

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 30, 2001

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, January 30, 2001, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
Vance Phillips	Member
Lynn J. Rogers	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

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

M 040 01
Approve
Agenda

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the Agenda, as distributed.

Motion Adopted: 5 Yea.

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

M 041 01
Approve
Minutes

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to approve the minutes of the January 16, 2001 meeting, as distributed.

Motion Adopted: 5 Yea.

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

Corre-
spondence

Mr. Bayard read the following correspondence:

DELAWARE INVITATIONAL TOURNAMENT, NEW CASTLE,
DELAWARE.

RE: Letter requesting funds for the Orange Crush Fastpitch Camp.

Corre-
spondence
(continued)

RICHARD L. POUNSBERRY, CHIEF OF POLICE, CITY OF SEAFORD POLICE DEPARTMENT, SEAFORD, DELAWARE.

RE: Letter in appreciation of Council's support of the National Night Out activities.

DAVID J. CLONEY, M.D., TRAUMA DIRECTOR, AND JUDI MUIR, R.N., TRAUMA COORDINATOR, BAYHEALTH MEDICAL CENTER, MILFORD, DELAWARE.

RE: Letter complimenting one of the County's paramedics – Stuart Hensley.

SCAT
Public
Service
Awards

The Sussex County Council and Bob Ricker, Mayor of Georgetown and President of SCAT, presented plaques to Peggy Baunchalk and Herbert (Joe) Schaefer for the Annual Sussex County Association of Towns Service Awards.

DelDOT
Route One
MOA

Council discussed the proposed Memorandum of Agreement (MOA) between the Sussex County Council and the Delaware Department of Transportation (DelDOT) regarding the development of the State Route One Grid Program. Trish Faust, Senior Transportation Planner, and Joe Cantalupo, Assistant Director of Planning, were in attendance to participate in the discussion. This MOA was first presented to Council on January 2nd and discussed again on January 16th.

The Memorandum of Agreement, as amended by DelDOT, was reviewed. Amendments were made in accordance with requests made by Council during the January 16th meeting.

Mr. Rogers advised that he previously forwarded questions to Ms. Faust and Mr. Cantalupo and just received a response to those questions on Monday, January 29th. Mr. Rogers asked Council to defer action for one week so that he could have time to review the responses.

It was the consensus of Council to defer action on the MOA for one week.

Law
Enforcement
Proposal/
Senator
Bunting

Senator George H. Bunting, Jr. was in attendance to ask Council to fund 20 more State Police Officers for Sussex County. Senator Bunting said that he is concerned about the influx of drugs into Sussex County's communities, and especially in the unincorporated areas of the County. Senator Bunting said he is very concerned that when citizens call the State Police about drug problems, that the troopers cannot respond in a timely manner because they are understaffed.

Mr. Stickels reported that Senator Bunting's plan to fund 20 additional State Police patrol officers would cost the County \$1.8 million the first year and \$1.047 million the second year.

Law
Enforcement
Proposal/
Senator
Bunting
(continued)

Mr. Dukes stated that he agrees with the Senator's concept; however, he disagrees with where the funds should come from – that he feels the State should provide the funding for the additional troopers.

Senator Bunting stated that the General Assembly will not support providing more funding for additional State Police Officers in Sussex County; that his fellow legislators feel that the County has the money to pay for the additional troopers. Senator Bunting concluded by saying that the County needs to do more (funding for additional troopers) and if the funds aren't available, then the County needs to find the revenue, even if it means a tax increase.

It was the consensus of Council that more State Troopers are needed in Sussex County; however, the State Police and their funding is a State function.

Law
Enforcement
Proposal/
Sheriff's
Office

Sheriff Reed and Chief Deputy Jeff Christopher presented an overview of the Sheriff's Department functioning as a full service law enforcement agency of the County. Their plan calls for putting 32 deputies on the road in Sussex County. The Sheriff's Department would set up three 8-man, 12-hour shifts per day, with deputies working 12 hours on and 12 hours off and 4 days on and 4 days off. The Department would place a strong emphasis on three distinct types of law enforcement: 1) Community Policing, 2) Drug Enforcement, and 3) Traffic Enforcement.

