

SUSSEX COUNTY COUNCIL, GEORGETOWN, DELAWARE, APRIL 3, 2001

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, April 3, 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 180 01
Amend
and
Approve
Agenda

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to amend the Agenda by deleting "Executive Session – Land Acquisition" and "Amendment to Lease and Operating Agreement – Harvey & Vera Patrick Family Foundation, Inc.", and to approve 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 181 01
Approve
Minutes

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to approve the minutes of the March 27, 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:

CARL AND MADELINE HORNE.

RE: Letter in appreciation of CDBG funding and the repairs to their home made possible by the grant funding.

Corre-
spondence
(continued)

JAMES E. BOWDEN, JR.
RE: Email message to Finley Jones recognizing the County's Emergency
Operations Center.

DEAN C. BELT, GOSLING CREEK HOMEOWNERS ASSOCIA-
TION, NASSAU, DELAWARE.

RE: Letter in appreciation of Council's option for the 911 mapping
system.

M 182 01
Adopt
Proclamation

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Adopt the
Proclamation entitled "PROCLAIMING APRIL 1 THROUGH APRIL 7,
2001, 'NATIONAL LIBRARY WEEK'".

Motion Adopted: 5 Yea.

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

M 183 01
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give
\$750.00, \$150.00 from each Councilmanic Account, to the March of
Dimes for the WalkAmerica 2001 *Orange Juice Toast*.

Motion Adopted: 5 Yea.

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

Association
of Coastal
Towns –
Interim
Rezoning
Policy
Proposal

Mr. Bob Frederick, Mayor of Dewey Beach and President of ACT
(Association of Coastal Towns), and Ms. Peg Baunchalk, Mayor of
Fenwick Island, presented a request from the eight towns/cities within the
County's Coastal Development District for the adoption of an Interim
Rezoning Policy for the Development District surrounding the Inland
Bays. Under this Proposed Policy, the County Council would not accept
or approve applications in this District for rezoning land currently zoned
AR-1 to a higher density such as MR, HR, or for high density conditional
uses. The Proposed Policy would also not allow non-tidal wetlands and
golf courses to be included in the calculations of the number of dwelling
units allowed in any Residential Planned Community in the Development
District. The Policy, if adopted, would be in effect from this date until
the time the Comprehensive Land Use Plan is revised and adopted in
2002. Mayor Frederick and Mayor Baunchalk emphasized that they are
not proposing a moratorium; that the Interim Rezoning Policy in no way
stops growth in the area. Under this Policy, approval of development
under AR-1 and AR-RPC zoning would and should continue; developers
and landowners would be free to develop their property under the zoning
rights they acquired when they purchased the land. Mayor Frederick and

Association
of Coastal
Towns –
Proposed
Interim
Rezoning
Policy
(continued)

Mayor Baunchalk further emphasized that the Interim Rezoning Policy would apply only to the environmentally sensitive Development District surrounding the Inland Bays; it would not apply to any of the other twelve (12) Zoning Districts in the County.

Mayor Frederick and Mayor Baunchalk stated that ACT feels that this Interim Rezoning Policy is sorely needed at this time due to the fact that the rapid acceleration of growth in this region in the last few years has led to a series of critical problems: road systems at gridlock; slow response time of emergency vehicles; beach parking facilities maxed out; overcrowded storm evacuation routes; and continuing threats to the fragile, environmentally sensitive Inland Bays. To facilitate Council's consideration of the Interim Rezoning Policy, a Draft Ordinance was distributed.

In addition to the attendance of Mayor Frederick and Mayor Baunchalk, the following were present representing ACT: Mayor George Smith of Lewes, Mayor Sam Cooper of Rehoboth Beach, Mayor Joe McHugh of Bethany Beach, Mayor Tom Lewis of Henlopen Acres, Councilman Sal Aiello of South Bethany, and Chairman Dick Logue of the Planning & Zoning Commission for Ocean View.

Councilmembers raised questions regarding (1) the density permitted in the towns, (2) the legality of the Draft Ordinance and (3) whether the Draft Ordinance had the support of the Sussex County Association of Towns (SCAT).

The representatives from the eight towns advised Council of actions they have taken to decrease density. Mr. Bayard advised Council that adoption of this Proposal would not simply be by the adoption of the Draft Ordinance; that this Proposal would require amending a portion of the Comprehensive Land Use Plan and that the proposed change would have to be submitted to the State Cabinet Committee on Planning Issues under the Quality of Life Act. Mr. Cole recommended that the opinions of the Towns' solicitors be obtained relating to this matter. Mayor Baunchalk advised Council that SCAT has not been asked to endorse this proposal due to the fact that it is a regional issue more suited for action by ACT.

