

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 26, 1999

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, January 26, 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         |
| Vance Phillips       | Member         |

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

M 053 99      A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Amend and Approve Agenda      amend the Agenda by deleting the item entitled "Executive Session - Pending Litigation" and to approve the Agenda, as amended.

Motion Adopted: 4 Yea, 1 Absent.

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

M 054 99      A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Approve Minutes      approve the minutes of the previous meeting, dated January 19, 1999.

Motion Adopted: 4 Yea, 1 Absent.

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

Clarification of Comment      Mr. Phillips clarified a comment he made during the January 19, 1999 meeting that "his constituents are not interested in a reassessment, and he feels that any reassessment that occurs should be revenue neutral". Mr. Phillips stated that this comment was not intended to say that 100 percent of his constituents are not interested in a reassessment.

Correspondence      Mr. Stickels, County Administrator, read the following correspondence:

BONNIE S. WALLS, TOWN MANAGER, THE TOWN OF LAUREL, LAUREL, DELAWARE.

RE: Letter to Mr. Dukes in appreciation of Councilmanic Grant.

Corre-  
spondence  
(con't)

DELAWARE EMERGENCY MANAGEMENT AGENCY (DEMA), DOVER, DELAWARE.  
RE: Letter to Mr. Stickels in appreciation of office space provided in the County Administrative Building for a meeting between DEMA and the Federal Emergency Management Agency mitigation staff to review HMGP applications to elevate over forty homes in Sussex County.

Work-  
shop  
Agenda

Mr. Stickels, County Administrator, reviewed the proposed agenda for the Workshop scheduled on February 4, 1999. The Workshop will be attended by the members of the Sussex County Council, the Planning and Zoning Commission, and the Board of Adjustment. Agenda items will be as follows:

1. Wall Signs and Billboards
2. Commercial Setback Requirements
3. Minor and Major Subdivision Revisions and Alterations
4. Intergovernmental Coordination
5. Agricultural Residential District - Commercial Feed Lot and Structures
6. Conservation Zone
7. Subdivision Ordinance
8. Manufactured Homes (single-wide) - Agricultural Residential District
9. Report on Pending Ordinances (report only - not for discussion)
  - a. Aquaculture - recommended approval by Commission
  - b. Off-street Parking - Multi-Family and Townhouse Projects - recommended approval by Commission with the exception of the amended Section 3 (i.e. garage parking)
  - c. Development in C-1 General Commercial and B-1 Neighborhood Business Districts - deferred by Commission

Night  
Meeting  
Report/  
Dis-  
cussion

Mr. Stickels, County Administrator, submitted to Council for review and discussion a Night Meeting Report. The Report included a list of options for night meetings and also included points of interest summarizing meeting times of other legislative bodies in the states of Delaware and Maryland. Mr. Stickels reported that Mr. Cole had instructed him to

Night  
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cussion

to advise Council of his support of meeting at 4:00 p.m. every Tuesday, recessing after the regularly scheduled meeting is complete, and to start Planning and Zoning hearings at 7:00 p.m.

Mr. Dukes expressed his opinion that the County Council should continue to meet at 10:00 a.m. with Public Hearings beginning at 1:30 p.m. Mr. Dukes stated supporting reasons for his opinion including: the County would be required to offer comp time to employees, some newspaper deadlines could not be met, many Town Council meetings are held on Tuesday evenings thus limiting the press to their attendance at the meetings; some attorneys charge more to attend night meetings; Public Hearings may extend to early morning hours; night meetings held by other political entities are not well attended, and, currently, the public has the opportunity to attend a Public Hearing during the evening with Planning and Zoning or during the day with County Council.

Mr. Rogers expressed his opinion that the County Council should continue to meet at 10:00 a.m. He further stated that when he was first elected to County Council, he too wanted to look into the County meeting during evening hours; however, after serving on Council and becoming informed on the way the County operates on a day-to-day basis, he realized that the necessary resources would not be available to Council during evening meetings. Mr. Rogers stated that he believes that the public will attend a meeting, during the day or the evening, if they have a serious concern about a topic on the agenda. Mr. Rogers noted that when he was elected he was also interested in seeing the County remain open one evening a week; this concept was adopted and the County remained open on Wednesday evenings as well as opening early on Wednesday mornings. Mr. Rogers reported that the public interest was not sufficient in continuing this practice.

The discussion was open to public comments; comments were heard from Jean West, Til Purnell, Peggy Baunchalk, and Marlene McCabe.

Mr. Phillips expressed his views that night meetings are not necessarily designed to "pack the hall"; however, they would broaden the opportunity for citizens to participate in county government even if the night meetings were only held periodically. In response to the issue relating to limitations on the news media, Mr. Phillips noted that there are several daily newspapers and television stations that could cover an evening Council meeting in a timely manner. Mr. Phillips expressed his belief that employees' overtime is not a reason to oppose night meetings. In response to the issue relating to attorneys' fees, Mr.

