

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 9, 1999

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 9, 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
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 075 99 A Motion was made by Mr. Rogers, seconded by Mr. Cole, to approve
Approve the Agenda, as presented.
Agenda

Motion Adopted: 4 Yea, 1 Absent.

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

M 076 99 A Motion was made by Mr. Rogers, seconded by Mr. Cole, to approve
Approve the minutes of the previous meeting, dated February 2, 1999.
Minutes

Motion Adopted: 4 Yea, 1 Absent.

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

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

STATE OF DELAWARE, DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF
AIR & WASTE MANAGEMENT, DOVER, DELAWARE.
RE: Legal Notice regarding Regulations Governing the Control of Air
Pollution.

STATE OF DELAWARE, DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF
AIR & WASTE MANAGEMENT, DOVER, DELAWARE.
RE: Legal Notice regarding the re-proposal of Regulation No. 37 – NOX
Budget Program.

Corre-
spondence
(con't)

DELAWARE SOLID WASTE AUTHORITY, DOVER, DELAWARE.
RE: Proposed Solid Waste Management System Fee.

PATRICK GUNNIN, ASSISTANT EXECUTIVE DIRECTOR,
KENT/SUSSEX COUNTIES, BOYS & GIRLS CLUB OF
DELAWARE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of \$1,500 donation.

GUMBORO COMMUNITY ASSOCIATION, INC., MILLSBORO,
DELAWARE.
RE: Letter in appreciation of \$1,000 donation.

Taxation
and
Assessment

Mr. Phillips discussed the County's ability to set its own exemptions for property taxes. Mr. Phillips requested an explanation from Mr. Schrader, Assistant County Attorney, as to the effect of the second sentence of Article VIII, § 1, Delaware Constitution of 1897, on the discussions that were conducted by the Council on February 2, 1999 on the issue of taxation and assessment. Article VIII, § 1, Delaware Constitution of 1897, states that "County Council of New Castle County and the Levy Courts of Kent and Sussex Counties are hereby authorized to exempt from county taxation such property in their respective counties as in their opinion will best promote the public welfare". Mr. Phillips presented his opinion that this statement gives the County clear constitutional authority to create its own property tax exemptions. Mr. Schrader advised that he does not agree with Mr. Phillips and proceeded to present his rationale for his opinion.

Committee
Vacancy

Mr. Stickels, County Administrator, advised that a vacancy exists on the Building Code Appeal Board due to the resignation of Ann Jones.

M 077 99
Committee
Appointment

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to appoint Todd Mumford to the Building Code Appeal Board for a term of four years.

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY, TO INCREASE AND ADD CERTAIN FEES CHARGED BY THE SHERIFF OF SUSSEX COUNTY, IN ORDER TO CONFORM SUCH COSTS TO THOSE BEING CHARGED IN NEW CASTLE COUNTY AND KENT COUNTIES". The Proposed Ordinance contains the following changes: (1) setting a minimum and maximum fee for selling

Proposed
Ordinance
(con't)

lands and tenements on execution, (2) increasing mileage fees, (3) increasing notary fee, and (4) increasing fee for service of documents and papers. The Proposed Ordinance will be advertised for Public Hearing.

Draft
Ordinance
Relating
to
Subdivisions

Mr. Stickels, County Administrator, discussed a draft ordinance entitled "AN ORDINANCE AMENDING CHAPTER 99, SECTION 13, OF THE CODE OF SUSSEX COUNTY, RELATING TO THE NOTICE REQUIREMENTS TO BE GIVEN OWNERS WITHIN SUBDIVISIONS PRIOR TO ALTERATION OR ADDITION". This draft ordinance is a result of some confusion over the existing subdivision ordinance as it pertains to the requirement that all owners within subdivisions give consent to proposed alterations or changes. The draft ordinance deletes this requirement. Mr. Cole expressed concern that a majority or percentage of owners should be in favor of any proposed alterations or changes versus not requiring any approvals. This draft ordinance was referred back to the Planning & Zoning Commission.