Mr. Christopher reviewed the costs the County would incur to implement this proposal (with and without grants). Mr. Christopher reported that funding the expansion of the Sheriff's Department would result in a loss of \$884,503 the first year, compared to the Delaware State Police proposal, which would cost the County \$2,176,275 the first year. The Sheriff's Office will provide a plan to pay for expenses by obtaining funding through grant programs. When (75%) grant funding is included in the budget calculations, the loss for the first year would be reduced to \$366,604.

Mr. Stickels noted that some things were not included in the budget that should have been: mechanics, support staff, additional equipment, additional insurance, and workmen's compensation. In addition, Mr. Stickels stated that the County couldn't rely on getting grants as there is no way to know if grant funding will be received. Mr. Stickels advised that if the Department is unsuccessful in obtaining grant funding, it would take \$884,503 new dollars to implement their program.

Mr. Cole suggested that a referendum be held regarding this matter.

Sheriff Reed expressed his opinion that expanding the Sheriff's Department is a wise choice. He stated that the Department is already in existence and is currently under-utilized; it is an office of the people of

Law
Enforcement
Proposal/
Sheriff's
Office
(continued)

Sussex County where people will have an active voice ensuring that the Sheriff and Deputies serve them well and, unlike other law enforcement agencies, the County government has budgetary authority over the Sheriff's Office and can initiate proactive plans to increase law enforcement consistent with County growth. Sheriff Reed stated that his proposed plan would result in little to no tax increase and greater service and rapid response time.

Adminis-
trator's
Report

Mr. Stickels distributed his County Administrator's Report:

1. Daily Point of Light Award

The First State Resource Conservation & Development Council, Inc., has been recognized as a national winner of the Daily Point of Light Award. The Daily Points of Light Awards are designed to honor those who have made a commitment to connect Americans through service to help meet critical needs in their community, especially focused on the goals for children and youth set by the President's Summit for America's Future.

The First State Resource Conservation & Development Council, Inc. sponsors the Emergency Home Repair Project. During FY '99, 264 volunteers donated 17,670 hours in completing repairs on 312 homes in Kent and Sussex Counties. Of the homes repaired, 46 percent were minority-owned and 30 percent were owned by disabled individuals.

Mr. Rob Davis, Planning Technician III, County Engineering Department, is the Sussex County Council's representative for this organization.

2. Senior Property Tax Relief Program

The State of Delaware has extended the Senior Property Tax Relief Program application period for those seniors who missed the deadline. Anyone over the age of 65 has until February 16, 2001, to apply for their credit for property tax years 2000 and 2001. The legislation also has established a uniform statewide deadline of September 1 for all future years. Seniors who applied late do not need to file another application. The County's Tax Division has begun processing late applications already received.

The legislation allows anyone over the age of 65 to apply for a 50 percent credit against school property taxes on their primary residence, up to a maximum of \$500. For those who have not filed, they may contact the County's Tax Division at 855-7767 or call Customer Service of the Division of Revenue at 1-800-829-7826.

Public
Hearing/
Defeasance
of Bonds

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE DEFEASANCE AND REDEMPTION PRIOR TO MATURITY OF A PORTION OF SUSSEX COUNTY, DELAWARE, GENERAL OBLIGATION BONDS, SERIES 1993, FOR THE PURPOSE OF REDUCING CERTAIN EXISTING DEBT OF THE COUNTY AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". This Proposed Ordinance, if approved, would authorize Sussex County to expend up to \$3,141,646 of its general funds to defease a portion of its 1993 bonds for the purpose of reducing the County's outstanding indebtedness plus such additional amount as shall be necessary to accomplish the defeasance of up to \$3,100,000 aggregate principal amount of the 1993 Bonds. Funds would be irrevocably pledged in an escrow account for the reduction of this debt, thus they could not be used for other purposes at a later date. This debt would no longer be reflected on the County's balance sheet and investment of the funds would be at a yield restricted rate of 5.53898 percent.

Public comments were heard from Mr. Dan Kramer, who questioned where the money currently is and whether the County could possibly lose money by this defeasance. Mr. Stickels and Mr. Baker responded that it depended on the interest rates. Mr. Stickels and Mr. Baker pointed out other benefits that will result from the adoption of this Proposed Ordinance, i.e. improving the County's bond rating.

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

M 042 01
Adopt
Ordinance
No. 1430

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1430 entitled "AN ORDINANCE AUTHORIZING THE DEFEASANCE AND REDEMPTION PRIOR TO MATURITY OF A PORTION OF SUSSEX COUNTY, DELAWARE GENERAL OBLIGATION BONDS SERIES 1993 FOR THE PURPOSE OF REDUCING CERTAIN EXISTING DEBT OF THE COUNTY AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 5 Yea.

