SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 18, 2010

Call to Order

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 18, 2010, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Vance Phillips	**President**
Michael H. Vincent	**Vice President**
George B. Cole	**Councilman**
Joan R. Deaver	**Councilwoman**
Samuel R. Wilson, Jr.	**Councilman**
David Baker	**County Administrator**
Susan M. Webb	**Finance Director**
Hal Godwin	**Deputy Administrator**
J. Everett Moore	**County Attorney**

The Invocation and Pledge of Allegiance were led by Mr. Phillips.

Mr. Phillips called the meeting to order.

M 275 10 Amend and Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Vincent, to amend the Agenda by deleting "Executive Session – Personnel, Pending/Potential Litigation, and Land Acquisition"; by deleting "Possible Action on Executive Session Items"; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea

Minutes

The minutes of May 11, 2010 were approved by consent.

Corre-spondence

Mr. Moore read the following correspondence:

DELAWARE COMMUNITY FOUNDATION, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of the Council's contribution to the Laurel

Alumni Scholarship Foundation, Inc. Fund.

Corre-spondence (continued)

JOHN F. TARBURTON, UNITED STATES DEPARTMENT OF AGRICULTURE (USDA), DOVER, DELAWARE.
RE: Letter in appreciation for the County working with the USDA to feature the Inland Bays Wastewater Treatment Facility as the 2010 Earth Day event and for helping them prepare for the USDA's announcement of $10.4 million as a result of the Recovery Act.

VICTORIA POWERS, DELAWARE STATE HOUSING AUTHORITY, DOVER, DELAWARE.
RE: Letter expressing appreciation for the cooperation and assistance of the Sussex County Community Development and Housing Department during the Neighborhood Stabilization Program (NSP) Monitoring Site Visit.

Presentation of Memorial Poppies

Cindy Phillips was in attendance on behalf of the Oak Orchard - Riverdale American Legion Post #28 Auxiliary to present poppies to the Council. Mrs. Phillips stated that this year is the 90th anniversary of the American Legion Auxiliary and that they are trying to preserve Memorial Day as a day to honor veterans and to remember the war dead. Mrs. Phillips reported that all funds derived from the distribution of the American Legion and the American Legion Auxiliary memorial poppies are used for assisting veterans and their families.

Procla-mation/ EMS Week

The Council presented a Proclamation to Robert Stuart, Director of Emergency Medical Services, entitled "PROCLAIMING THE WEEK OF MAY 16 THROUGH MAY 22, 2010 AS "EMERGENCY MEDICAL SERVICES WEEK".

Recognition of EMS Banquet Award Winners

The Council recognized the following individuals who were award winners at the EMS Banquet on May 7, 2010:

<u>Sussex County Volunteer Ambulance Association Awards</u>

EMT of the Year – Denise Dill (Station 73 - Dagsboro)

Paramedic of the Year – John Schmitt

Cliff Lee Award – David Ruff (Station 71 – Blades)

Angel Award – Kirk Miller (Station 93 – Georgetown EMS)

<u>Sussex County Emergency Medical Services Award</u>

Shift Excellence Award (A Shift) - Ray Fulkrod

Shift Excellence Award (B Shift) – Jay Shine

Shift Excellence Award (C Shift) – Kirk Miller

Recognition of EMS Banquet Award Winners (continued)

Shift Excellence Award (D Shift) – Jeremy Goldman

District Supervisor of the Year – Glenda Pusey

Field Training Officer of the Year – John Haynie

Emergency Communications Specialist – Joey Pepper

EMS Nurse of the Year – Dmitar Sijan (Beebe Medical Center)

EMS Physician of the Year – Dr. Phil Bailey (Beebe Medical Center)

Administrative Excellence Award – Shellie Simmons

EMT of the Year (West) – Stacey Scheerer (Station 87 – Seaford)

EMT of the Year (Central) – Tommy Berry (Station 83 – Millsboro)

EMT of the Year (East) – Jacques Grant (Station 91 – Mid-Sussex)

Sussex County EMS Paramedic of the Year – Andrew Vickers

Administrator's Report

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

1. <u>Delaware Department of Transportation Workshops – US 113 North/South Study</u>

As per the attached notice, the Delaware Department of Transportation will be holding workshops regarding the US 113 North/South Study on May 24 and May 25, 2010. The May 24 workshop will be held at the Millsboro Fire Company, 109 East State Street in Millsboro, from 4:00 to 7:00 p.m. On May 25, a second workshop will be held at the Phillip C. Showell Elementary School in Selbyville from 4:00 to 7:00 p.m.

