

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 12, 1999

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 12, 1999, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
Dale R. Dukes	Member
George B. Cole	Member
Vance Phillips	Member

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

M 031 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Approve Agenda approve the Agenda, as presented.

Motion Adopted: 5 Yea.

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

Cor- Mr. Dukes referenced his comment during the Public Hearing rection to held on January 5, 1999, on Change of Zone No. 1361, that he had possibly conducted business with the applicant in Pro- 1998. Upon returning to his office following the Public ceedings/ Hearing, Mr. Dukes examined the files of his business and C/Z concluded that, in fact, he did not conduct any business No. 1361 with the applicant during 1998.

M 032 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Approve Minutes approve the minutes of the previous meeting, dated January 5, 1999.

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard, County Attorney, read the following correspondence: spondence

DELAWARE RIVER BASIN COMMISSION, P. O. BOX 7360, WEST TRENTON, NEW JERSEY.

RE: Notice of Proposed Rulemaking - Proposed Amendments to the Commission's Ground Water Protected Area Regulations for South-eastern Pennsylvania.

Corre- DELAWARE DIAMONDS ASA TEAM, GEORGETOWN, DELAWARE.
spondence RE: Letters to Mr. Dukes and Mr. Rogers in appreciation of
(con't) Councilmanic Grants.

GEORGE T. BEAUCHAMP, EXECUTIVE DIRECTOR, GREATER SEAFORD CHAMBER
OF COMMERCE, SEAFORD, DELAWARE.
RE: Letter to Mr. Dukes in appreciation of Councilmanic Grant.

SUSAN BRADY SEKSCINSKI, CRIMINAL JUSTICE INSTRUCTOR, SUSSEX
TECHNICAL HIGH SCHOOL, GEORGETOWN, DELAWARE.
RE: Letter requesting funds for the 8th Annual State High
School Mock Trial Competition.

SEAFORD REVIVAL CENTER MISSION, INC., SEAFORD, DELAWARE.
RE: Letter to Mr. Dukes in appreciation of Councilmanic
Grant.

POULTRY ADVISORY COUNCIL, LAUREL SCHOOL DISTRICT, LAUREL,
DELAWARE.
RE: Meeting notice of Poultry Advisory Council.

TOWN OF SELBYVILLE, SELBYVILLE, DELAWARE.
RE: Letter to Mr. Cole in appreciation of Councilmanic Grant.

Sussex Mr. Stickels, County Administrator, advised that Council needs
County to make an appointment to the Sussex County Farmland Preser-
Farm- vation Advisory Board. Mr. Collins previously represented Council
land on this Board and since he is no longer a member of the Sussex
Preser- County Council, he can no longer serve on this Board as the
vation County's representative. The Advisory Board consists of four
Advisory active farmers or agribusinessmen residing within the County
Board and one member of the County legislative body, who will serve
as Chairman of the Board.

M 033 99 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to
Appoint- appoint Vance Phillips to serve on the Sussex County Farmland
ment/ Preservation Advisory Board.

Farm- Motion Adopted: 5 Yea.

Preser- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
vation Mr. Dukes, Yea; Mr. Rogers, Yea;
Advisory Mr. Jones, Yea
Board

Agri- Comments were made regarding the State law requiring a 50 foot
cultural setback to agricultural lands. It was recommended that Mr.
Setback Phillips discuss this with the other members of the Sussex
Require- County Farmland Preservation Advisory Board to determine
ment their position on this law and report his findings back to
Council.

Vacation
of Road
Petition

Mr. Stickels, County Administrator, advised Council of a petition filed by Sea Del Homeowners Association for the vacation of the public roads located in the Sea Del Estates development in Bethany Beach. Mr. Stickels noted that in May, 1977, Change of Zone No. 315 filed on behalf of Bethany Properties Joint Venture was approved for a Residential Planned Community known as Sea Del Estates. The Change of Zone application was approved by Council with the stipulation that all streets in the development would be dedicated to public use. Based on this information, Council was advised by the County Administrator and the County Attorney that approval of this request would violate a County ordinance. It was the consensus of Council to advise the petitioners that there are problems with this request. The petitioners will also be advised that an option open to them would be to file an application to amend Change of Zone No. 315 to remove the stated condition.

Adminis-
trator's
Report

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

1. Employment Opportunities

The Census 2000 Operation is currently recruiting for crew leaders, enumerators, and clerks for their address verification operation in Sussex County. The work that will be conducted by the Census Bureau is to confirm housing unit addresses. Enumerators will visit every third housing unit to verify the address of that unit and confirm the address of the adjacent or nearest unit on each side. The updated address list will be used to mail out Census 2000 questionnaires.