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

Terminal
Building
Project/
Bid
Results

Mr. Sapp, Project Engineer, discussed the bid results for the Terminal Building project which were presented to Council on January 16, 2001. CMSI, Inc. was the apparent low bidder; other bidders were J. A. Moore & Sons, Inc., Kent Construction, and The Whayland Co. The bid of CMSI, Inc. was approximately \$100,000 less than the other bids;

Terminal
Building
Project
(continued)

however, that bid was approximately \$125,000 above the engineer's estimate. Based on this information, the Engineering Department has recommended that all the bids be rejected, that value engineering be performed, and that the project be re-bid.

M 043 01
Reject
Bids/
Terminal
Building
Project

A Motion was made by Mr. Phillips, seconded by Mr. Jones, based on the recommendation of the Sussex County Engineering Department, that the Sussex County Council rejects all bids for Project No. 98-04, Airport Terminal Building, and authorizes the re-bidding of the project.

Motion Adopted: 5 Yea.

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

Flood
Hazard
Mitigation
Grant
Program

Mr. Izzo, County Engineer, reviewed a proposed Agreement between Sussex County and Baker, Ingram & Associates for the Flood Hazard Mitigation Grant Program. Under the Agreement, Baker, Ingram & Associates will provide Structural Engineering Services for the Sussex County Flood Hazard Mitigation Grant Program. The purpose of the program is to elevate structures that are prone to flooding thereby protecting the homes from flood hazards. Currently, fourteen (14) homeowners have signed up for the program; twelve (12) of the homes are in the Oak Orchard area. FEMA will pay 75 percent of the total cost for mitigating flood hazards; the homeowners will provide the 25 percent match. It was noted that this program was previously approved by the Sussex County Council.

M 044 01
Approve
Agreement/
Flood
Hazard
Mitigation
Grant
Program

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, based upon the recommendation of the Engineering Department, that the Sussex County Council approves an Agreement, dated January 30, 2001, with Baker, Ingram and Associates, to provide consulting services for Sussex County Flood Hazard Mitigation Grant Program.

Motion Adopted: 4 Yea, 1 Nay.

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

M 045 01
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$600 from Mr. Rogers' Councilmanic Account to The City of Lewes for the Mayor to attend the Congressional City Conference in Washington, DC.

Motion Adopted: 5 Yea.

Public
Hearing
(C/U
No. 1380)
(continued)

(6) The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

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

M 047 01
Defer
Action/
C/U
No. 1380

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to defer action for one week on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A USED CAR SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 6.38 ACRES, MORE OR LESS" (Conditional Use No. 1380) filed on behalf of Michael G. Reynolds.

Motion Adopted: 5 Yea.

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

Public
Hearing
(C/U
No. 1381)

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 TO AMEND CONDITIONAL USE NO. 783 (USED CAR SALES) BY ADDING CAMPER AND MOBILE HOME SALES, AND DISMANTLING OF MOBILE HOMES AND CAMPERS, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.28 ACRES, MORE OR LESS" (Conditional Use No. 1381) filed on behalf of Delmarva Consignment Sales. The Planning and Zoning Commission held a Public Hearing on this application on January 11, 2001, at which time they recommended that the application be denied.

Mr. Leonard Murphy was present on behalf of the application and stated that he made application last year; that he attended the Planning and Zoning Commission hearing; that he failed to attend the Sussex County Council meeting; that the application was approved by the Planning and Zoning Commission; and that the application was denied by the Sussex County Council due to the lack of a record of support. Mr. Murphy stated that there is a need to get rid of some travel trailers and mobile homes in Sussex County; that he proposes the sale of travel trailers on the site; that the dismantling will be performed on the site; that all aluminum and steel will be removed from the mobile homes and travel trailers and sold for recycling; that the 200-foot by 50-foot shed on the site will be utilized for storage; and that all dismantling will be performed to the rear of the shed.

Public Hearing
(C/U
No. 1381)
(continued)

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

It was the consensus of Council that action be deferred for one week and that staff be asked to prepare a list of proposed stipulations for consideration by Council.

