

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 18, 2001

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, December 18, 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

Children from Small Wonder Ones Day Care entertained everyone by singing Christmas carols.

M 724 01      A Motion was made by Mr. Rogers, seconded by Mr. Jones, to amend the Agenda by deleting "Derek Sapp, Project Engineer, Delta Airport Consultants – Contract Amendment Nos. 8 and 9", and to approve the Agenda, as amended.

Amend and Approve Agenda      Motion Adopted: 5 Yea.

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

M 725 01      A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the minutes of December 11, 2001, as distributed.

Approve Minutes      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:

BILL STEVENSON, DIRECTOR, OFFICE OF EMS, DIVISION OF PUBLIC HEALTH, DELAWARE HEALTH AND SOCIAL SERVICES, DOVER, DELAWARE.

RE: Letter to Robert Stickels extending congratulations to the County's 911 Center for the completion of the emergency medical dispatch accreditation process and commending the County's commitment to providing quality emergency medical dispatching.

Sussex  
County  
Land  
Trust  
Proposal

Wendy Baker, President and CEO of the Sussex County Land Trust, was in attendance to discuss a proposal to establish a private-public partnership between the organization and the County to preserve open space in Sussex County. Ms. Baker told Council that the organization would be interested in a partnership to purchase land for preservation.

Ms. Baker advised that the Sussex County Land Trust is a non-profit conservation organization dedicated to protecting cultural, agricultural, and natural resources through land preservation, stewardship, and education for today and tomorrow. The current Board of Trustees consists of Wendy Baker, President and CEO; Craig Hudson, Chairman; Preston Schell, Vice Chairman; Representative John Schroeder, Treasurer; Dennis Forney, Secretary; Tom Draper, Trustee; Jim Fuqua, Trustee; and Mike Rawl, Trustee. Ms. Baker advised that the Board is seeking several more people to fill a few more seats. They are looking for one or two people with an agricultural interest from the western side of the County. In addition, two seats will be filled by Sussex County Council members.

Ms. Baker advised that the organization is in the middle of incorporating and would have by-laws prepared by the time Council considers an ordinance to establish a program with the Land Trust.

Mr. Stickels reviewed several conditions for Council's consideration:

1. County Council will have two voting members on the Executive Board, one from each political party, appointed by the County Council President.
2. County funds will only be used for land acquisition or the purchasing of development rights. County funds will not be used for administration of the program.
3. County Council will vote in an open Council meeting on all expenditures of County funds. Expenditures must be approved by a majority of the County Council. When Council has approved expenditures, the County Administrator will advise the Land Trust Board of such approval.
4. County Council will pledge \$1 million to the Sussex County Land Trust, upon the adoption of an ordinance. The first year of funding will start with the FY '03 budget.
5. County Council will contribute ten percent of the annual retained budget earnings, as certified by the County's auditor, starting with the FY '04 budget.
6. County Council will hold a public hearing on the adoption of an ordinance permitting the County Council's participation in the Sussex County Land Trust.

Mr. Stickels advised that the proposed conditions could be included in an ordinance to allow the County to participate in the Land Trust program. Mr. Stickels stated that this program would fit well into the County's Land Use. He noted that the

Sussex  
County  
Land  
Trust  
Proposal  
(continued)

County is in the process of updating their Land Use Plan and that one of the required ten elements is to have an open space and recreation program.

Mr. Cole referred to Condition No. 3 and recommended that a 4/5 super-majority vote be required. It was the consensus of Council to include this recommendation in the drafting of the ordinance.

Mr. Dukes endorsed the concept of the drafting of the ordinance.

Mr. Dukes submitted the name of R. C. Willin for consideration by the Board of Trustees.

Road  
Name  
Appeal/  
Wil  
King  
Road

Mr. Stickels discussed a letter received from Michael J. Malkiewicz, Attorney, on behalf of his clients, questioning whether the County Council followed its policy/procedure in allowing for the changing of road names. Mr. Malkiewicz referred to the road name change application of Margaret J. Cresmer who submitted a petition to have "Wil King Road" changed to "Kingfisher Road" and to the action taken by Council on October 23, 2001 relating to the application. (On that date, the County Council voted to keep the name of the road the same.)

Mr. Stickels advised that a policy was adopted by the County Council on June 29, 1999 stating that the County would accept petitions up until the first Tuesday of October of each year and then the County would vote on whether to change or retain the road names on the third Tuesday in October. Mr. Stickels advised that, this year, the petitions were on Council's agenda for presentation on the second Tuesday and on Council's Agenda for a vote on the fourth Tuesday.

