

SUSSEX COUNTY COUNCIL, GEORGETOWN, DELAWARE, FEBRUARY 27, 2001

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 27, 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 113 01 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to amend the
Approve Agenda by deleting "Property Tax Credit for Farm Buildings", and to approve
Agenda the Agenda, as amended.

Motion Adopted: 5 Yea.

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

M 114 01 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the
Approve minutes of the February 13, 2001, meeting, as distributed.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard read the following correspondence:
spondence

COLONEL GERALD R. PEPPER, JR., SUPERINTENDENT, STATE OF DELAWARE, DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE, DOVER, DELAWARE.

RE: Letter in appreciation of Human Service Grants.

M 115 01
Adopt
Procla-
mation

A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt the Proclamation entitled "PROCLAIMING TUESDAY, FEBRUARY 27, 2001, AS A DAY TO HONOR NORMAN TATE".

Motion Adopted: 5 Yea.

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

M 116 01
Adopt
Procla-
mation

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF MARCH AS 'WOMEN'S HISTORY MONTH'".

Motion Adopted: 5 Yea.

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

Present
Check

Council presented to Rhonda Tuman, Coordinator, a check in the amount of \$2,000 for expenses associated with the event.

M 117 01
Adopt
Procla-
mation

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt the Proclamation entitled "PROCLAIMING THURSDAY, MARCH 15, 2001, AS A DAY TO HONOR THE SUSSEX CENTRAL RURITAN CLUB".

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Council Schedule

The Sussex County Council will not meet on Tuesday, March 6, 2001. Council members and staff will be attending the National Association of Counties Legislative Conference in Washington, D.C. The next regularly scheduled Council meeting will be at 10:00 a.m. on Tuesday, March 13, 2001.

2. 9-1-1 Appreciation Day

Included with this report is a copy of an article that appeared in the "Connections" newsletter of the National Emergency Number Association.

Adminis-
trator's
Report
(continued)

I thought the Council would be interested in seeing a copy of the article that recognized the Sussex County 9-1-1 Center and the County government for recognizing their employees on September 11, 2001.

3. Department of Natural Resources – Legal Notice

I have been notified by the Department of Natural Resources and Environmental Control that the Town of Georgetown has filed for a Certificate of Public Convenience and Necessity to provide public water service to those properties within the Town. Anyone wishing to inspect the application should make an appointment with Al Farling, Financial Assistance Branch, Suite 200, 5 East Reed Street, Dover, Delaware 19901. A public hearing will not be held on this application unless a formal request is received by the Department no later than Monday, March 12, 2001.

I know of no reason why the Sussex County Council should oppose this application.

4. Cancellation of Planning and Zoning Commission Meeting

As a result of the snowstorm on February 22, 2001, the Planning and Zoning Commission was forced to cancel their meeting. The agenda included four public hearings, four old business items, and five other business items. The county Council public hearings scheduled for Tuesday, March 13, 2001, were also canceled due to the scheduling of these hearings.

The Commission's public hearings are rescheduled for Thursday, April 19, 2001. The County Council public hearings are rescheduled for Tuesday, May 15, 2001. The applications that have been rescheduled are:

Conditional Use No. 1385
Bayside Development Group, Inc.

Change of Zone No. 1423
Preston L. Dyer

Change of Zone No. 1424
Twin Cedar Apartments, L.L.C.

Conditional Use No. 1387, an application of Preston L. Dyer, has been withdrawn.

Proposed
Loan
Resolution/
Cedar
Neck
SSD

Mr. Baker discussed a Proposed Loan Resolution authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District. The total cost of this project is estimated at \$11,530,000. In accordance with this Loan Resolution, Sussex County intends to raise a portion of the cost of this project

Proposed
Loan
Resolution
(continued)

by issuance of its bonds in the principal amount of \$6,910,700. Sussex County further intends to obtain assistance from the Rural Utility Service (Rural Development) in the planning, financing, and supervision of the issuance of these bonds. The Rural Development Loan, in the amount of \$6,910,700, would be for a term of 40 years at an interest rate of 4.5 percent. Mr. Baker reported that additional funding for this project includes \$742,200 in connection fees; a \$3,600,000 State grant; and a \$277,100 SRF loan.

M 118 01
Approve
Loan
Resolution/
Cedar
Neck
SSD

A Motion was made by Mr. Jones, seconded by Mr. Rogers, that the Sussex County Council approves a Loan Resolution which authorizes indebtedness to the Rural Utility Service for the purpose of constructing the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Request
Comparisons
on Rates

Mr. Phillips requested additional information pertaining to some comparisons on interest rates for loans with a term of 40 years versus loans with a term of 20 years.

