



*Sussex County Council
Agendas & Minutes*

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 14, 2005

**Call to
Order**

The regular meeting of the Sussex County Council was held Tuesday, June 14, 2005 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
George B. Cole	Member
Dale R. Dukes	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

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

**M 353 05
Approve
Agenda**

Motion Adopted: 3 Yea, 2 Absent.

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

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the minutes of June 7, 2005.

**M 354 05
Approve
Minutes**

Motion Adopted: 3 Yea, 2 Absent.

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

Mr. Griffin read the following correspondence:

**Corre-
spondence**

**THOMAS R. CARPER, UNITED STATES SENATOR, WASHINGTON,
D.C.
RE: Community Development Block Grant Press Conference.**

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

**Adminis-
trator's
Report**

1. Beneficial Acceptance

The Engineering Department gave Beneficial Acceptance to the following projects:

- **Edgewater Park - Phase II, Agreement No. 359, in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**

**Adminis-
trator's
Report
(continued)**

was granted approval on May 26, 2005, consisting of three townhouse units.

- Fox Woods, Agreement No. 352, in the Ocean View Sanitary Sewer District was granted approval on May 31, 2005, consisting of eight single-family lots.

2. Legislative Update

Included with this report are three bills that were introduced in the General Assembly last week. Those bills are:

- House Bill No. 222 (Sponsor - Representative Valihura) – This Act creates a moratorium on the establishment of new manufactured home communities in Delaware. Pursuant to this Act, no new communities may be established between 12:00 a.m. on July 1, 2006, and 11:59 p.m. on June 30, 2016.
- House Bill No. 223 (Primary Sponsors - Representative Ennis and Senator Cook) – This bill permits the counties to productively dispose of properties for which no tax can be billed because an owner for the property cannot be identified. Typically, such properties have been carried in county records for a number of years. Unless they are released for sale, they are likely to remain in an unproductive state indefinitely. Upon its sale, a property can be put to a productive use, returned to the assessment roll, and enabled to generate tax revenue once again.
- House Bill No. 224 (Sponsors - Representative Valihura and Senator Cloutier) – This Act requires the counties to enact and promulgate ordinances, rules, and regulations governing the maintenance and repair of sidewalks situated in unincorporated suburban communities.

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2006”.

**Public
Hearing/
Proposed
Fiscal
Year 2006
Annual
Operating
Budget**

Mr. Stickels presented the Proposed Fiscal 2006 Operating Budget. Several handouts were distributed, which provided information on the addendums to the proposed budget. Mr. Stickels stated that in the Proposed Fiscal 2006 Budget, expenditures total \$135,173,330; this amount is broken down as follows:

- General Fund - \$53,299,657.00
- Capital Improvement Fund - \$14,341,136.00
- Community Development Fund - \$1,443,000.00

**Public
Hearing/
Proposed
Fiscal
Year 2006
Annual
Operating
Budget
(continued)**

- **Sewer and Water Districts - \$27,682,537.00**
- **Capital Projects - \$38,407,000.00**

Mr. Stickels noted that after two years of double-digit increases in the General Fund, the Proposed Fiscal 2006 General Fund is only increasing 2.83 percent.

Mr. Stickels reported that the Proposed Budget calls for a Rainy Day Fund in the amount of \$10.2 million, which is 19.1 percent of General Fund expenditures.

Mr. Stickels reported that the Proposed Budget recommends a credit to taxpayers in the form of 25 percent on the General Fund portion of the County's property tax. This credit would result in a loss of revenue to the County of about \$2 million.

Mr. Stickels pointed out that the Proposed Budget contains a new subsidy program. The Budget Committee has recommended that the County Council establish a Revenue Sharing Program for Local Law Enforcement Agencies. Each community that has their own police department would be eligible for up to \$25,000 for capital improvements.

Mr. Stickels reported that the County's largest source of income comes from the Realty Transfer Tax (37.20 percent). He noted that this money is a very economy sensitive income and it should be used for paying outstanding debt, capital expenditures and one-time contributions. Other major sources of funding are: Fees – Services (17.31%), Appropriated Surplus (16.53%), and Property Taxes (11.84%). It was noted that public safety is the first priority for the allocation of funds from the realty transfer tax.