M 048 01
Defer
Action/
C/U
No. 1381

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to defer action for one week on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 783 (USED CAR SALES) BY ADDING CAMPER AND MOBILE HOME SALES, AND DISMANTLING OF MOBILE HOMES AND CAMPERS, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.28 ACRES, MORE OR LESS" (Conditional Use No. 1381) filed on behalf of Delmarva Consignment Sales.

Motion Adopted: 5 Yea.

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

Absence

Mr. Rogers was absent for the remainder of the meeting due to a possible conflict of interest with the last two applications.

Public Hearing
(C/U
No. 1379)

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 MULTI-FAMILY DWELLING STRUCTURES (76 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.9 ACRES, MORE OR LESS" (Conditional Use No. 1379) filed on behalf of Robino Seachase LLC. The Planning and Zoning Commission held a Public Hearing on this application on January 11, 2001, at which time they recommended that the application be denied.

Mr. Fuqua, Attorney; Paul Robino, Developer; and Ross Harris of ECI, (Environmental Consultants International), were present and stated that they are applying for 76 residential units with 38 duplex buildings with a swimming pool and clubhouse; that the project (which will be called Sea Chase II) adjoins Sea Chase, a 69 unit multi-family project being developed by the applicants which was approved for re-zoning in July, 1996.

Public
Hearing
(C/U
No. 1379)
(continued)

Public comments were heard. Comments in opposition to the application referred to traffic and cross access easement concerns; the relocation of the entrance; that too many homes are proposed on such a small parcel; that more roads are needed in the area; that continued development puts a burden on infrastructure; that it is time to slow down development; that the growth rate should be a concern; that the applicant has failed to establish justifiable reasons to rezone the parcel; that the project will negatively affect the neighborhood; that the buildings will be too close together; and that emergency response will be a problem.

It was the consensus of Council that the Public Hearing be closed and that action be deferred to give Council time to study the record.

M 049 01
Defer
Action/
C/U
No. 1379

A Motion was made by Mr. Cole, seconded by Mr. Jones, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (76 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.9 ACRES, MORE OR LESS" (Conditional Use No. 1379) filed on behalf of Robino Seachase LLC.

Motion Adopted: 4 Yea, 1 Absent.

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

Public
Hearing
(C/Z
No. 1419)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 30.63 ACRES, MORE OR LESS" (Change of Zone No. 1419) filed on behalf of Elmer Fannin. The Planning and Zoning Commission held a Public Hearing on this application on January 11, 2001 at which time they recommended that the application be denied.

Mr. Fannin, Applicant; Mr. Griffin, Attorney; and Mr. Christenbury of Design Consultants Group were present on behalf of the application and stated that the site is located in a Development District; that the purpose of the Development District is to concentrate development in areas where public water and wastewater systems are available or planned; that townhouses, condominiums, and apartments are appropriate housing types in Development Districts; that housing will be clustered; that

Public
Hearing
(C/Z
No. 1419)
(continued)

pedestrian and bike paths will be provided; that berms with landscaping will be provided along Road 275; that no commercial uses are proposed in the project; and that the entrance will become a joint entrance with the adjoining property to the north when that parcel is developed; that they proposed to build 20-31 units per year; and that they propose less than 7 units per acre.

Public comments were heard. Comments in opposition to the application referred to the fact that DelDOT recommended denial; that traffic is a concern; that the project would be overcrowded and out of character with surrounding communities; that they are against high density development; that spot zoning creates uncontrolled growth; that no new development is needed on Road 275; that the tree line needs to be protected; that the ground water aquifer will be subject to pollutants; and that there will be additional burden on air, water, roads, wildlife, and daily living.

It was the consensus of Council that the Public Hearing be closed and that action be deferred to give Council time to study the record.

M 050 01
Defer
Action/
C/Z
No. 1419

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 30.63 ACRES, MORE OR LESS" (Change of Zone No. 1419) filed on behalf of Elmer Fannin.

Motion Adopted: 4 Yea, 1 Absent.

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

M 051 01
Adopt
Proclamation

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAIMING SATURDAY, JANUARY 27, 2001, AS A DAY TO HONOR MIKE NEILL".

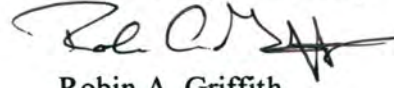
Motion Adopted: 4 Yea, 1 Absent.

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

M 052 01
Adjourn

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to adjourn at 5:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robin A. Griffith", written in a cursive style.

Robin A. Griffith
Clerk of the Council