2. <u>Delaware State Police Report</u>

Attached is a copy of the Delaware State Police report for March 2010. As noted, 3,832 complaints were handled. There were 3,821 traffic charges, 331 felony criminal arrests, and 817 misdemeanor criminal arrests during March in Sussex County.

3. <u>Clean Hands Collection Report</u>

Per the Sussex County Council Assessment Division, approximately $826,799 has been collected in delinquent property taxes and sewer and water billings as a result of the Clean Hands Ordinance. This ordinance went into effect October 16, 2007.

4. Sussex County – "Coastal Charms"

Attached is a copy of an article that appeared in The Wall Street Journal on May 15 and 16, 2010, about Sussex County. As noted in the article, more and more people are attracted to Sussex County, its coast, its people, and its lifestyle. The advantages of Sussex County are highlighted in this article.

[Attachments to the Administrator's Report are not attachments to the minutes.]

Presentation of Proposed Annual Operating Budget for Fiscal Year 2011

Mr. Baker presented and reviewed the Proposed Annual Operating Budget for Fiscal Year 2011 and the accompanying Budget Letter (both of which are available for download and/or viewing on the County's website at www.sussexcountyde.gov. Assisting Mr. Baker with the Budget presentation were the other members of the Budget Committee: Susan Webb, Finance Director; Gina Jennings, Director of Accounting, and Kathy Roth, Budget Director and Cost Manager.

Mr. Baker stated that the primary challenge and goal in developing this budget has been to maintain and supplement existing County services in the midst of a major economic downturn.

Mr. Baker reported that the County continues to budget with the following goals:

- **balanced budget with zero use of appropriated reserves**
- **maintain an operating reserve of approximately 25 percent**
- **continue funding for pensions and pension benefits**
- **operate without tax supported debt**
- **maintain 'AA ' strong bond rating**
- **maintain funding for local libraries**
- **upgrade and maintain existing wastewater services**
- **continue to eliminate existing septic systems in new and expanded sewer districts**
- **provide subsidies to allow for the capping of front footage costs at 100 feet in sewer and water districts**
- **continue tax credit and sewer assistance programs**

Mr. Baker reported that the Fiscal 2011 Budget includes the following initiatives:

- **Economic Development - take full advantage of available programs to provide more jobs in Sussex County**
- **unify sewer district accounting funds to provide administrative cost savings**
- **implement a plan to provide uniform service charges by reducing number of sewer and water funds from 23 to four, and make**

corresponding rate changes

- **revise and improve security in County buildings**
- **obtain best possible financing for sewer and water projects to improve affordability**
- **begin implementation of new financial systems software packages**
- **revise and upgrade the Personnel Code**
- **perform sewer operations upgrades**
- **continue updating zoning ordinances per Land Use Plan**
- **provide emergency preparedness software which will improve communications with different agencies during emergency events**
- **no property tax increase**

Presen-tation of Proposed Annual Operating Budget for Fiscal Year 2011 (continued)

Mr. Baker reported that the County's proposed General Fund Budget for Fiscal 2011 increased $613,791, which represents 1.33 percent more than the Fiscal 2010 Budget. Total revenues and expenditures are estimated at $46,842,647. As in Fiscal 2010, realty transfer tax again is the second largest non-sewer and water revenue source in the General Fund. This estimate for Fiscal 2011 assumes that realty transfers will remain at the current level that was seen in Fiscal 2010.

Mr. Baker reported that the Fiscal 2010 Budget projected General Fund revenues decreased 16 percent. The General Fund revenues projected for Fiscal 2011 are only one percent higher than Fiscal 2010. The County's second largest revenue, realty transfer tax, equals the Fiscal 2010 Budget amount of $12,700,000, which is 29 percent below the 2009 budget and 65 percent below the 2005 actual. Property tax revenues are up 1.45 percent, which represents a slower increase than in many preceding years. Housing related revenues are estimated to be four-tenths of one percent greater during Fiscal 2011 versus 2010, and six percent less than the actual for 2009. Mr. Baker noted that conservative budgeting now and in the past has enabled the County to continue without raising property taxes.

Mr. Baker reported that the proposed $139 million budget includes $46,842,647 in the General Fund; $8,060,000 in the Capital Improvement Fund; $3,464,024 in the Community Development Fund; $31,283,297 in Water and Sewer Districts; and $50,195,889 in Water and Sewer Capital Projects.