Mr. Stickels reported that the tax rate for the Proposed Budget is 44.5¢ per \$100.00 assessment. This will be the sixteenth consecutive year that this rate has been set at 44.5¢ per \$100.00 of assessment.

Mr. Stickels pointed out that, for the fourth consecutive year, there will not be any tax dollars spent on outstanding General Fund tax indebtedness. The only general obligation debt the County has is supported by utility incomes; the current outstanding obligation on this debt totals \$120,255,902.00.

Highlights of the Proposed Fiscal 2006 Budget are as follows:

- ✓ **No Tax Increase**
- ✓ **General Fund Budget Increase of 2.83%**
- ✓ **Rainy Day Fund \$10.2 Million**
- ✓ **Tax Credit Program**

Public Hearing/ Proposed Fiscal Year 2006 Annual Operating Budget (continued)	✓ Elimination of Failing Septic Systems & Holding Tanks
	✓ Tax Assistance Programs
	✓ Sewer Service and Septic Tank Assistance
	✓ 100' Front Foot Assessment Cap for Residential Homes
	✓ In-depth Sewer Rate
	✓ 5-Year Capital Improvement Program \$194 Million
	✓ Excellent Personnel Benefits
	✓ Additional State Police
	✓ Staffing 8th Paramedic Unit
	✓ Increased Funding for Fire & Ambulance Service
	✓ Increased Funding for Independent Public Libraries
	✓ Airport Expansion
	✓ Increased Funding for the Open Space Program

Susan Webb, Director of Accounting, reviewed (1) the larger grants that are not in appropriated reserves; (2) the Community Improvement Grants (\$85,000 per Councilman); (3) the \$728,000 grant for South Coastal Transportation Equipment; and (3) Non-Sewer & Water Capital Improvement Revenues and Expenditures.

Public comments were heard.

Roxy Sturgis, Executive Director of the West Rehoboth Community Land Trust, spoke of the great need for affordable housing in the West Rehoboth community. She provided an organizational overview and housing plan of the West Rehoboth Community Land Trust (WR CLT). The mission of the WR CLT is to promote the renewal of the community through a revitalized housing environment, so that “our children and theirs” will still be able to afford to live in West Rehoboth. Ms. Sturgis stated that the organization’s Three-Year Goal is to (1) purchase, develop, and market enough property in the next three years to make a permanent change in the perception of their community both by residents and investors and (2) to give affordable housing a secure foothold in the community. Their Five-Year Goal is as follows: FY 2006 – 2 units; FY 2007 – 3 units; FY 2008 – 5 units; FY 2009 – 7 units; and FY 2010 – 9 units; for a total of 26 units over the five year period. Ms. Sturgis stated that, today in Sussex County, an income of \$60,630 is needed to afford a \$239,000 home. Ms. Sturgis asked the County Council to award \$2 million surplus for affordable housing over the next five years. She stated that she also is in support of a request from the Sussex Housing Group for a \$28,000 grant for West Rehoboth’s housing initiatives.

Mr. Stickels reported that a request has been received in the amount of \$56,000 from the Sussex Housing Group; \$28,000 for the West Rehoboth Community Land Trust and \$28,000 for fourteen townhouses in Ellendale.

**Public
Hearing
Fiscal
Year 2006
Annual
Operating
Budget
(continued)**

Mr. Stickels also reported that, in the County's Community Development Budget, there is \$200,000 for housing programs and emergencies. One hundred thousand dollars (\$100,000) has been allocated for housing emergencies and \$100,000 for programs similar to West Rehoboth's. The Budget Committee is recommending that the Sussex Housing Group receive \$58,000; of that amount, \$28,000 would go to the West Rehoboth Community Land Trust.

Joe Bradley was present representing the University of Delaware, College of Agricultural and Natural Resources, and the Cooperative Extension Service in Georgetown. He read into the record a letter from the Dean of the College, Robin Morgan, which requested the Council's financial support of the new facility being constructed in Georgetown, which will be known as the Carvel Research and Education Center. The new facility will allow them to better serve the communities in Sussex County and will enable them to enhance their program delivery. Their plan is to offer more coursework in Sussex County, more programs to underserved populations in the region, and more programs for retirees. Mr. Bradley reported that \$2 million in funding was provided by the Carvel's; \$4 million in funding was provided by the State; leaving a balance of \$1.6 million. A request for funding was previously made to the Council in January 2005 by Mark Isaacs.