There are currently 70 jobs available in Sussex County ranging from \$10.50 an hour to \$13.50 an hour. The employment period will be up to six weeks. People will work approximately 30 hours per week on a flexible time schedule.

Anyone interested in applying for these positions should contact the Recruiting Department at 1-888-325-7733 or 1-215-597-5514.

2. Public Notice - Capital Improvement Program - Delaware Department of Transportation (DelDOT)

The Council on Transportation will be conducting a workshop on Thursday, January 14, 1999, starting at 6:00 p.m. at the Delaware Department of Transportation Administration Building located on the corner of U.S. 113 and South Bedford Street Extended in Georgetown. Interested citizens

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are invited and encouraged to attend this meeting to provide their suggestions on shaping Delaware's future transportation program. The meeting will provide a variety of opportunities to review the process by which DelDOT sets priorities in the selection of major transportation projects.

3. Sussex County Paramedic Program - Public Service Announcement

Sussex County paramedics, through the gracious generosity of Comcast Cable, have produced a public service television announcement that promotes the teamwork, quality, and professionalism of our paramedics and the other emergency service agencies here in Sussex. The 30-second tape shows paramedics and volunteer fire and EMS responders, including the Delaware State Police MedEVAC helicopter, Sussex County 911 Center, and a local hospital responding to a call and treating a patient. This public announcement will be aired on the Comcast Cable system here in Sussex County later this week and, hopefully, the local broadcast television stations sometime in the future.

Contrary to the criticism recently by the Governor's sanctioned Fitch report on EMS in Delaware, the career and volunteer emergency service responders here in Sussex County are doing some things right, and we are proud of their dedication and efforts. Fitch, in his report, states, "On some instances, Delaware's EMS system provides good value and is highly rated. For example, the paramedic protocols and ALS clinical care compare favorably with some of the nation's best EMS systems. Paramedic and Basic Life Support ambulances are also well equipped in Delaware."

Here in Sussex we believe this occurs more often than just a rare occurrence or "instance", as Mr. Fitch suggests. For example, several volunteers have recently taken the necessary training to increase their medical skills and knowledge to become certified as nationally registered emergency medical technicians. Many volunteer departments have implemented ways to improve their service and decrease their response times, including the hiring of paid personnel, having duty crews standing by at the station in case of a call, and initiating a first responder response to calls. Our paramedics yearly take continuing education and training to maintain and improve their medical skills and knowledge. Several of them have continued their professional education to include obtaining degrees in health fields, including EMS. In 1996, after analyzing

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paramedic response date, the paramedic unit that serves the Lewes/Rehoboth area was moved from the Five Points area to Routes 1 and 24 to decrease response times. Finally, many quality improvement initiatives have been started within and between many agencies in the County and State to improve the system as a whole.

Fifty-five paramedics, seventeen 911 dispatchers, and countless other professionals and volunteers are dedicated to providing quality emergency medical services to the citizens and visitors here in Sussex County.

The Fitch report does not identify problems that we weren't aware of prior to its release, nor does it offer definitive solutions. I have been appointed by Secretary of Public Safety Brian Bushweller to the committee that will be reviewing the report and making recommendations to the Governor by May 1, 1999. I can assure the residents of Sussex County that the care they are currently receiving from Sussex County paramedics is as professional as any in the nation. I will continue to work as a team with the other agencies in the County and State to improve the Emergency Medical Services system. I trust the State of Delaware will be committed to do what is necessary to improve this system.

Fitch
Report/
EMS
Service

Council discussed further the findings of the Fitch Report. Mr. Cole reminded Council of his concern regarding response time in the Long Neck and Oak Orchard areas. He noted that the County cannot address this problem because of limitations set by the State. He further noted that when he first expressed his concern regarding this matter, it was recommended that he await the completion of the Fitch Report prior to any action being pursued. Mr. Cole requested that the Committee established to review the Fitch Report consider response time as a top priority in Sussex County.

Mr. Jones and Mr. Rogers expressed their opinion that, at this point, the County should await the Committee's findings and recommendations following a complete review of the Fitch Report. Mr. Stickels, who will be a member of the Committee, advised that he intends to submit to the rest of the Committee a list of recommended short-term and long-term fixes for the EMS system.

It was noted that Mr. Jones is a member of the State Paramedic Committee. Members of Council and Mr. Stickels expressed concern that this Committee has not met for an extended period of time. Mr. Stickels advised that this issue will be on his list of short-term fixes to be submitted to the Committee reviewing the Fitch Report.

