 879,000
George & Lynch, Inc	\$ 929,070
Edward McGinn General Contractors	\$ 944,580
Teal Construction, Inc.	\$1,202,100
Joseph T. Hardy & Son, Inc.	\$1,374,780
Bearing Construction, Inc.	\$1,837,224
Engineer's Estimate	\$ 968,875

M 749 02
Award Bid/
Oak Orchard
SSD (Force
Mains)
Project No.
99-19-A

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that based upon the recommendation of the Engineering Consultants, Cabe Associates, Inc. and the Engineering Department, that Sussex County Project No. 99-19-A "Oak Orchard Sanitary Sewer District: Wastewater Force Main" be awarded to Hopkins Construction, Inc., of Bridgeville, Delaware, at the bid amount of \$857,968.

Motion Adopted: 5 Yea.

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

Update/
Oak Orchard
Sanitary
Sewer
District

Mr. Phillips requested that Mr. Izzo give a brief update regarding the Oak Orchard Sanitary Sewer District. Mr. Izzo reported that within the next few months, the County would have a total of 9 active construction contracts. It is expected that advertisement for the bidding of the Oak Orchard project would occur on or about July 1, 2003. Impacting the project, Mr. Izzo stated, has been the difficulty in securing a pump station site, as well as archeological problems. Mr. Izzo is hoping that these problems will be resolved by the time the project is ready to be advertised on July 1, 2003. Mr. Stickels took the opportunity to thank Mr. Izzo and his staff for their assistance in providing infrastructure in the County.

SCADA
Project/
Proposed
Change
Order/Time
Extension

Mr. Steve Hudson, Director of Maintenance at the South Coastal Regional Wastewater Facility, discussed Change Order No. 4 for Sussex County Project No. 01-06 entitled "Phase II SCADA System Improvements". The change order, which is a 90 day time extension, is necessary due to radio frequency interference in the Dewey Beach/Rehoboth area. Included with the information presented Council included a Project Update/History regarding the previous 3 change orders.

M 750 02 A Motion was made by Mr. Cole, seconded by Mr. Rogers, that based upon the
Adopt recommendation of the Sussex County Engineering Department, that the Sussex
Change County Council approve Change Order No. 4 to the contract with Trijay Systems for
Order/ Sussex County Project No. 01-06 entitled, "Phase II SCADA System
SCADA/ Improvements"; there will be no cost increase to the contract.
Time Ext.

Motion Adopted: 5 Yea.

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

M 751 02 A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$250 from Mr.
Council- Phillips' Councilmanic Account to the Greater Millsboro Chamber of Commerce for
manic Grant/ expenses associated with Millsboro's Christmas Visions '02 Parade.
Greater
Millsboro
Chamber of
Commerce

Motion Adopted: 5 Yea.

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

M 752 02 A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$100 from Mr.
Council- Phillips' Councilmanic Account to the Christian Storehouse Building Fund for the
manic Grant/ repair and replacement of the roof.
Christian
Storehouse
Building
Fund

Motion Adopted: 5 Yea.

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

M 753 02 A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00 (\$100
Council- from each Councilmanic Account) to the Sussex County Science Fair to be used for
manic Grant/ the 2003 Fair.
Sussex
County
Science Fair

Motion Adopted: 5 Yea.

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

M 754 02 A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$250 (\$50 from
Grant/ each Councilmanic Account) to KINfolk for the purchase of laptop computers and
KINfolk internet access for chronically ill children.

**(Motion
Died)**

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



A Motion was made by Mr. Cole, seconded by Mr. Dukes, to amend M 754 02 to increase the amount granted to KINfolk to \$500 (\$100 from each Councilmanic Account) for the purchase of laptop computers and internet access for chronically ill children.

M 756 02 Council- manic Grant/ Laurel Fire Department	A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$200 (\$100 from Mr. Phillips' and Mr. Dukes' Councilmanic Accounts) to the <u>Laurel Fire Department</u> to be used for a community benefit being held to help with medical expenses for Gerald Brown, a Laurel Fireman who is currently undergoing chemotherapy at Johns Hopkins for acute lymphoblastic leukemia.
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Motion Adopted: 5 Yea.

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

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to defer action on the request for funding by the Center for Human Services to be used for a Hispanic Learning Center.

Motion Adopted: 5 Yea.

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

In Council's discussion of this funding request, Mr. Baker noted that a \$2,500 Human Service Grant had recently been awarded to the Center for Human Services.

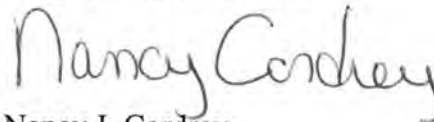
A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$300 from Mr. Dukes' Councilmanic Account to the Town of Blades to be used for a Children's Christmas Party.

Motion Adopted: 5 Yea.

Letter from Mr. Cole requested that the December 11, 2002 letter Council received from Senator George Bunting be made part of the record of today's Council meeting. Mr. Bunting's letter states the impact the State's hiring freeze has had on the Georgetown Office of the State Fire Marshall Office, more specifically, the current staff vacancies of two Deputy Fire Marshals, one secretary and one planning evaluator. Senator Bunting is requesting "that the Council consider ways in which the County could somehow financially help fill these positions." Mr. Cole inquired as to possible safety concerns caused by these vacancies. Since these are, in fact, state positions, it was the consensus of the Council to monitor the situation at the present time.

- Gift from Dan Kramer Mr. Kramer presented Council members with loaves of homemade bread made by his wife. It was requested that Mr. Stickels send a thank-you note to Mrs. Kramer.
- Letter from Rep.-Elect Booth Mr. Cole brought up for discussion a December 10, 2002 letter that he, as well as all Council members, had received from Joseph Booth, State Representative-Elect for the 7th District, regarding the expansion of the County Planning & Zoning Commission from five to seven or nine members. During the discussion, Mr. Cole stated that he feels that every letter received from an elected official should be read into the record during "Reading of Correspondence". Mr. Cole inquired if there was a consensus within the Council to look into the issue raised by Representative-Elect Booth.
- M 761 02 Membership on P & Z Comm. (Motion Died) A Motion was made by Mr. Dukes to give authority to the County Administrator to oppose legislation, at any given time, that would increase the number of members on the County's Planning and Zoning Commission. Motion Died for the lack of a second.
- M 762 02 Adjourn At 12:00 noon, a Motion was made by Mr. Dukes, seconded by Mr. Cole, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,



Nancy J. Cordrey
Assistant Clerk of the Council