Mr. Stickels reported that the Budget Committee is recommending a grant in the amount of \$100,000 to the Carvel Research and Education Center.

Gina Miserendino, representing the Delaware Housing Coalition and the Sussex Housing Group, spoke of the great need for affordable housing in Sussex County. She thanked the Council for their past grants, which have helped them facilitate the Sussex Housing Group. She reported that, this year, they are requesting financial assistance for two projects – \$28,000 for the West Rehoboth Community Land Trust and \$28,000 for the Milford Housing Development Corporation for the townhouse project in Ellendale.

Chief William Topping of the Georgetown Police Department spoke on behalf of the Sussex County Chiefs Council and thanked the Council for the proposal in the Proposed FY 2006 Budget to establish a Revenue Sharing Program whereby every community in the County with its own police department would be eligible for up to \$25,000 for capital improvements. Mr. Stickels announced that a letter was received from Mayor Gary Meredith, Town of Ocean View, thanking the Council for considering the Local Law Enforcement Program and stating the need for the program.

George Parish thanked the Council for the Proposed Fiscal 2006 Budget. He commended the Committee on the Budget and the proposals in the budget, including: not raising taxes; providing a tax credit; being free of general bond debt; diverting funds for needs in the community; having a rainy day fund; and the informative and comprehensive presentation of the budget to the public.

**Public
Hearing
Fiscal
Year 2006
Annual
Operating
Budget
(continued)**

Mable Granke, Board Member of the West Rehoboth Community Land Trust, spoke of the need for affordable housing in Sussex County. She also spoke of West Rehoboth's struggle to survive due to tremendous development pressure. She proposed that the County designate 15 percent to 20 percent of the proposed \$2.5 million Tax Credit Rebate Program for affordable housing in Sussex County and suggested that the Council grant \$100,000 to the West Rehoboth Community Land Trust.

David Lyons questioned the allocation of funding for mosquito control. He stated that there is a need for increased efforts in mosquito control due to the rapid development taking place in the County. Mr. Stickels suggested that Mr. Lyons contact Senator George Bunting. He noted that the mosquito control program is a State responsibility.

Daniel Kramer referred to Page 1 of the Proposed FY 2006 Budget document which states "The Capital Project Program Funding amount does not include \$15,697,100 for costs that are included in the other Budgets." and questioned how many budgets there are in addition to the regular budget. Mr. Kramer also stated that affordable housing is available all over the County; that grants and loans for affordable housing can be obtained through the State; that he questions the cost of sewer service; and that he has heard that some Councilmembers are considering taking away the tax credit.

The following amendments to the Fiscal 2006 Budget were proposed:

A grant in the amount of \$2,400.00 from Mr. Jones' Community Improvement Grants to the Georgetown Elementary School for Operation Warmth.

A grant in the amount of \$5,000.00 from Mr. Phillips' Community Improvement Grants to the Laurel Library.

A grant in the amount of \$2,500.00 from Mr. Cole's Community Improvement Grants to the Rehoboth Beach Chamber of Commerce for their Destination Center.

A grant in the amount of \$5,000.00 from Mr. Cole's Community Improvement Grants to the West Rehoboth Community Land Trust.

A grant in the amount of \$1,500.00 from Mr. Cole's Community Improvement Grants to the AGAPE Senior Center.

A grant in the amount of \$2,500.00 from Mr. Rogers' Community Improvement Grants to the Prime Hook Beach Association.

**Public
Hearing
Fiscal
Year 2006
Annual
Operating
Budget
(continued)**

A grant in the amount of \$1,000.00 from Mr. Rogers' Community Improvement Grants to Casa San Francisco.

Mr. Dukes referred to the 25 percent tax credit that is proposed in the FY 2006 Budget. He noted that in response to the tax credit given last year, most of the comments he received reflected that most people would like to see the County use the money for necessary programs and projects. Mr. Dukes stated that he would like to see the money used for a regional sewer study for the western side of the County. He referred to the growth on the western side of the County and stressed the need to create a vision and to look at building a regional treatment plant and acquiring land.