Proposed Oak Orchard Sanitary Sewer District Mr. Archut, Assistant County Engineer, reported on the receipt of petitions from residents in the Proposed Oak Orchard Sanitary Sewer District. To date, ninety-two valid petitions have been received; receipt of these petitions permits the County to schedule a Public Hearing on the question of establishing a sewer district and to receive input on the proposed boundaries for a potential referendum.

Mr. Wolfgang von Baumgart, a property owner in the proposed boundaries of the Proposed Oak Orchard Sanitary Sewer District, addressed Council and submitted for the record correspondence regarding a low cost alternative to central sewer which is also a possible source of federal funding from the President's Council on Environmental Quality. This low cost alternative is the Biocel, "an advanced, low cost, sanitary and food processing wastewater treatment process; a process currently in operation in the City of Snow Hill, Maryland." Mr. von Baumgart also expressed his desire to go on record as advocating the establishment of a wastewater commission comprised of members of the general public for the Proposed Oak Orchard Sanitary Sewer District.

Mr. Archut pointed out that the County will have the opportunity through the normal planning process to investigate all options for serving the area.

Mr. Izzo and Mr. Archut will do a preliminary investigation of the wastewater treatment system in place in the City of Snow Hill and will report back to Council with their findings.

M 034 99 Schedule Public Hearing/ Proposed Oak Orchard Sanitary Sewer District A Motion was made by Mr. Cole, seconded by Mr. Dukes, based on the receipt of petitions submitted pursuant to 9 Del.C. §6503, the Sussex County Council hereby sets a date and time of June 12, 1999, at 9:30 a.m. for a Public Hearing on the boundaries of the Proposed Oak Orchard 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

Bid Award/ Contract WIII-3 Mr. Izzo, County Engineer, requested Council's consideration in awarding Contract WIII-3 - Five Points North for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Bid results were reported to Council at the December 22, 1998, Council meeting.

M 035 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based
Award on the recommendation of the Consulting Engineers, George,
Bid/ Miles & Buhr, and the County Engineering Department, that
Contract Contract WIII-3 (Five Points North) for Phase III of the West
WIII-3/ Rehoboth Expansion of the Dewey Beach Sanitary Sewer District
West be awarded to the low bidder L. A. Merrell Construction, Inc.
Rehoboth and that the Council President be authorized to execute a
Construction Contract with L. A. Merrell in accordance with
its bid in the amount of \$2,384,723.12, contingent upon the
review and approval of the contract bid documents by the
Delaware Department of Natural Resources and Environmental
Control and/or the Rural Utility Service of the United States
Department of Agriculture.

Motion Adopted: 5 Yea.

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

Proposed Mr. Rogers introduced the Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A
MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL
PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND
BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAIN-
ING 78.63 ACRES, MORE OR LESS" (Change of Zone No. 1367)
filed on behalf of Atlantic Land Company. The Proposed
Ordinance will be advertised for Public Hearing.

Proposed Mr. Dukes introduced the Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO
A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF
LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY,
CONTAINING 25.05 ACRES, MORE OR LESS" (Change of Zone No.
1368) filed on behalf of Byard B. Layton. The Proposed
Ordinance will be advertised for Public Hearing.

Meeting Mr. Phillips questioned whether a date has been set when
with officials of the Delaware State Housing Authority will
DSHA be present at a Council meeting to discuss the State of
Delaware Housing Code and Federal and State funding re-
lated thereto. Mr. Stickels, County Administrator,
advised that this issue will most likely be placed on
the Agenda for January 19, 1999; the County is awaiting
confirmation from the individuals invited to attend.

Tax Mr. Phillips advised Council of his intentions to have an
Exemption ordinance drafted to provide tax relief for senior citizens
Draft by amending the Sussex County Code, Chapter 103, Article II,
Ordinance Real Property Tax Exemption for Senior Citizens. This

Draft
Ordinance
(con't)

Chapter of the Code was last updated in 1986. Mr. Phillips explained that this drafted ordinance will make an inflationary adjustment to the income level senior citizens may earn to qualify for property tax exemption from \$6,000 to \$10,000 for a single wage earner and from \$7,500 to \$12,500 for a married couple. This drafted ordinance will also adjust upward the exempted assessed valuation of property from \$12,500 to \$15,000 and suggests a budgetary impact review be done prior to implementation.

A discussion ensued regarding (1) whether this exemption would affect school taxes as well as County taxes and (2) whether the County can pursue this ordinance without a change in State law. Mr. Bayard stated that this draft ordinance is in violation of State Law and the County would need to seek a change in State law giving the County (1) the ability to raise the ceiling of the tax exemption levels or (2) to give the County the ability to set its own levels. Mr. Baker, Finance Director, expressed interest in finding out if the schools could be separate from the County.