Adminis-
trator's
Report

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

1. Internet Update

As part of our effort to increase public awareness, we have added an additional domain name to our website. You can now find the County's website at www.sussexcounty.net, along with our www.co.sussex.de.us. This update is also coordinated with the addition of e-mail for the County Administrator and Council. The addresses are:

administration@sussexcounty.net

fjones@sussexcounty.net

lrogers@sussexcounty.net

gcole@sussexcounty.net

ddukes@sussexcounty.net

vphillips@sussexcounty.net

By the end of March, each department will have an e-mail address posted on the website.

Through a link that is available on the homepage, you can also have access now to the Code of Sussex County.

Upon completion of the FY 2000 budget, this information will also be placed on-line. It is anticipated that the available date for the FY 2000 budget will be late May.

Adminis-
trator's
Report
(con't)

2. Transfer of Development Rights Committee

Shane Abbott, Assistant Planning and Zoning Director, has scheduled a meeting for Wednesday, March 10, 1999, at 1:00 p.m. in the Council Chambers for the Transfer of Development Rights (TDRs) Committee. The purpose of the meeting is to determine if the County may wish to further pursue the TDRs Program. TDRs are building rights that can be separated from a parcel of land and sold or traded. They are created by County ordinance, where permitted by State law. They allow property owners, farmers for instance, to sell their right to subdivide and build on their land to someone wishing to develop property in an area away from the rural area – a so-called “receiving site”. Normally a receiving site would be served by public utilities and in a designated growth area.

The public, as well as the media, is welcome to attend this meeting.

Mobile
Command
Post Bid

Mr. Thomas, Director of Emergency Operations, presented a recommendation to award the Mobile Command Post Bid to the low bidder, Matthews Specialty Vehicles, in the amount of \$184,752.00. Mr. Thomas reminded Council that, through the Rural Development Loan, \$185,000 has been budgeted for this project.

Mr. Phillips questioned the necessity of the County owning a Mobile Command Post due to the availability of the Delaware State Police Mobile Command Post. Mr. Phillips asked that the awarding of the bid be tabled until further information can be obtained.

M 078 99
Award
Bid

A Motion was made by Mr. Rogers to award the Mobile Command Post Bid to the low bidder, Matthews Specialty Vehicles, in the amount of \$184,752.00.

M 079 99
Table
Award

A Motion was made by Mr. Phillips to amend the previous Motion by tabling the awarding of the Mobile Command Post Bid. The Motion died for the lack of a second.

M 078 99
Award
Mobile
Command
Post Bid

Mr. Cole seconded the first Motion to award the Mobile Command Post Bid to the low bidder, Matthews Specialty Vehicles, in the amount of \$184,752.00.

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

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

Proposed Projects Mr. Izzo, County Engineer, discussed two proposed Suburban Community Improvement Projects.

M 080 99
Accept Cedar Landing Subdivision into the Suburban Community Improvements Program
A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that the Cedar Landing Subdivision, located in Baltimore Hundred, qualifies as a "Suburban Community" as defined under Title 9, Chapter 5, of the Delaware Code, and further; that valid petitions have been received from freeholders representing more than 50 percent of the street frontage within the community, and that the Cedar Landing Subdivision be accepted into the Suburban Community Improvements Program and that plans, specifications, and cost estimates be compiled, after which an election shall be held to determine whether the County shall proceed to finance the proposed improvements.

Motion Adopted: 4 Yea, 1 Absent.

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

M 081 99
Accept Indian River Acres Subdivision into the Suburban Community Improvements Program
A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the County Engineering Department, that the Indian River Acres Subdivision, located in Baltimore Hundred, qualifies as a "Suburban Community" as defined under Title 9, Chapter 5, of the Delaware Code, and further; that valid petitions have been received from freeholders representing more than 50 percent of the street frontage within the community, and that the Indian River Acres Subdivision be accepted into the Suburban Community Improvements Program and that plans, specifications, and cost estimates be compiled, after which an election shall be held to determine whether the County shall proceed to finance the proposed improvements.