Mr. Cole stated that he was in agreement that the County should not approve the tax credit for Fiscal 2006. He stated that he was not prepared to decide how the money should be used and he noted that there are many worthy programs and projects that would improve the quality of life in Sussex County, including affordable housing.

Mr. Dukes and Mr. Cole suggested that the Council remove the tax credit from the Proposed Budget and that the allocation of that funding be debated at a later date.

Mr. Phillips stated that he was disappointed that, during "these times of contingency funds and surpluses", any consideration is given to rescinding the proposed tax credit. He expressed that it is appropriate to give a small portion of the surplus back to the people of Sussex County and he urged the Council to pass the Budget, as presented.

Mr. Stickels advised the Council that the tax reduction is based on the General Fund portion of the County's property tax and does not include the Capitation Tax, Library Tax, or General Fund Capital Tax. Mr. Stickels recommended that, if the Council decides to rescind the tax credit, a public hearing should be scheduled to determine how that money would be allocated.

Mr. Jones stated that he supports the tax credit and that he believes the funds are available for any project the Council may want to undertake.

Mr. Phillips questioned whether the funding is available through some other means to fund a Western Sussex Sewer Study. Mr. Stickels responded that the amount of money needed is not available.

Mr. Phillips stated that the County should not have to fund affordable housing projects; that this program should be subsidized by developers. He also expressed his opinion that the County has vast amounts of money already appropriated in the budget to address studies, property acquisitions, etc. Mr. Phillips noted that last year's tax credit did not put the County in a bind.

**Public
Hearing
Fiscal
Year 2006
Annual
Operating
Budget
(continued)**

Mr. Rogers stated that he believes the County should address infrastructure and affordable housing as priorities and that the money saved by rescinding the tax credit could be used to address these issues. Mr. Rogers stated that he opposes the tax credit for FY 2006.

Mr. Jones made the following recommended changes to the Budget:

- **Raise the salary of the eighteen County employees that make less than \$20,000.00 to \$20,000.00.**
- **Do not split the recommended salary increase to employees; give the entire 4 1/2 percent cost of living increase as of July 1, 2005.**
- **Raise the cost of living increase to 5 percent.**

**M 355 05
Amend
Community
Improve-
ment
Grants/
Proposed
Fiscal
2006
Budget**

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to amend the Community Improvement Grants by adding the following:

Councilman Jones - \$2,400.00 to Georgetown Elementary School. for Operation Warmth.

Councilman Phillips - \$5,000.00 to the Laurel Library.

Councilman Cole - \$2,500.00 to the Rehoboth Beach Chamber of Commerce for their Destination Center.

Councilman Cole - \$5,000.00 to the West Rehoboth Community Land Trust.

Councilman Cole - \$1,500.00 to the AGAPE Senior Center.

Councilman Rogers - \$2,500.00 to the Prime Hook Beach Association.

Councilman Rogers - \$1,000.00 to Casa San Francisco.

Motion Adopted: 5 Yea.

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

The following list shows a breakdown of the Community Improvement Grants included in the Proposed Budget, as amended:

**List of
Community
Improve-
ment**

District 1 – Councilman Dukes

Ross Point School

\$ 5,000.00

Grants, As Amended	Laurel Library	5,000.00
	Seaford Library	1,000.00
	Laurel Historical Society	5,000.00
	Seaford Mission	5,000.00
List of Community Improve- ment Grants, As Amended (continued)	Seaford Historical Society	5,000.00
	Boys & Girls Club of Seaford	10,000.00
	Boys & Girls Club of Laurel	5,000.00
	Nanticoke Little League	5,000.00
	Nemours Foundation	5,000.00
	AGAPE Senior Center	1,500.00
	District 2 – Councilman Jones	