PATS, Inc.
Hangar
Expansion/
Environ-
mental
Assessment

Mr. Sapp, Project Engineer, discussed an amendment to an Environmental Assessment Contract for the PATS, Inc. Hangar Expansion. Mr. Sapp reported that once the Environmental Assessment was performed and submitted to the FAA, the FAA required some additional things to be done. This scope of work resulted in additional costs in the amount of \$2,493.00 being incurred. These costs were not in Delta's original proposal. Mr. Sapp advised that the project is complete and the FAA has now given its approval.

M 119 01
Approve
Amendment/
Environ-
mental
Assessment/
PATS, Inc.
Hangar
Expansion

A Motion was made by Mr. Jones, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council approves Amendment No. 6, Environmental Assessment for PATS, Inc. Hangar Expansion, by increasing the original contract of \$16,953.57 an additional \$2,162,03, bringing the final contract total to \$19,115.60.

Motion Adopted: 5 Yea.

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

Proposed
Ordinance

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COUNSELING AND GUIDANCE SERVICES FOR CHILDREN AND THEIR FAMILIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL

Proposed Ordinance (continued) HUNDRED, SUSSEX COUNTY, CONTAINING 1.74 ACRES, MORE OR LESS” (Conditional Use No. 1397) filed on behalf of Delaware Guidance Services for Children and Youth, Inc. 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 A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 41,001 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1398) filed on behalf of Nomad Village, Inc. 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.02 ACRES, MORE OR LESS” (Change of Zone No. 1433) filed on behalf of Willard E. Wyatt and Bonnie L. Wyatt. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Jones 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 21,804 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1434) filed on behalf of Eric S. Campbell. The Proposed Ordinance will be advertised for Public Hearing.

M 120 01 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$175.00 from Mr. Cole’s Councilmanic Account, to the Lower Sussex Little League to post a billboard at the Lower Sussex Little League complex.

Motion Adopted: 5 Yea.

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

M 121 01 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$940.00, \$470.00 each from Mr. Cole’s and Mr. Phillips’ Councilmanic Accounts, to V.F.W. Post #10638 for the payment of an insurance premium.

Motion Adopted: 5 Yea.

Concerned
Citizen's
Comments
Relating
to Funding
for
Additional
Police
Protection

Mr. Michael Miller, a resident of Jimtown, addressed Council and expressed his support of Senator George Bunting's proposal and Sheriff Reed's proposal to provide more police protection in the County's unincorporated areas to fight the drug problem.. Senator Bunting's proposal called for the Council to fund 20 additional State troopers to concentrate on drug enforcement efforts. Sheriff Reed's proposal called for an expansion of his department into a County police force with 32 officers who would focus on community policing, traffic law enforcement, and drug enforcement. Mr. Miller referred to the County's "budget surplus" stating that the County can afford to provide more police protection.

Mr. Stickels suggested that Mr. Miller speak with Representative Bunting and Representative Schroeder regarding the State cutting the budget of the State Police by as much as \$1 million.

Mr. Dukes advised Mr. Miller that Council is still considering Mr. Bunting's proposal; that the Council has not "scrapped" the proposal.

Public
Hearing/
HPG
Program

A Public Hearing was held to give all citizens an opportunity to participate in the development of a preapplication to the United States Department of Agriculture, Rural Development Services, for a grant under Section 533 of the Housing Act of 1949, 42 U.S.C. 1490 (M), as amended, and known as the Housing Preservation Grant Program (HPG). The primary objective of the (HPG) Program is the development of viable rural communities, including decent housing and a suitable living environment, principally for persons of low and very low income. It is also a primary objective to alleviate or remove health or safety hazards of homes to meet applicable development standards or make needed repairs to improve the general living conditions of the resident(s), including improved accessibility by handicapped persons. The pre-application will be submitted, as follows:

	<u>Target Areas</u>	
	<u>Sussex</u>	<u>Kent</u>
Housing Rehabilitation Grants	\$ 20,000	\$20,000
Administration	\$ 5,000	\$ 5,000

The Statement of Activity was introduced; it is proposed that the HPG funds be utilized to improve the substandard conditions of approximately ten households; nine grant recipients will be very low income and one will be low income. The program funds will be used to underwrite the costs of materials and labor from licensed contractors. All prospective grantees would have to meet Section 8 income guidelines.

Mrs. Purnell, Sussex County League of Women Voters, spoke in favor of the HPG Program. There were no further public comments and the Public Hearing was closed.

M 125 01 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt Resolution
Adopt No. R 013 01 entitled "ENDORISING PROJECT TO BE SUBMITTED TO THE
Resolution UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL HOUSING
No. SERVICES, FOR FUNDING AND AUTHORIZING ROBERT L. STICKELS,
R 013 01 COUNTY ADMINISTRATOR, TO SUBMIT PRE-APPLICATION".

Motion Adopted: 5 Yea.

