



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 6, 2005

Call to Order

The regular meeting of the Sussex County Council was held Tuesday, December 6, 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

M 643 05 Approve Agenda

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to amend the Agenda of December 6, 2005 by deleting "Approval of Minutes" and to approve the Agenda, 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**

PATS Aircraft/ Economic Develop- ment Loan/ Purchase Agreement

Mr. Stickels reported that the County has been meeting with representatives from PATS Aircraft, LLC to discuss the possibility of an Economic Development Loan/Purchase Agreement for a 57,000 square foot hangar located in the Industrial Park, which is currently owned by Hudson-Thompson Aviation. If approved, the purchase price would be \$3,625,000. The property is currently appraised at \$4 million. The Loan/Purchase Agreement would allow PATS to perform approximately \$250,000 in modifications to the hangar building, including a modification of the hangar doors since the tail height of the Boeing Business Jet exceeds the height of the existing opening by 10 feet. All modifications would be done at PATS' expense. The Agreement is proposed to be for fifteen (15) years at a cost of \$20,000 per month for the first five years (\$240,000 per year); the cost

during the second five years would be \$20,800 per month; and the cost during the third five years would be \$21,632 per month. This would generate \$3,745,920 in income for the County, if the full 15-year term of the lease is realized. During the fifteen years, PATS would be permitted to make payments on the principal or to purchase the building and pay the loan off. It was noted that PATS would be responsible for maintaining the building and paying all taxes and utility fees.

**PATS
Aircraft
(continued)**

Mark Ryan of PATS Aircraft, LLC updated the Council on PATS' growth since they relocated to the Sussex County Airport in 1998. He stated that in December 2004, they had 158 direct employees and 71 contract employees; since their expansion earlier in 2005, the number of employees has increased to 255 direct employees and 129 contract employees. He noted that PATS provides quality jobs with excellent pay.

**M 644 05
Authorize
Agreement
with
PATS
Aircraft**

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, that the Sussex County Council authorizes a \$3,625,000 loan, not to exceed a term of fifteen (15) years, to PATS Aircraft, LLC, as described.

Motion Adopted: 5 Yea.

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

**Adminis-
trator's
Report**

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

1. Draft Ordinance

Included with this report is a draft of an ordinance to allow for an increase of density in the planned Growth Areas and provide for specific circumstances or conditions for obtaining such increase in density. The amendment also encourages the preservation of the agricultural industry and agricultural lands by trading additional residential density for the proffering of funds for agricultural land acquisition to the Sussex County Land Trust. This ordinance will be placed on the agenda for introduction.

2. Dispatcher Recognition

I would like to take this opportunity to pass along a job well done to the Sussex County 911 Center. Recently, Dispatcher Chad Morris, an eight-year veteran of the 911 Center, helped guide callers in the delivery of not one, but two babies. On November 30, Chad, with the help of a special language line, aided a Spanish-speaking caller to give pre-arrival instructions for the delivery of a baby boy. Chad also was the dispatcher assisting in the delivery of a baby girl on October 24, giving instructions on how to clear the baby's airway,

tying off the cord, and delivering the placenta. In both cases Chad was the voice of instruction before medics could arrive. Helping in the delivery of babies is something that is not routine for our dispatchers. In the last six months, out of 80 pregnancy-related calls to 911 only two resulted in babies being delivered prior to medics arriving. Both of those cases were thanks to Chad's smooth guidance.

Adminis-
trator's
Report
(continued)

My congratulations to Chad, as well as Ricky Short, Joe Thomas, Debbie Jones, and the rest of the 911 Center staff.

3. Caroling on The Circle

On Monday, December 5, 2005, the 24th annual Caroling on The Circle took place. Over 21,000 items of food were contributed for the food pantries in Sussex County. Although for only the third time in 24 years caroling had to be moved inside, spirits were not dampened. I would like to thank the Caroling on The Circle Committee for their efforts in making this program a success.

The Delaware Manufactured Homeowners Association and First State Manufactured Housing Association raised 9,000 items of food. Other contributions included 1,200 items from Beacon Middle School, 2,000 items from Georgetown Elementary School, 1,070 items from H. O. Brittingham Elementary School, 1,709 items from North Georgetown Elementary School, 2,000 items from Punkin Chunkin/Harley Davidson of Rehoboth Beach, and 2,500 items from Sussex Central Middle School.

Draft
Ordinance
Relating to
Increased
Densities
in AR-1
Districts
in Growth
Areas

Mr. Phillips referred to the Draft Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 SECTION 25 OF THE CODE OF SUSSEX COUNTY ALLOWING FOR AN INCREASE OF DENSITY IN AR-1 DISTRICTS WITHIN COMPREHENSIVE PLAN GROWTH AREAS, PROVIDING FOR SPECIFIC CIRCUMSTANCES OR CONDITIONS FOR OBTAINING SUCH AN INCREASE IN DENSITY AND PROVIDING FOR THE PRESERVATION OF AGRICULTURAL LANDS IN SUSSEX COUNTY", which was included in the Administrator's Report. He stated that he has had several conversations with people about allowing for increased density in the growth zones, as is directed by the County's Land Use Plan. He stated that one of the issues that came up was the potential for windfall profit by developers if they are allowed to increase density. He noted that he took this into consideration and that there may be an opportunity for the County Council to redirect some of the profits in a manner that will help the preservation of open space. Mr. Phillips referred to the Sussex County Land Trust stating that it is a well-run, effective organization and that the individuals on the Board are responsible and dedicated to land preservation. He noted that the Council has representation on the Board of the Land Trust.