Mr. Stickels suggested that the County Council allow for the acceptance of new petitions for this road.

The County Council agreed to reopen the petitioning process for Wil King Road and allow the submittal of petitions until January 8, 2002. Mr. Norwood, Supervisor of Mapping and Addressing, advised that the petition process states that all requests must be accompanied by a Sussex County petition form with 75 percent approval of the residents on the road. Petitions in support of keeping the road name the same will be accepted after the January 8, 2002 deadline; petitions in support of keeping the road name the same will not be necessary if a petition to have the road name changed is not submitted.

The issue will be placed on the Sussex County Council Agenda on January 22, 2002 for public discussion.

Administrator's  
Report

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

1. Country Meadows

Drew Ward, Vice President, Sussex Ventures, Inc., has requested that the County Council consider an appeal of the Planning and Zoning Commission's decision on Subdivision 2001-32, Country Meadows. The

Planning and Zoning Commission denied the 56-lot subdivision application.

The application was denied for the following reasons:

- A. The proposed 56-lot subdivision does not meet the purpose of the Subdivision Ordinance in that it does not protect the orderly growth of the County because the proposed site is not located in a Development District as established by the 1997 Sussex County Land Use Plan.
- B. The proposed 56-lot subdivision does not meet the purpose of the Subdivision Ordinance in that it does not encourage the preservation and conservation of farmland because the land use in this vicinity is primarily agricultural, the application would remove 76.44 acres, more or less, from tillage, and there are no other similar residential real estate developments in this area along County Road 297.
- C. In considering the minimization of (a) soil removal and grade changes, (b) erosion and sedimentation, (c) increased rates of runoff, (d) potential for flooding, and (e) prevention of pollution of surface and groundwater, the application does not contain specific plans showing that these areas of concern have been addressed or that any preliminary designs for drainage have been recommended or considered.
- D. The proposed 56-lot subdivision does not provide for safe vehicular and pedestrian movement within the site because of the extreme length of the cul-de-sac type interior street, with access from only one roadway, causing accessibility concerns for emergency vehicles.

This item will be placed on the agenda January 8, 2002, for discussion to allow the Council to schedule a public hearing.

2. Airport Committee Meeting

The next regularly scheduled meeting of the Sussex County Airport Committee will be held on Wednesday, January 2, 2002, at the Sussex County Administrative Office West Complex, North DuPont Highway, Georgetown, Delaware, in the Conference Room at 10:00 a.m. The media and general public are encouraged to attend these meetings.

3. Deskis, et al., v. County Council of Sussex County, et al.

On December 7, 2001, Vice Chancellor Jack B. Jacobs issued his opinion in the above appeal of a zoning decision by the County Council. In that opinion, Vice Chancellor Jacobs rejected the Plaintiffs' claim for declaratory judgment and injunctive relief seeking to invalidate the Council's decision for rezoning and approving the Bay Crossing project.

Administrator's Report (continued)

The Plaintiffs had argued that the Council did not create a sufficient record for the Court to review because the individual members of Council did not articulate reasons for their voting for approval, and that if a record was found to be adequate, the decision of the Council was arbitrary and capricious.

The Court rejected both these claims and found that the Council had acted within its discretion and within the applicable law, including Chapter 69 of Title 9 and the Comprehensive Land Use Plan, in approving Bay Crossing.

In its opinion, the Court included a significant discussion relating to the weight given by the Council to a report from DelDOT, traffic impact studies, and the testimony of engineers as compared to the evidence presented by the opposition. The Court found that it was reasonable for the Council to accept the testimony of the experts rather than that of the opponents and declared that the Court cannot substitute its judgment for the Council under these circumstances.

The Plaintiffs have until January 7, 2002, to appeal this decision to the Supreme Court of Delaware.

4. Lowe's Home Centers, Inc., v. Sussex County Board of Adjustment

On November 30, 2001, Judge Witham, Superior Court Resident Judge for Kent County, ruled in favor of the Sussex County Board of Adjustment in connection with an appeal from Lowe's for a variance for setback for a water tank. The Board denied Lowe's request, resulting in the appeal to Superior Court. The Court ruled that Lowe's failed to provide sufficient evidence that the tank could not be located on their property without the variance.

Lowe's does have the right to appeal this decision to the Delaware Supreme Court within 30 days of the Court's decision.