Mr. Baker reviewed the following budget highlights:

- **No property tax increase**
- **Reduced staffing levels**
- **Unified sewer accounting fund**
- **Plan for a uniform sewer service charge**
- **Funding for 40 troopers above State Police allocation**
- **Sussex County Volunteer Firemen's Association ($3 Million)**
- **Dog Control ($755,846)**
- **26 percent decrease in pension costs**

- **Five year Capital Plan ($215,180,341)**
- **Fiscal 2011 Economic Development - Capital Plan**
- **1.3% General Fund Budget Increase**
- **No use of appropriated reserves in the General Fund Budget**

(continued)

Mr. Baker advised that the Proposed Budget is based on the assumption that no changes would be made in State Paramedic funding or Realty Transfer Tax and based on the Register of Wills and Recorder of Deeds Offices remaining a function of the County.

Mr. Baker reported that a Public Hearing will be held on the Proposed Budget on June 22, 2010.

Introduction of Proposed Ordinances

Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2011" and 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 DISTRICTS". The Proposed Ordinances will be advertised for Public Hearing.

Requests

Mrs. Webb presented grant requests for the Council's consideration.

M 276 10 Community Grant

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to give $100.00 from Mr. Cole's Community Grant Account to the Oak Orchard – Riverdale American Legion Post 28 Auxiliary for the distribution of memorial poppies.

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Wilson, Yea;**
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea

M 277 10 Community Grant

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give $500.00 ($250.00 each from Mr. Wilson's and Mrs. Deaver's Community Grant Accounts) to the Milford Memorial Hospital Auxiliary for the Annual Hospital Fair.

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Wilson, Yea;**
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea

M 278 10 Community

A Motion was made by Mr. Vincent, seconded by Mr. Cole, to give $500.00 ($400.00 from Mr. Vincent's Community Grant Account and $100.00 from

Grant

Mr. Phillips' Community Grant Account) to Western Sussex Farmers' Market, a community based project to provide a venue for the sale of local products.

Motion Adopted: 5 Yeas.

M 278 10 (continued)

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea; Mr. Phillips, Yea

M 279 10 Recess

At 11:26 a.m., a Motion was made by Mr. Cole, seconded by Mr. Vincent, to recess until 1:30 p.m. Motion Adopted By Voice Vote.

M 280 10 Reconvene

At 1:33 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Vincent, to reconvene. Motion Adopted by Voice Vote.

Public Hearing/ Proposed Ordinance Providing for a Moratorium on Casino Applications

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE PROVIDING FOR A SIX MONTH MORATORIUM ON APPLICATIONS FOR CASINO AND/OR GAMBLING OR GAMING VENUES IN SUSSEX COUNTY".

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on May 13, 2010 at which time they recommended denial since the moratorium would cause panic regulations; that an ordinance should be drafted for consideration in the normal process of ordinances; that the ordinance contains language which provides that the Ordinance can be extended, modified or terminated at any time by a majority vote of all members of the County Council without any involvement by the Planning and Zoning Commission; and that moratoriums set precedence causing bad governance.

Mr. Phillips questioned if the moratorium is currently in place. Mr. Moore stated that, according to a Court of Chancery ruling, the County does not currently have a moratorium in place; that there was a majority vote by Sussex County Council to place one; and that is why a Public Hearing was scheduled.

Public comments were heard. Eric Bodenweiser spoke in support of the Proposed Ordinance stating the importance of the issue to the citizens and he asked the Council to keep in mind, while drafting the regulations, how detrimental the gambling industry could be to the citizens of Sussex County, if it is allowed.

Lit Dryden spoke, not in support or opposition, and he raised several concerns: private property rights, a level playing field (fairness); and the six month time period.

Mr. Cole stated that the Proposed Ordinance should be revisited and tightened up and he questioned if the Proposed Ordinance should pertain only to new applications; should it include casinos and/or racinos; and is it too all-encompassing.

The Public Hearing was closed.

M 281 10
Adopt Ordinance No. 2119

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2119 entitled "AN ORDINANCE PROVIDING FOR A SIX MONTH MORATORIUM ON APPLICATIONS FOR CASINO AND/OR GAMBLING OR GAMING VENUES IN SUSSEX COUNTY".

Motion Adopted: **3 Yeas, 2 Nays.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Wilson, Yea;**
Mr. Cole, Nay; Mr. Vincent, Nay;
Mr. Phillips, Yea

M 282 10
Adjourn

A Motion was made by Mr. Vincent, seconded by Mrs. Deaver, to adjourn at 2:17 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council