Night Meeting Report/ Discussion

Phillips stated that attorneys are competitive and he does not feel night meetings would substantially impact fees charged by attorneys. Lastly, Mr. Phillips asked Council to extend the courtesy of adopting the concept of night meetings as the Council did with evening office hours.

M 055 99 Current Council Schedule

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to continue with the current Council meeting schedule until the Council reaches a consensus to change the meeting schedule.

M 056 99 Amend Motion/ Evening Meetings Monthly

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to amend the Motion that Council continue with the current meeting schedule; however, an evening meeting would be held at 7:00 p.m. on the third Tuesday of each month.

Motion Denied: 3 Nay, 1 Yea, 1 Absent.

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

M 057 99 Amend Motion/ Evening Meetings Quarterly

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to amend the Motion that Council continue with the current meeting schedule; however, an evening meeting would be held at 7:00 p.m. on the third Tuesday of the first month of each quarter.

Motion Failed: 2 Nay, 2 Yea, 1 Absent.

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

Vote

A vote was taken on the Motion made by Mr. Dukes prior to the two amending Motions.

M 055 99 Continue Current Council Schedule

Motion Adopted: 3 Yea, 1 Nay, 1 Absent.

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

Administrator's Report

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

1. Economic Development Revenue Bond

I have received notification from Wilmington Trust that the Economic Development Revenue Bond in the amount of \$610,000 has been repaid by A & A Jones-Revolver Corp.

Adminis-  
trator's  
Report  
(con't)

The bond was issued on September 27, 1983. The funding was used for the purpose of financing a portion of the costs of a project consisting of the construction of a restaurant and shopping mall located at 14 Rehoboth Avenue and 13 Wilmington Avenue in Rehoboth Beach, Delaware.

2. Airport Committee Meeting

The next regularly scheduled Airport Committee meeting will be held on Wednesday, February 3, 1999, in the Conference Room on the First Floor of the County Administrative Offices, West Complex Building, located on DuPont Highway, Georgetown, Delaware, starting at 10:00 a.m. As always, these meetings are open to the media, as well as the public.

3. State Police Status Report for Sussex County - Fourth Quarter 1998

The following hours of duty and enforcement were compiled by the three State Police troops in Sussex County for the fourth quarter of 1998:

|                                     | <u>T-4</u> | <u>T-5</u> | <u>T-7</u> |
|-------------------------------------|------------|------------|------------|
| Total Hours on Duty                 | 14,203.5   | 14,374.5   | 17,417.5   |
| Hours Assisted Other Agencies       | 151.5      | 112.0      | 68.0       |
| Total Traffic Arrests               | 2,779      | 2,891      | 2,241      |
| Total DUI's                         | 101        | 107        | 108        |
| Accident Reports:                   |            |            |            |
| Property Damage                     | 200        | 339        | 305        |
| Personal Injury                     | <u>71</u>  | <u>97</u>  | <u>103</u> |
| Total Accident Reports              | 271        | 436        | 408        |
| Criminal Arrests:                   |            |            |            |
| Felony                              | 60         | 73         | 136        |
| Misdemeanor                         | <u>275</u> | <u>314</u> | <u>573</u> |
| Total Criminal Arrests              | 335        | 387        | 709        |
| Total 10-29 P's<br>(wanted persons) | 189        | 169        | 178        |
| Total Number of Complaints          | 2,156      | 3,398      | 3,766      |

4. Sussex County Volunteer Firemen's Association

The Sussex County Volunteer Firemen's Association monthly meeting will be hosted by Georgetown Ambulance Squad 93 on Tuesday, January 26, 1999. The dinner will beheld at Jones

Adminis-  
trator's  
Report  
(con't)

Hall, Grace Methodist Church, West Market Street, Georgetown, Delaware, starting at 7:30 p.m.

5. Immigration and Naturalization Service (INS)

I met last week with William O. Horn, Supervisory Special Agent for INS. Mr. Horn voice his concern over the lack of use of the INS field service in Sussex County. Representatives from INS use the Council's Caucus Room on the third Wednesday of each month. In September 1998, they had eight visitors; October 1998, seven visitors; November 1998, seven visitors; December 1998, two visitors; and January 1999, one visitor. The office will be open February 18, 1999. Mr. Horn and I will meet again after the February date to determine if the field service is going to continue in Sussex County.

Mr. Horn informed me that they are getting approximately 600 visits a month in the Dover office. Over half of those using the Dover office are Sussex County residents.