5. Holiday Schedule

Sussex County offices will be closed Monday, December 24, and Tuesday, December 25, for the Christmas holiday. Offices will reopen at 8:30 a.m. on Wednesday, December 26, 2001. Offices will also be closed on Tuesday, January 1, 2002, for the New Year's holiday.

There will not be a Council meeting the weeks of December 24 and December 31, 2001. The next regularly scheduled Council meeting will be at 10:00 a.m. on Tuesday, January 8, 2002.

Old Business (C/U No. 1414)

Conditional Use No. 1414 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEASONAL CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN

Old Business (C/U No. 1414) (continued) CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 43.78 ACRES, MORE OR LESS" filed on behalf of Merritt Burke III, was discussed.

The Planning and Zoning Commission held a Public Hearing on this application on August 9, 2001; on September 13, 2001 the Commission recommended that the application be approved with the following stipulations:

1. No more than 100 seasonal campsites and 30 primitive campsites shall be permitted.
2. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

The Sussex County Council held a Public Hearing on this application on August 28, 2001 at which time action was deferred and the record was left open for written comments for a period of 20 calendar days following the date that a recommendation is made by the Planning and Zoning Commission.

Mr. Lank advised that additional letters and emails were received in opposition to the application. No new information was received from any agencies.

Council discussed limiting the number of transient sites; limiting the type of campers permitted; limiting the length of stay; and limiting the months of operation of the campsite.

M 726 01  
Adopt  
Proposed  
Ordinance  
(C/U  
No. 1414) A Motion was made by Mr. Phillips, seconded by Mr. Jones, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEASONAL CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 43.78 ACRES, MORE OR LESS" (Conditional Use No. 1414) filed on behalf of Merritt Burke III.

Motion Denied: 3 Nay, 2 Yea.

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

Old Business (C/Z No. 1443) Council discussed Change of Zone No. 1443 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 68.2873 ACRES, MORE OR LESS" filed on behalf of Merritt Burke III was discussed.

Mr. Lank advised that additional letters and emails were received in opposition to the application. No new information was received from any agencies.

(continued) Council discussed the history of marine uses in Slaughter Beach; uses permitted in a M Marine District including industrial uses; and limiting the size of the parcel.

M 727 01 A Motion was made by Mr. Cole, seconded by Mr. Phillips, to reduce the M Marine area to a parcel of 24.59 acres, as depicted on the perimeter survey and site plan.

Reduce  
M Marine  
Area  
(C/Z  
No. 1443)

Motion Denied: 3 Nay, 2 Yea.

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

M 728 01 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 68.2873 ACRES, MORE OR LESS" (Change of Zone No. 1443) filed on behalf of Merritt Burke III.

Adopt  
Proposed  
Ordinance  
(C/Z  
No. 1443)

Motion Denied: 5 Nay.

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

Old  
Business  
(C/U  
No. 1424)

Conditional Use No. 1424 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF LANDSCAPING SUPPLIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 12.5531 ACRES, MORE OR LESS" filed on behalf of L. Thomas Harmon was discussed.

The Planning and Zoning Commission held a Public Hearing on this application on October 25, 2001; on November 8, 2001 the Commission recommended that the application be denied since the use may impact the residential area. It was further recommended that the applicant be required to cease and desist the business activities on the site and shall be obligated to remove the mulch storage and commercial activities within 90 days.

The Sussex County Council held a Public Hearing on this application on November 13, 2001 at which time action was deferred.

Council discussed the fact that the use is proposed in a non-development district and that the commercial use would impact the residential area.