Georgetown Public Library	\$ 5,000.00
Georgetown Boys & Girls Club	5,000.00
Georgetown Historical Society	7,500.00
Historic Georgetown	7,500.00
Rothway Home	3,000.00
Boy Scouts of America	3,000.00
Greenwood Historical Society	5,000.00
Bridgeville Historical Society	5,000.00
Milford Boys & Girls Club	5,000.00
Abbots Mill Pond	2,500.00
Milford Historical Society	2,500.00
Coverdale Community Center	2,500.00
* Georgetown Elementary School (Operation Warmth)	2,400.00

District 3 – Councilman Rogers

Broadkill Beach Preservation Association	\$ 2,500.00
Friends of Prime Hook – Volunteers	2,500.00
Vandegrift Wildlife Educational Program	1,000.00
Slaughter Neck Community Action	5,000.00
New Hope Community Center	2,500.00
Town of Slaughter Beach – Park	1,500.00
Town of Ellendale – Park	1,500.00
Town of Milton – Park	1,500.00
Ellendale Civic Association	2,500.00
The Maul House – Cordie Wilkerson	2,500.00
Milton Historical Society	5,000.00
Friends of Milton Library	1,500.00
Lewes Historical Society	2,500.00
Milford Historical Society	2,500.00
Children’s Beach House – Lewes	1,500.00
Rehoboth Film Society – Midway	1,500.00
Historic Lewes Cat Society – Clinics	2,000.00
Dry Dock	5,000.00

	Zwaanendael Club of Lewes	1,500.00
	Delaware Therapeutic Riding	2,500.00
	Milton Development Corp – Theatre	2,500.00
	Milton 200th Anniversary Committee	3,500.00
	Ellendale 100th Anniversary Committee	1,500.00
	Abbott’s Mill Nature Society	2,500.00
	*Prime Hook Beach Association	2,500.00
	*Casa San Francisco	1,000.00

**List of
Community
Improve-
ment
Grants,
As
Amended
(continued)**

District 4 – Councilman Cole

Rehoboth Beach – Parks & Recreation	\$ 5,000.00
Bethany Beach – Parks & Recreation	5,000.00
Dewey Beach – Parks & Recreation	5,000.00
Ocean View – Parks & Recreation	5,000.00
Town of Millville – Town Hall	5,000.00
Oak Orchard – Boys & Girls	5,000.00
Long Neck – CHEER Center	5,000.00
Nanticoke Indians	5,000.00
Rehoboth Beach - Museum	5,000.00
Cedar Neck	5,000.00
Cape Henlopen – CHEER Center	5,000.00
Bethany-Fenwick Chamber of Commerce	2,500.00
Rehoboth Beach Main Street, Inc.	2,500.00
* Rehoboth Beach Chamber of Commerce (Destination Center)	2,500.00
*West Rehoboth Community Land Trust	5,000.00
*AGAPE Senior Center	1,500.00

District 5 – Councilman Phillips

Indian River School District – Hosts	\$ 4,000.00
Fenwick Island – Lifeguards	13,000.00
Bethany-Fenwick Chamber of Commerce	2,500.00
Town of Selbyville	5,000.00
* Laurel Library	5,000.00

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to amend the Proposed Fiscal Year 2006 Budget by increasing the salary of eighteen County employees to a minim of \$20,000.00, at a total cost of \$11,300.

**M 356 05
Amend
Proposed
FY 2006
Budget**

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. Cole, seconded by Mr. Rogers, to amend the Proposed Fiscal Year 2006 Budget to give the entire 4 1/2 percent cost of living increase to County employees, on July 1, 2005.

**M 357 05
Amend
Proposed
Budget**

Motion Adopted: 4 Yea, 1 Nay.

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

**M 357 05
Amend
FY 2006
Budget
(continued)**

A Motion was made by Mr. Phillips to Adopt the Proposed Budget, as amended. The Motion failed for the lack of a Second.

**M 358 05
FAILED**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to amend the Proposed Fiscal Year 2006 Budget to rescind the Tax Credit Program.

**M 359 05
Tax Credit/
Motion
Withdrawn**

Mr. Cole and Mr. Dukes withdrew their Motions.

Public comments were heard.

**Public
Comments
Relating
to Tax
Credit**

Daniel Kramer commented that rescinding the Tax Credit Program would result in a tax increase. He also emphasized that it was inappropriate to make a large, unexpected change to the Budget, as advertised, since the public was not aware of it. He expressed that, had the public known about the possibility that the tax credit may be rescinded, more people may have attended the meeting to voice their opinion.