Proposed Ellendale SSD Referendum
Mr. Archut, Assistant County Engineer, advised that a date has been selected for a referendum on the Proposed Ellendale Sanitary Sewer District, pending Council's approval. Two public workshops are scheduled to be held prior to the referendum.

M 082 99
Set Referendum Date/
Ellendale SSD
A Motion was made by Mr. Rogers, seconded by Mr. Cole, that the referendum on the question of establishing the Ellendale Sanitary Sewer District shall be held on Thursday, March 18, 1999, between the hours of 1:00 p.m. and 7:00 p.m. at the following polling places: (1) New Hope Recreation and Development Center on County Road 213, near the Town of Ellendale and (2) Ellendale Town Hall at 300 McCaulley Street, in the Town of Ellendale.

Motion Adopted: 4 Yea, 1 Absent.

M 082 99
(con't)

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

USDA's
Commitment
of \$2 Million
for Ellendale
Sanitary
Sewer
System

USDA's Deputy Administrator John Romano announced a \$2 million (\$1,250,000 loan and a \$750,000 grant) for a central sewer system for the Ellendale area. Mr. Romano stated that a central sewer system in Ellendale will provide for better public health and economic development. Because of failing septic tanks, many residents are using outside portable toilets. Some yards are flooded and shallow wells are polluted. The State of Delaware will be providing approximately \$1,855,400 in grant from the 21st Century Fund and a \$926,000 loan from the Revolving Fund. The U. S. Environmental Protection Agency has pledged a \$1,958,600 grant and Sussex County is providing a \$250,000 grant. Grants are needed to maintain affordable user rates for the low income area. Due to the large amount of grant funds, the annual cost per household will not exceed \$400.

Mr. John S. Walls, State Director, USDA Rural Development for Delaware and Maryland, was recognized for his assistance in obtaining the funding from the USDA's Rural Utilities Service.

Mr. Harold L. Truxon, President of the Ellendale Community Civic Improvement Association, was recognized for his persistence and efforts in the realization of this project.

Following a luncheon at Delaware Technical & Community College, William Carter Partnership Center, the group toured the Ellendale area.

Proposed
Ordinance

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR 48 MULTI FAMILY DWELLING UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 8.08 ACRES, MORE OR LESS" (Conditional Use No. 1278) filed on behalf of Silver Properties, L.L.C. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Jones introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR 180 FOOT CELLULAR COMMUNICATIONS TOWER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.92 ACRES OF A 110.26 ACRE TRACT, MORE OR LESS" (Conditional Use No. 1279) filed on behalf of Bell Atlantic Mobile. The Proposed Ordinance will be advertised for Public Hearing.

M 083 99
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to give \$500.00 from Mr. Cole's Councilmanic Account to the Rehoboth Schools Parent Teacher Organization (R.S.P.T.O.) of Rehoboth Elementary School for a new playground.

Motion Adopted: 4 Yea, 1 Absent.

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

Corre-
spondence

Mr. Cole read the following correspondence into the record.

JACLYN L. STAFFORD, OCEAN VIEW, DELAWARE.
RE: Y2K questions.

JOAN M. WRIGHT, BISHOPVILLE, MARYLAND.
RE: Bay View Estates sewer request.

M 084 99
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$250.00 from Mr. Rogers' Councilmanic Account to the Ellendale Community Civic Improvement Association for the Black History Program Kick-off Banquet.

Motion Adopted: 4 Yea, 1 Absent.

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

M 085 99
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to provide two port-a-potties, at an approximate cost of \$340.00, at Broadkill Beach from Memorial Day through Labor Day, with the cost to be deducted from Mr. Rogers' Councilmanic Account.

Motion Adopted: 4 Yea, 1 Absent.

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

M 086 99
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to adjourn at 12:12 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council