M 729 01 Adopt Proposed Ordinance (C/U No. 1424)	A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF LANDSCAPING SUPPLIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 12.5531 ACRES, MORE OR LESS" (Conditional Use No. 1424) filed on behalf of L. Thomas Harmon.
	Motion Denied: 5 Nay.
	Vote by Roll Call: Mr. Phillips, Nay; Mr. Cole, Nay; Mr. Rogers, Nay; Mr. Jones, Nay; Mr. Dukes, Nay
Cease and Desist Requirement	The applicant will be required to cease and desist the business activities on the site and shall be obligated to remove the mulch storage and commercial activities within 90 days.
Public Hearings/ Extending SBSSD and OVX BBSSD/ The Reserves Subdivision	Public Hearings were held to consider (1) extending the South Bethany Sanitary Sewer district to include a portion of the proposed subdivision known as The Reserves and (2) extending the Ocean View Expansion of the Bethany Beach Sanitary Sewer District to include a portion of the proposed subdivision known as The Reserves. Mr. Archut, Assistant County Engineer, advised that the Sussex County Council approved the zoning for the proposed subdivision known as The Reserves on April 10, 2001 and that both of the proposed extensions conform with the Engineering Department's planning studies. The Reserves is a portion of two sanitary sewer districts due to the fact that subdivision is on the splitting point between the two sanitary sewer systems. There were no public comments and the Public Hearing was closed.
M 730 01 Adopt Resolution No. R 032 01	A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Resolution No. R 032 01 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SOUTH BETHANY SANITARY SEWER DISTRICT TO ENCOMPASS THE RESERVES SUBDIVISION, LYING CONTIGUOUS TO THE SOUTH BETHANY SANITARY SEWER DISTRICT, SITUATE SOUTH OF THE TOWN OF OCEAN VIEW AND WEST OF THE TOWN OF SOUTH BETHANY AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".
	Motion Adopted: 5 Yea.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea
M 731 01 Adopt Resolution No. R 033 01	A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Resolution No. R 033 01 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE OCEAN VIEW EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT (OVX) TO ENCOMPASS THE RESERVES SUBDIVISION, CONTIGUOUS TO THE OVX, SITUATE SOUTH OF THE TOWN OF OCEAN

M 731 01      VIEW, AND WEST OF COUNTY ROAD 362, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".  
(continued)

Motion Adopted:      5 Yea.

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

Public Hearing/  
Fenwick Island  
SSD/  
Americana  
Bayside      A Public Hearing was held to consider extending the Fenwick Island Sanitary Sewer District to include the lands of Americana Bayside and adjoining property owners within the proposed expansion area.

Mr. Archut reviewed the boundaries and noted that there are some privately owned parcels within the boundaries. Mr. Archut advised that the Engineering Department is recommending that these adjoining parcels be included in the expansion area.

Mr. Archut reported that notices were posted in eleven places on November 29th; advertisements were placed in the News Journal and The Wave; and letters were sent on December 5th to individual property owners of the adjoining parcels giving them the opportunity to comment. The letters explained the proposed annexation; explained that Americana Bayside would be constructing all the sewer facilities; explained that if they are included in the annexation now that they would avoid a \$500.00 annexation fee; explained the potential charges; and provided forms for them to fill out with their response as to whether they would like to be included or not. Mr. Archut reported that only three forms were received back. Two property owners expressed that they wish to be included and one property owner responded back that he did not wish to be included. In addition, one phone call was received from a property owner stating that they want to be included.

Mrs. Ellen Magee spoke on behalf of Mary Ann McCabe and advised that the property owners in the expansion area did not have enough time to respond to the letter the County Engineering Department sent them on December 5th. Mrs. Magee expressed concern that the residents who did not respond would be subject to a \$500.00 annexation fee if they decide later to be included in the expansion.

Mr. Archut advised that the residents had 10 days from the date the letter was mailed (on December 5th) to respond as to whether they favored the expansion or not, but only 4 of 19 property owners did so, with one responding negatively.

Mrs. Magee asked that Council extend the period of time for residents to respond to the letters.

Due to the fact that the County is required by law to make a decision within thirty days of posting the notices, Mr. Archut advised that it would be necessary to re-post the notices.

M 732 01 Re-post Notices/ Proposed Expansion of the Fenwick Island SSD	A Motion was made by Mr. Phillips, seconded by Mr. Cole, that the Sussex County Council directs the Engineering Department to re-post the Notice of the Proposed Expansion of the Fenwick Island 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
Notify Property Owners	Mr. Stickels asked Mrs. Magee to let property owners know that if they have any questions, to contact the County Engineering Department and representatives of the Department will personally meet with them to answer any questions.
M 733 01 Recess	At 12:03 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Rogers, to recess until 1:30 p.m. Motion Adopted by Voice Vote.
Reconvene	Mr. Dukes called Council back into session at 1:37 p.m.
Ellendale Sanitary Sewer District Funding Requests	Mr. Baker, Finance Director, requested permission to apply for <u>additional</u> Federal and State grant and loan funds to finance the Ellendale Sanitary Sewer Project, as follows: <ul style="list-style-type: none"><li>• Additional grant funding from Rural Development in the amount of \$570,000.</li><li>• Additional loan funding from Rural Development in the amount of \$815,000. (4.5 percent, 40 years, principal payments deferred during first three years)</li><li>• Additional loan funding from State of Delaware 21st Century Fund Loan in the amount of \$1,000,000 (40 years, 0 percent)</li></ul> Mr. Baker advised that with this funding, the total funding package would include 58 percent grants and 42 percent loans. He further advised that the funding request should enable the County to meet its goal of \$435.00 per year for a typical sewer charge.
M 734 01 Authorize Application for Funding/ Ellendale SSD	A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Council authorizes the County Engineer and the County Finance Director to apply for additional grant and loan funds from the State of Delaware and USDA Rural Development Agency for 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