Mr. Stickels advised that, in accordance with State law, the exemption would affect both the County and the schools. Past history in another county has shown that there was a large public outcry from the schools when this action was pursued due to the impact it would have on school budgets. Mr. Stickels noted that this action would also impact the County's budget and all consequences of this action should be thoroughly researched prior to implementation; County services would most likely be impacted, i.e. library, fire, ambulance, etc.

Mr. Cole stated that it has been his experience that most complaints regarding taxes have been related to the level of school taxes, not the County's property taxes as they may very well be the lowest in the nation.

Mr. Cole suggested that the County explore and consider a Homesteaders Exemption, i.e. giving an exemption to people who call Sussex County their domicile. He suggested that the County correspond with the State of Florida or NACo to obtain information on a Homesteaders Exemption policy. Mr. Stickels noted that this proposal would require a total change-over of the way County finances are handled and it would be necessary to bring experts in to investigate the proposal and its impact on the County.

Mr. Phillips stated his intention to move forward with this proposal by researching the State law as it pertains to this issue.

Draft Ordinance (con't) It was the consensus of Council that information be compiled that will show the impact this ordinance would have on the County's budget. Mr. Cole also requested information regarding the number of people that currently take advantage of the tax exemption compared to the number of people several years ago. Mr. Baker advised that there are currently 3,900 people who take advantage of this tax exemption. Mr. Stickels noted that it will be difficult to determine the actual budgetary impact due to the fact that the number of people that will take the exemption is unknown.

M 036 99 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 from Mr. Jones' Councilmanic Account to the Woodbridge School District for upgrading and renovating athletic fields.

Motion Adopted: 5 Yea.

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

M 037 99 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$250.00 from Mr. Jones' Councilmanic Account to North Georgetown Elementary School for the purchase of t-shirts for the Math and Science Olympiad.

Motion Adopted: 5 Yea.

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

M 038 99 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$200.00, \$50.00 from Mr. Cole's, Mr. Dukes', Mr. Jones', and Mr. Rogers' Councilmanic Accounts, to Sussex Technical High School for the 8th Annual State High School Mock Trial Competition.

Motion Adopted: 4 Yea, 1 Abstention.

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

M 039 99 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 from Mr. Cole's Councilmanic Account to the Southern Delaware School for the Arts for the After School Intramural Program.

Motion Adopted: 5 Yea.

M 039 99 Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;
(con't) Mr. Dukes, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea

M 040 99 At 11:55 a.m., a Motion was made by Mr. Cole, seconded by
Recess Mr. Dukes, to recess until 1:30 p.m. Motion Adopted by
Voice Vote.

Reconvene Mr. Jones called Council back into session at 1:30 p.m.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled
(C/U "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
No. 1265) AGRICULTURAL RESIDENTIAL DISTRICT FOR ANTIQUES AND CRAFT
SHOP AND WILDLIFE AND FOLK ART TO BE LOCATED ON A CERTAIN
PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED,
SUSSEX COUNTY, CONTAINING 2.05 ACRES, MORE OR LESS" (Condi-
tional Use No. 1265) filed on behalf of Nancy c. Rhue.
There were no public comments and the Public Hearing was
closed.

M 041 99 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to
Adopt Adopt Ordinance No. 1284 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 1284 DISTRICT FOR ANTIQUES AND CRAFT SHOP AND WILDLIFE AND FOLK
(C/U ART TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND
No. 1265) BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING
2.05 ACRES, MORE OR LESS" (Conditional Use No. 1265) filed
on behalf of Nancy C. Rhue, with the following conditions:

1. No outside storage or display areas shall be permitted.
2. One non-illuminated sign, not exceeding thirty-two (32) square feet per side or facing, may be permitted.
3. The existing barn and sheds may be utilized for storage.
4. The site plan shall be subject to review and approval of the Planning and Zoning Commission upon receipt of all agency approvals and permits.

Motion Adopted: 5 Yea.

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

Findings of Fact The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The proposed use will preserve the agricultural character of the area.

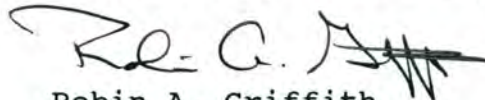
Findings
of Fact
(con't)

2. The proposed use will have no adverse impact of any sort upon the immediate area or the surrounding community.
3. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 042 99
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 1:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council