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

M 126 01 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$500.00
Youth from Mr. Rogers' Youth Activity Grant Account to the Milton Little League for
Activity operating expenses.
Grant

Motion Adopted: 5 Yea.

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

M 127 01 At 11:20 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Rogers, to
Recess recess until 1:30 p.m. Motion Adopted by Voice Vote.

Luncheon At 11:30 a.m., Councilmembers and staff attended a luncheon meeting at the
Meeting Sussex Conservation District office in Georgetown.

Reconvene Mr. Dukes called Council back into session at 1:35 p.m.

Public A Public Hearing was held on the Proposed Ordinance entitled "AN
Hearing ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF
(C/Z SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL
No. 1422) DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR
 A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO
 HUNDRED, SUSSEX COUNTY, CONTAINING 12.0816 ACRES, MORE OR
 LESS" (Change of Zone No. 1422) filed on behalf of Kevin W. Sagers and
 Laurie, David J. Ennis and Patricia, Wayne E. Vaeth, and Glenda J. Jackson.
 The Planning and Zoning Commission held a Public Hearing on this application
 on February 8, 2001 at which time they deferred action. The record of the Public
 Hearing held before the Planning and Zoning Commission was incorporated into
 the record of the Council.

Mr. Kevin Sager was present on behalf of the application and stated that his intentions are to create a new subdivision of five (5) lots that will replace the original subdivision; that the four lots contain 0.75 acre each; that the residual 9.08 acres will be retained by the family; that he has planted approximately 8 acres with trees.

Public
Hearing
(continued)

Mr. Stickels noted that, in accordance with the County's current ordinance, this re-subdivision would require 100 percent consent of the lot owners of the subdivision.

It was noted that every lot owner is one of the applicants.

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

Public
Hearing
(C/Z
No. 1421)

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 AND A GR GENERAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 96.12 ACRES, MORE OR LESS" (Change of Zone No. 1421) filed on behalf of Abraham P. Korotki. The Planning and Zoning Commission held a Public Hearing on this application on February 8, 2001 at which time they deferred action. The record of the Public Hearing held before the Planning and Zoning Commission was incorporated into the record of the Council.

Mr. John Sergovic, Attorney, and Mr. Jerry Friedel of Davis, Bowen & Friedel, Inc., and Mr. Abraham Korotki were present on behalf of the application. Council was advised that the applicant seeks maximum use of the site at MR density and that he hope's the project will not be scaled down since scaling down the project will diminish the applicant's vision of the project; that the parcel contains 92.61 acres in the unincorporated area of Sussex County and 3.51 acres in the town of Ocean View; that the six (6) lots located within the town limits of Ocean View have been approved by the Town; that the project (The Reserves) is designed to include a mix of housing types, including single-family lots, cluster housing, and multi-family; that a recreational area is proposed with tennis courts, swimming pool, clubhouse and related parking; and that they are meeting with the Town Council of Ocean View on March 6th to discuss the project and possible improvements to Woodland Avenue.

The following documents were distributed to Council for their review: Proposed Draft of Restrictive Covenants for The Reserves; a letter from Mr. Korotki to the Town Council of Ocean View outlining the project; a letter from Davis, Bowen & Friedel, Inc. to Mr. Korotki providing a supplemental traffic report, and a letter from Sergovic, Ellis & Shirey, P.A. to Mr. Stickels regarding the status of police services for a the proposed project.

Mr. Sergovic advised that when they originally proposed to develop the parcel, they expected a hostile public hearing and a lot of opposition; however, when the Public Hearing was held before the Planning and Zoning Commission, not one person was in attendance to orally say anything against the application.

Public
Hearing
(continued)

Mr. Sergovic advised that he has received word that the Town of Ocean View is not going to oppose this application; however, at this time, there is not anything in writing about the Town opposing or supporting this application.

Mr. Sergovic noted that, in the record, there are letters from some of the neighbors of this community in support of the application.

Public comments were heard.

Ms. Susan White, Councilmember, Town of Ocean View, spoke on behalf of the Town Council and stated that the Town is in a neutral position; that no constituents have come forward against the application; that the majority of the project is located outside of the town limits; and that the Town Council will be discussing the application at their March 6th meeting.

Comments in opposition to the application referred to the erosion of GR zoning in the area thereby resulting in a reduction of affordable housing; that there would be an adverse impact on public safety; that emergency evacuation would be a problem; and that there would be an adverse impact on area roadways.

It was the consensus of Council to close the Public Hearing and leave the record open until March 13th for written comments from the Town of Ocean View, after which time the record would remain open until March 20th for written comments in response to the information received from the Town.

Councilmembers requested that Mr. Sergovic provide a phasing plan for the project, in writing, by the March 20th deadline.

M 128 01
Adjourn

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to adjourn at 4:05 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council