Sewer and  
Water Rate  
Study  
Recommen-  
dation

Mr. Leon Collins, Director of Utility Billing, discussed a Sewer and Water Rate Study recommendation. Mr. Collins advised that a Committee (consisting of Robert Stickels, David Baker, Russell Archut, and Leon Collins) is recommending that the County retain the consulting services of Black & Veatch to prepare a sewer and water rate study. Mr. Collins advised that the last study was performed in 1979 when the County had approximately 3,000 accounts; today, the County is assessing approximately 40,000 accounts. As a result of this growth and ensuing changes, the Committee is recommending that this study be performed. Mr. Collins advised that the cost of the study would be in the maximum amount of \$49,500. Black and Veatch would report back to Council by February 25, 2002.

Council members reviewed the Scope of Services and expressed concern that there was not enough time for Black and Veatch to perform the Study.

It was the consensus of Council to defer action and to request that the Scope of Services be reviewed and prioritized by County staff for further discussion at the January 8, 2002 meeting.

SCADA  
System/  
Change  
Order

Mr. Izzo, County Engineer, discussed Change Order No. 2 to the SCADA System Improvements Project (Phase II). Change Order No. 2, in the amount of \$2,257.00, includes increased costs which were incurred this past summer when the existing telemetry system shut down.

M 735 01  
Authorize  
Change  
Order  
SCADA  
System  
Project

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, based upon the recommendation of the Engineering Consultants, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that Change Order No. 2 for Sussex County Project No. 01-06, SCADA System Improvements, Phase II, with Trijay Systems, Inc., be approved in the amount of \$2,257.00, which increases the contract total from \$878,015.00 to \$880,272.00.

Motion Adopted: 5 Yea.

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

Miller  
Creek  
SSD  
Referendum  
Results

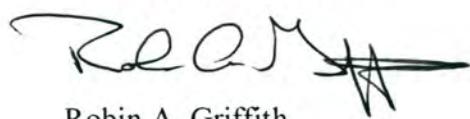
Mr. Archut, Assistant County Engineer, reported that on Saturday, December 8, 2001, the Engineering Department held a referendum for the proposed Miller Creek Sanitary Sewer District. Three hundred and seven (307) property owners and residents voted – 196 for the sanitary sewer district and 111 against the sanitary sewer district. Of the 307 votes counted, 202 voted in person and 105 voted by absentee ballot. The referendum passed.

M 736 01  
Adopt  
Resolution  
No.  
R 034 01

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Resolution No. R 034 01 entitled “MILLER CREEK SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE”.

M 736 01 (continued)	Motion Adopted: 5 Yea.  Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea
Wastewater Facilities	Mr. Baker of the Utility Construction Division discussed wastewater facilities constructed in Stonewood Chase in the West Rehoboth Sanitary Sewer District.
M 737 01 Grant Beneficial Acceptance/ Stonewood Chase	A Motion was made by Mr. Jones, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 205, that the Sussex County Council grant Beneficial Acceptance for a portion of the wastewater facilities constructed in Stonewood Chase, located in the West Rehoboth Sanitary Sewer District (the portion is Manhole No. 1 through Manhole No. 3, serving units 1 through 14).  Motion Adopted: 5 Yea.  Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea
M 738 01 Council- manic Grant	A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$250.00 from Mr. Dukes' Councilmanic Account to the Town of Blades for the Kid's Christmas Party.  Motion Adopted: 5 Yea.  Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea
M 739 01 Youth Activity Grant/ Council- manic Grant	A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$1,000.00 (\$750.00 from Mr. Dukes' Youth Activity Grant Account and \$250.00 from Mr. Dukes' Councilmanic Account) to the Laurel Little League for projects in 2002.  Motion Adopted: 5 Yea.  Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Rogers, Yea; Mr. Jones, Yea; Mr. Dukes, Yea
Article	Mr. Dukes read an article concerning "Smart Growth" in Portland, Oregon.
M 740 01 Adjourn	A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to adjourn at 2:25 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the Council