It was noted that the Tax Credit in FY 2005 was not a tax reduction, since the tax rate remained the same as previous years and therefore, it would not be a tax increase if the Program were discontinued in FY 2006.

George Parish stated that he thinks to maintain the tax credit is the right thing to do when revenues exceed expenditures. He also stated that if the Council wishes to have an additional \$2 million for a study, he recommends that it be subject to a public hearing. Mr. Parish urged the Council not to delete the Tax Credit Program and to give the Budget Committee an opportunity to reconsider the option within the budget to fund additional projects.

The Public Hearing was closed.

**M 360 05
Amend
Proposed
FY 2006
Budget**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to amend the Proposed FY 2006 Budget, as follows: (1) on Page 126, strike "Property Tax Credit" and insert "County Council Special Project Account", (2) on Page 2 under "Taxes – Property – County", strike \$5,891,535 and insert \$7,891,535; and (3) on Page 8 under Appropriate Reserve, strike \$6,372,090 and insert \$8,372,090.

Motion Adopted: 4 Yea, 1 Nay.

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

**M 361 05
Adopt
Ordinance
No. 1778/
FY 2006
Budget**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1778 entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2006, AS AMENDED”.

Motion Adopted: 4 Yea, 1 Nay.

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

**Public
Hearing/
Assessment
Rolls**

A Public Hearing was held on the Assessment Rolls for all Sussex County Sanitary Sewer and Water Districts. Mr. Baker stated that the assessment rolls reflect the County’s billing records for EDUs and billable front footage for each sewer and water district account. These records have been made available for public inspection in the Utility Billing Office for review and they are subject to individual appeals via the Assessment Review Board.

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

**M 362 05
Adopt
Assessment
Rolls**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, based on the recommendations of the County Engineer and County Finance Director and for the reasons stated during the Public Hearing, that the Sussex County Council hereby adopts the assessment rolls for all Sussex County Sanitary Sewer and Water Districts for the period July 1, 2005 through June 30, 2006.

Motion Adopted: 5 Yea.

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

**Public
Hearing/
Proposed
Ordinance
Establishing
Rates and
Charges for
all Water**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICT”.

Mr. Baker distributed the following:

- Exhibit 1 – Summary of individual rates for each sewer and water district.

and
Sanitary
Sewer
Districts

- **Exhibit 2 – Summary of water and sewer EDU increases.** In 1988, there were 15,330 EDUs; currently, there is 50,066 EDUs. Over that time period, the County has experienced growth of 227 percent, an average of 13 percent per year for seventeen years.

Public
Hearing/
Proposed
Ordinance
Establishing
Rates and
Charges for
all Water
and
Sanitary
Sewer
Districts
(continued)

- **Exhibit 3 – Footage Cap Analysis** which reflects the increase in the number of accounts that have benefited from the \$300,000 grant in the County's approved budget that limits the front foot assessment bills in County sewer districts to 100 front feet. Almost 3,000 accounts have benefited from this grant.
- **Exhibit 4 – Average Water & Wastewater Bills.** This shows what the average residential customer within each district pays.
- **Exhibit 5 – Connection Fees.** These fees are one-time hook-up fees for new users. Income from connection fees is used to allow the County to continue to expand to deal with the growth.

Mr. Baker explained that, for the first time in ten years, the Budget Committee is recommending an increase in the wastewater bills for the operations and maintenance portion of the sanitary sewer bill. The wastewater utility user's bill is comprised of an operations and maintenance portion and a front foot assessment portion. The service charge for the operations and maintenance portion will increase from a low of \$7.88 annually for the Long Neck Sanitary Sewer District to a high of \$18.82 annually for the Henlopen Acres Sanitary Sewer District. With increasing costs for fuel and chemicals, it is necessary to increase these rates.

Mr. Baker reported that system connection charges for FY 2006 are recommended by the Budget Committee to increase approximately five percent, except for the Ellendale Sanitary Sewer District and the Blades Sanitary Sewer District, which will have a greater system connection charge increase due to the additional charges passed on to the County by the City of Seaford and the Town of Georgetown. The City of Seaford treats the waste from the Blades Sanitary Sewer District and the Town of Georgetown treats the waste from the Town of Ellendale.