3DI  
Contract  
Time  
Extension

Mr. Monty Deel, President of 3D Imaging, LLC, and Mr. David Rorrer, Sussex County E911 Project Manager, were in attendance to request a six month extension to 3DI's 911 contract. Mr. Deel noted that the 911 addressing project is very complex and schedules are very hard to pin point in the beginning of the project. Several issues have extended the completion date from January 28 to July 28 including the following:

1. Starting in the northwest section of the county, as required, created a timing problem getting into the beach for fieldwork.
2. Beach traffic has substantially hampered fieldwork over the summer period causing delays.
3. There has been a very poor response to the mailing cards, by which address and phone number information is collected. A 65% card return was estimated; less than 50% have been returned. This will require a substantial increase in the amount of fieldwork.
4. Local labor was used in Sussex County as part of the field work effort and there has been difficulty in finding and maintaining staff. In response to this problem, 3DI elected to move one of their full-time staff to Sussex County at no cost to the County.
5. There has been much more new home development in the County than expected, thereby creating more fieldwork and edits.

3DI  
Contract  
Time  
Extension  
(con't)

6. Several functions have been performed outside of the contract to satisfy the State E911 Director and the local phone company that were not contemplated in the proposal, such as zip code ranges and address ranges on the roads.

The proposed three-month extension will allow 3DI to properly complete the project as contracted.

M 058 99 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, that Authorize Sussex County Council authorizes the extension of the 3DI 3DI E911 Contract to a completion date of July 28, 1999; and be Contract it further moved that the time extension will not result in Time an increased cost to the county or liquidated damages for 3DI. Extension

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Mr. Dukes introduced the Proposed Ordinance entitled "AN Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A 300 FOOT RADIO COMMUNICATION TOWER LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.42 ACRES, MORE OR LESS" (Conditional Use No. 1274) filed on behalf of Rehoboth Beach Volunteer Fire Company. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Dukes introduced the Proposed Ordinance entitled Ordinance "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REVISION AND EXPANSION OF CONDITIONAL USE NO. 1096 TO INCREASE BOAT STORAGE CAPACITY LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.01 ACRES, MORE OR LESS" (Conditional Use No. 1275) filed on behalf of Angola Community Partners, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Dukes introduced the Proposed Ordinance entitled Ordinance "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PUBLIC UTILITY - WATER COMPANY LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS" (Conditional Use No. 1276) filed on behalf of Sussex Shores Water Company. The Proposed Ordinance will be advertised for Public Hearing.

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 AUTO REPAIR LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.23 ACRES, MORE OR LESS" (Conditional Use No. 1277) filed on behalf of Billy C. Jones, Jr. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 49.71 ACRES, MORE OR LESS" (Change of Zone No. 1369) filed on behalf of Ronald Ritthaler and Mark Levy. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.10 ACRES, MORE OR LESS" (Change of Zone No. 1370) filed on behalf of Henry T. Waring. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRES, MORE OR LESS" (Change of Zone No. 1371) filed on behalf of Joseph B. Melson, Claudia B. Melson, and Virginia Joy. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Phillips introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS" (Change of Zone No. 1372) filed on behalf of Francis J. and Heather B. Cassidy. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DIS-



Proposed Ordinance (con't) TRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.94 ACRES, MORE OR LESS" (Change of Zone No. 1373) filed on behalf of Craig Hudson and Joseph Hudson. The Proposed Ordinance will be advertised for Public Hearing.

Clarification of Media Statement Mr. Phillips commented on a statement of his that was misinterpreted/mis-characterized by the media as Mr. Stickels' statement that the "impact of tax relief for senior citizens would be a drop in the bucket". Mr. Phillips advised that the proposed tax relief would amount to about 16/100 of one percent of the County's budget and for this reason, he stands by his statement.

Authority of Council/Senior Citizen Exemption Levels Mr. Phillips discussed the confusion over the authority that Sussex County has with respect to adjusting the senior citizens tax exemption income level. Mr. Phillips requested the County Administrator to provide Council with the State of Delaware statutes that reference this (lack of) authority and to report on the ability/inability that the County has to address this issue.

Correspondence to DSHA Mr. Phillips shared with Council a letter he sent to the Delaware State Housing Authority requesting supporting documentation on (1) federal mandates relating to CDBG funds and rural development funds and (2) Fair Housing laws.

Public Statement/Jones Mr. Jones made reference to a public statement that he issued assuring the residents of Sussex County that the County Council has no intention of increasing enforcement action regarding the State Housing Code.

Luncheon Mr. Stickels, County Administrator, announced that a luncheon would be held at Sussex Pines Country Club for the Unveiling of the 1999 Sussex County Profile.

M 059 99 Adjourn A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to adjourn at 11:45 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council