Mr. Dukes recommended that ACT seek the support of SCAT and Mr. Cole recommended that ACT seek the support of other elected officials.

Mr. Dukes called upon Mr. Jim Fuqua, Attorney, to address the Council. Mr. Fuqua stated that he believes the "moratorium" would be unfair because it would take away the rights of developers who have purchased land based on the Comprehensive Land Use Plan. Mr. Fuqua strongly encouraged Council to hold a Public Hearing on this issue.

Proposed Interim Rezoning Policy (continued) It was the consensus of Council (4 For and 1 Against - Dukes) to hold a Public Hearing on the issue of the Proposed Interim Rezoning Policy on Wednesday, May 23, 2001, at 7:00 p.m., at the CHEER Center in Georgetown. Mr. Stickels advised that the date, time, and location of the Public Hearing are tentative; confirmed information will be provided at the April 10, 2001, Council meeting.

Recess Council recessed at 11:25 a.m.

Reconvene Mr. Dukes called Council back into session at 11:35 a.m.

Administrator's Report Mr. Bayard distributed the following County Administrator's Report:

1. Smoke Detectors

I would appreciate any assistance from the media in letting the general public know that the County Council is still distributing smoke detectors. Anyone who has not received a smoke detector from the County in the past may pick one up at the County Administrative Building located on The Circle in Georgetown, at the receptionist's desk from 8:30 a.m. to 4:30 p.m., Monday through Friday.

2. DuPont Plant

It is with regret that I inform Council of notification from the DuPont Company that they will be terminating 540 permanent jobs at the Seaford Plant. The letter that I received from Mr. C. Bland Dickey, Plant Manager, on April 2, announced the reduction in force as part of their 1996 reorganizational plan. By year-end 2001, the DuPont Company will be shutting down some of their fiber making capacity. Employees will receive a severance package, which includes one month's pay for each two years of service, with a minimum of two month's pay and a maximum of one year's pay. Additionally, there will be a year of health and dental coverage.

I have asked Mr. Frank Calio, Sussex County Economic Development Director, to notify businesses in our Industrial Park of the potential workforce that may be available.

Marriott Fairfield Extension Request Mr. Archut, Assistant County Engineer, discussed a request from the Marriott Fairfield Inn & Suites for the boundaries of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to be extended to include their 3.10 acre parcel located on Route 24.

M 184 01 Post Notices A Motion was made by Mr. Rogers, seconded by Mr. Jones, that the Sussex County Engineering Department be authorized to post notices for the extension of the West Rehoboth Expansion of the Dewey Beach

M 184 01 Sanitary Sewer District boundary to include the Marriott Fairfield Inn & Suites parcel, as presented on April 3, 2001.
Post
Notices/
Marriott
Fairfield
Inn & Suites
(continued)

Motion Adopted: 5 Yea.

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

Holts
Landing
SSD/
Change
Order
No. 2

Mr. Izzo discussed the Holts Landing Sanitary Sewer District and the contract the County has with Bunting and Murray Construction Corporation for the project. The contract was scheduled to end on October 30, 2000; however, due to items beyond the contractor's control, they were not able to bring the system on until November 27, 2000, a difference of 28 days. Reasons for the delay include: (1) bringing on the regional pumping station that Holt's Landing pumped into, (2) the extension of the Headworks contract, and (3) problems getting electric connected to the pump station site.

M 185 01
Approve
Change
Order
No. 2/
Holts
Landing
SSD

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based on the recommendation of the Consulting Engineers, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that the Sussex County Council approve Change Order No. 2 for Contract 99-10 "Holt's Landing Sanitary Sewer District", that extends the contract time by 28 days to provide a substantial completion date of November 27, 2000.

Motion Adopted: 5 Yea.

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

Wastewater
Facilities

Mr. Green, Director of Utility Construction, discussed wastewater facilities to be constructed in the Bethany Beach Sanitary Sewer District and the Fenwick Island Sanitary Sewer District.

M 186 01
Execute
Agreements/
South
Hampton
RPC

A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 226, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and South Hampton Land Limited, for wastewater facilities to be constructed in South Hampton, Phase III, located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

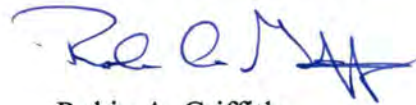
M 190 01
(continued)

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

M 191 01
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Jones, to adjourn at
11:48 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council