Mr. Griffin read a letter from John Mastroianni of Wilmington, Delaware. In his letter, Mr. Mastroianni expresses "outrage" at the proposed sewer rate increase.

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

Mr. Cole spoke in support of uniform rates as opposed to front footage pricing.

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Ordinance No. 1779 entitled "AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND

**Adopt
Ordinance
No. 1779
Water and
Sanitary
Sewer
District
Rates**

**CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND
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 363 05
(continued)**

**Public
Hearing
(C/U
No. 1610**

**A Public Hearing was held on the Proposed Ordinance entitled “AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRODUCE
AND GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL
OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED,
SUSSEX COUNTY, CONTAINING 5.0879 ACRES, MORE OR LESS”
(Conditional Use No. 1610) filed on behalf of Michael P. and Sharon L.
Cordrey.**

**The Planning and Zoning Commission held a Public Hearing on this
application on May 26, 2005 at which time they recommended that the
application be approved with conditions.**

**(See the minutes of the Planning and Zoning Commission dated May 26,
2005 for additional information on the application, correspondence
received, and the Public Hearing before the Commission.)**

**Mr. Lank, Director of Planning and Zoning, read a summary of the
Commission’s Public Hearing and recommendation of approval. The
summary was admitted as part of the County Council’s record.**

**The Council found that Scott Shubert was present on behalf of the
application. He stated that he is the son-in-law of the Applicants and the
owner of the landscaping business; that the proposed produce and garden
center will be located at a site that has been operated as a plant nursery and
landscape center for approximately 10 years; that the site has a DelDOT
approved entrance; and that he has a concern with the condition relating to
hours of operation, which was proposed by the Commission, since he
usually starts working at the site around 7:00 a.m.**

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

**M 364 05
Adopt
Ordinance**

**A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt
Ordinance No. 1780 entitled “AN ORDINANCE TO GRANT A
CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
RESIDENTIAL DISTRICT FOR A PRODUCE AND GARDEN CENTER
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY,
CONTAINING 5.0879 ACRES, MORE OR LESS” (Conditional Use No.**

**No. 1780
(C/U
No. 1610)**

1610) filed on behalf of Michael P. and Sharon L. Cordrey, with the following conditions:

- 1. Business hours shall be from 7:00 a.m. to 7:00 p.m. Monday through Saturday.**
- 2. One (1) non-lighted ground sign, not exceeding 32 square feet per side or facing, may be permitted.**
- 3. All security lighting shall be installed with downward illumination so they are not directed toward neighboring properties or public roads.**
- 4. The site plan, prepared by a licensed Delaware land surveyor, shall be subject to review and approval by the Planning and Zoning Commission.**

**M 364 05
(continued)**

Motion Adopted: 5 Yea.

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

**Public
Hearing
(C/U
No. 1627)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ATHLETIC FIELDS AND FUTURE SCHOOL AND POLE BARN FOR AGRICULTURE PROGRAMS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 128.5 ACRES, MORE OR LESS” (Conditional Use No. 1627) filed on behalf of Woodbridge School District.

The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2005 at which time they recommended that the application be approved with one condition.

(See the minutes of the Planning and Zoning Commission dated May 26, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and recommendation of approval. The summary was admitted as part of the County Council’s record.

Mr. Lank reported that a letter dated June 14, 2005 was received on this date, by fax, from Constance Holland of the Office of State Planning Coordination. In the letter, Mrs. Holland notes that the Woodbridge School District is outside of the growth areas designated by both County and State planning efforts and she states that it is important for the Council to understand State law regarding the location of school sites, as well as how

that applies to this application. In 2004, the General Assembly passed SB 305, which requires that new school sites be located within designated growth areas and that these site locations be approved by the State Budget Director, State Planning Director, and State Secretary of Education. The certificate of necessity (CN) for this project was issued by the Department of Education in November 2003, prior to the passage of the legislation.