**Draft
Ordinance
Relating to
Increased
Densities
in AR-1
Districts
in Growth
Areas
(continued)**

Mr. Phillips explained that in the draft ordinance, the developer could increase the density up to four units per acre. If a developer chooses to do this, the ordinance would direct the developer to contribute \$10,000 per additional unit (above the base two units per acre) to the Land Trust.

Mr. Phillips stated that the Agricultural Preservation Foundation, the Land Trust, and other organizations that are dedicated to preservation are experiencing problems due to property owners' lack of interest in giving away their development rights. He noted that the State has been talking about permanent funding sources for these agencies and organizations and that he believes the County Council should provide a permanent funding source to the Land Trust.

Mr. Phillips emphasized that the ordinance is in draft form and a lot of the details need to be worked out.

Mr. Cole stated that the proposal shifts an additional burden on Coastal Sussex County; that the marketplace works fine as it is; that it will ruin the quality of life in the coastal area; that they can ill afford any additional burden; that the coastal area already experiences grid lock; that it would be a detriment to the sewer systems; that farmland is at a premium and farmers are not hurting; that the proposal is a pro-developer program; that the resort area is one of the largest industries in the County; and that the Council needs to encourage the preservation and protection of Coastal Sussex County.

Mr. Phillips responded that directing all of the money to agriculture may be inappropriate and that one change to the draft ordinance could be the exclusion of any mention of agriculture. He stated that language should be included referring to the purchase of open space for preservation and/or active and passive recreation areas.

Mr. Cole stated that he would still oppose the draft ordinance if the reference to agriculture were taken out since it would still shift more pressure on the coastal area.

Mr. Phillips responded that there is no specific requirement that the funds be shifted out of the Development District and that the County Council would have the final say on land purchases made with development fees.

Dennis Forney, Board member of Sussex County Land Trust, stated that their goal is to preserve Sussex County; that at the Today and Tomorrow Conference it was stated that currently there are 300,000 – 350,000 acres of developable land zoned AR-1 which is available in Sussex County; that the success of the Land Trust has been stymied by rising land values; that the only way to preserve land is to buy it; that this proposal would leverage some money out of the County's thriving economy for open space preservation; that the Land Trust needs a substantial funding source; and

that the proposal is not for Agricultural Districts, it is for targeted areas that the State and County designate as Development Districts; and that in accordance with Livable Delaware, density should be put in areas where infrastructure exists.

Mr. Phillips stated that he will work with Mr. Kautz, the County's Land Use Planner, to redraft the ordinance, taking into consideration the comments made.

Checking Account Mr. Baker discussed the necessity of opening the following checking account: West Rehoboth Sewer Revenue Account.

**M 645 05
Adopt
R 024 05** A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt Resolution No. R 024 05 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF FINLEY B. JONES, JR., PRESIDENT; LYNN J. ROGERS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

**West
Rehoboth
Bond Sale
Results** Mr. Baker reported on a bond sale for \$18,500,000 of West Rehoboth Sewer Revenue Bonds, which occurred November 29, 2005. The sale was for refinancing debt issued in 1995 for the cost of the West Rehoboth Sewer Project. The Series of 2005 were sold on a competitive basis via Internet auction conducted on the Muni Auction bidding platform. Bidders had an option to bid with or without insurance provided by MBIA. Five firms submitted bids and the successful bid was awarded to Wachovia Bank at 4.2783 percent (compared to the interest rate of 5 1/2 percent on the old Bonds). Wachovia opted to bid with insurance, which resulted in a cost savings to the County. The term of the Bonds was not extended. Mr. Baker noted that there would be no general obligation pledged by the County; that the revenues from the West Rehoboth Sewer Project are pledged to repay the Bonds; and that interest paid on the Bonds is exempt from Federal and State income tax for the bond holders. Mr. Baker reported that the bond sale will yield a savings of \$2.2 million over the next 19 1/2 years. The savings will be used for major maintenance needs in the West Rehoboth Sewer District.

Requests Mr. Stickels presented grant requests for the Council's consideration.

**M 646 05
Youth** A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to give \$200.00 (\$100.00 from Mr. Jones' Youth Activity Grant Account and \$100.00 from

Activity Grant	Mr. Phillips' Youth Activity Grant Account) to the Delaware Diamonds for season sponsorships. (\$100.00 is to be mailed to the Selbyville address from Mr. Phillips and \$100.00 is to be mailed to the Georgetown address from Mr. Jones).
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Motion Adopted: 5 Yea.

M 646 05

(continued)

Vote by Roll Call:

**Mr. Phillips, Yea; Mr. Cole, Yea;
Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea**

M 647 05 **A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give**
Council- **\$200.00 (\$100.00 each from Mr. Phillips' and Mr. Dukes' Councilmanic**
manic **Accounts) to the Laurel Intermediate School for the Drug Abuse Resistance**
Grant **Education (DARE) Program.**

Motion Adopted: 5 Yea.

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

M 648 05 Youth Activity Grant	A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$750.00 from Mr. Jones' Youth Activity Grant Account to Woodbridge Pop Warner for operating expenses.
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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**

M 649 05 Community Improve- ment Grant	A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give \$5,000.00 from Mr. Phillips' Community Improvement Account to the Town of South Bethany for the construction of a new Town Hall and Police Station.
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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

M 650 05	A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give
Council-	\$600.00 (\$500.00 from Mr. Dukes' Councilmanic Account and \$100.00 from
manic	Mr. Phillips' Councilmanic Account) to the Downtown Seaford Association
Grant	for Christmas Parade expenses.

Motion Adopted: 5 Yea.

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

Introduction of Proposed Ordinance Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICE SPACE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.4422 ACRES, MORE OR LESS” (Conditional Use No. 1663) filed on behalf of Toe Tapper, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

M 651 05 Adjourn A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 11:20 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

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