Public
Hearing
(C/U
No. 1627)
(continued)

Relating to this site, the CN was issued for the construction of athletic fields and a pole building. Mrs. Holland stated that, it is their understanding, the Woodbridge School District is not planning a school building on the site. If, in the future, the school district intends to use the farm as a school site, it would need to obtain a CN from the Department of Education and would be subject to the requirements of SB 305.

Mr. Griffin (County Attorney) announced that he has a possible conflict of interest with the application since he has represented the Woodbridge School District for approximately 20 years. For this reason, Mr. Griffin stated that he would be unable to give the Council a legal opinion on matters pertaining to this application.

The Council found that Kevin Carson, Superintendent for the Woodbridge High School District, and Edwin Teneffoss of Davis, Bowen & Friedel, Inc. were present on behalf of the application. Mr. Carson stated that this project has been ongoing for decades; that they are requesting approval for athletic fields, an area for agricultural programs, and the construction of a pole building; that they have a Certificate of Need from the Department of Education for the proposed uses, except for a future school, and that they understand that an additional Certificate of Need would have to be obtained and a referendum held before the school could be constructed; that there is a need for the proposed uses since they use one area for many sports activities and since the District has run out of expansion room at its other facility locations; that although the location is not adjacent to other school facilities, the District would transport students to and from the site for practices and games in school buses; and that the site will also be used by other organizations, such as Pop Warner.

Public comments were heard.

Clayton Yokem spoke in support of the application. He stated that the Pop Warner organization needs a secure facility for their programs and that this proposal would fill that need.

Daniel Kramer spoke in opposition to the application. He stated that the Certificate of Need references a lab and that a lab was not a part of the application before the County Council. He also stated that the site is not a secure site since it is located “out in the boon docks”.

The Public Hearing was closed.

**M 365 05
Adopt
Ordinance
No. 1781**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Ordinance No. 1781 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ATHLETIC FIELDS AND FUTURE SCHOOL AND POLE BARN FOR AGRICULTURE PROGRAMS TO BE

LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 128.5 ACRES, MORE OR LESS” (Conditional Use No. 1627) filed on behalf of Woodbridge School District, with the following conditions:

**M 365 05
Adopt
Ordinance
No. 1781
(C/U
No. 1627)
(continued)**

- 1. 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. Rogers, Yea;
Mr. Jones, Yea**

**Public
Hearing
(C/U
No. 1628)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GOVERNMENTAL BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS, OF AN 861.16 ACRE TRACT” (Conditional Use No. 1628) filed on behalf of the State of Delaware.

The Planning and Zoning Commission held a Public Hearing on this application on May 26, 2005 at which time they recommended that the application be approved with one condition.

(See the minutes of the Planning and Zoning Commission dated May 26, 2005 for additional information on the application, correspondence received, and the Public Hearing before the Commission.)

Mr. Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing and recommendation of approval. The summary was admitted as part of the County Council’s record.

Mr. Lank reported that a letter dated June 14, 2005 was received on this date, by fax, from Constance Holland of the Office of State Planning Coordination. In the letter, Mrs. Holland stated that, while the site location is outside of a development district in the certified Sussex County Comprehensive Plan, it is located within an Investment Level 3 area

according to the Strategies for State Policies and Spending. Additionally, because the floor area of the new facility is less than 75,000 square feet, it did not require review through the PLUS process.

The Council found that Robert Lane of the Becker Morgan Group was present on behalf of the State Medical Examiner's Office. He stated that a medical examiner's office is proposed on the Stockley Campus; that they

propose a 4,200 square foot building; that the facility will be a full service facility; that complete autopsies will still be performed in Wilmington; that deliveries and pickups will be by ambulances, State vehicles or funeral home vehicles; and that they plan to have 3 to 4 employees.

**Public
Hearing
(continued)**

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

**M 366 05
Adopt
Ordinance
No. 1782
(C/U
No. 1628)**

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 1782 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GOVERNMENTAL BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS, OF AN 861.16 ACRE TRACT" (Conditional Use No. 1628) filed on behalf of the State of Delaware, with the following condition:

1. 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. Rogers, Yea;
Mr. Jones, Yea**

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to adjourn at 9:37 p.m. Motion Adopted by Voice Vote.

**M 367 05
Adjourn**

Respectfully submitted,

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