

SUSSEX COUNTY COUNCIL, GEORGETOWN, DELAWARE, MAY 8, 2001

Call to Order The regular meeting of the Sussex County Council was held Tuesday, May 8, 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 255 01 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to approve the
Approve Agenda, as distributed.
Agenda

Motion Adopted: 5 Yea.

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

M 256 01 A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to approve the
Approve minutes of the Public Workshop with the Delaware Department of
Minutes Transportation held on April 2, 2001, 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

Delaware Mr. Stickels and Mr. Thomas, Director of Emergency Operations, announced
Outstanding that, on April 19, 2001, the Association of Public Safety Communications
Telecom- Officials International, Inc. Mid-Eastern Chapter awarded the Delaware
munications Outstanding Telecommunications Unit of the Year to the Sussex County
Unit of Emergency Operations Center (EOC). The Sussex County EOC was
the Year recognized for their exemplary performance on April 30, 2000, when
 Greenwood Volunteer Fire Company Assistant Fire Chief Arnold Blankenship
 was tragically killed during a controlled burning of a dwelling.

(continued) EOC employees recognized were Ricky Short, Steve Callaway, Karen Tull, Debbie Jones, Seth Bullock, Chad Morris, and Derrick Harvey.

EOC
Open
House Mr. Stickels announced that the First Annual Sussex County Community Awareness Event and Open House will be held on Thursday, May 17, 2001, from 10:00 a.m. to 7:00 p.m. at the Sussex County Emergency Operations Center. This event is being hosted by the Delaware State Police and the Sussex County Emergency Operations Center and will provide citizens with valuable education on the processing of 9-1-1 calls, tips and displays on summer safety, and tours of the facility.

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

1. James Farm Open House

The Center for the Inland Bays will be conducting an Open House at the James Farm, Cedar Neck Road, Ocean View, Delaware, on Saturday, May 12, 2001, from 10:00 a.m. to 3:00 p.m. The purpose of the Open House is to showcase the things that are available and occurring at the James Farm. Throughout the course of the day there will be guided tours, demonstrations, and various exhibits. For additional information, contact Jim Alderman at the Center office at 302-645-7325.

2. Delaware Department of Transportation Public Workshop

The Delaware Department of Transportation will be conducting a Public Workshop in the Sussex County Council Chambers on The Circle in Georgetown on Monday, May 14, 2001, between 4:00 and 7:30 p.m. Members of the Public Advisory Committee and Technical Advisory Committee for the Sussex County Long-Range Transportation Plan Update and the Project Team are sponsoring the workshop to share with the public information on transportation issues they have identified to date in preparing the Sussex County Long-Range Transportation Plan Update, and to hear further from the public their views on Sussex County's transportation needs and priorities.

I would encourage the residents of Sussex County to attend this workshop to share their concerns and comments. Those unable to attend are encouraged to visit the project web site at www.co.sussex.de.us/transportationplan to learn more about the Plan Update and to ask questions and express their views.

3. Redden State Forest CCC Display

Brian Page, the County's Historic Planner, has developed a Civilian Conservation Corps (CCC) display in the lobby area of the old post

Adminis-
trator's
Report
(continued)

office in the County Council Chambers. The display includes illustrations from the Historical Society of Delaware, the Delaware State Public Archives, and the Franklin Delano Roosevelt Memorial Library in Washington, D.C.

The display on the bulletin board highlights the buildings the Civilian Conservation Corps constructed at the Redden State Forest between 1934 and 1936 and illustrates the contribution the CCC made to Sussex County. It is intended to show what life was like for the CCC in Delaware during the Great Depression. It is important to note that by 1938 the CCC had a significant impact on the State. By that year, CCC camps in Delaware had created over 16 million yards of drainage, flood control, and mosquito control ditches. In addition, the sand dunes at Lewes Beach were developed to prevent further erosion, two State forests, Trap Pond State Park, and Delaware's two wildlife refuges were designed and developed. The buildings at Redden State Forest are a testament to the hard work of the CCC, to the industry Delawareans showed during the Great Depression, and are the very best examples of rustic split-log style architecture in the State.

Long
Range
Planning/
North
South
Limited
Access
Highway

Mr. Phillips noted that one of the major elements of the Long Range Planning process is the North South Limited Access Highway. Mr. Phillips questioned the status of this proposal. Mr. Stickels advised that a study group has been established to look at the feasibility of the North South Limited Access Highway proposal and that the study group will be meeting with the consultant on Friday, May 11th. It is anticipated that a recommendation will be presented to the Secretary of Transportation following Labor Day. Mr. Phillips expressed concern that progress on this matter is slow. He noted that the North South Limited Access Highway proposal has the support of the Sussex County Council and the State Senate, and that Secretary Hayward has stated that DelDOT will put the study "on a fast track" Mr. Stickels responded that he will ask the consultants to present an update to Council.

Proposed
Loan
Resolution/
SCRWF

Mr. Baker discussed a Proposed Loan Resolution from the United States Department of Agriculture, Rural Development Agency, authorizing and providing for the incurrence of indebtedness in the amount of \$2,077,100 for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending the South Coastal Regional Wastewater Facility. Mr. Baker explained that the Proposed Loan Resolution is for two projects. The first project, totaling \$1,563,600, is for a sand filter project to replace an existing micro-strainer and to provide additional sand filter capacity for future growth at SCRWF. The second project, totaling \$513,500, is for a force main from Pump Station No. 100 to the South Coastal Treatment Plant. Mr. Baker advised that the term of the loan is forty years with an interest rate at a maximum of 4 1/2 percent.

M 257 01
Adopt
Loan
Resolution/
SCRWF

A Motion was made by Mr. Jones, seconded by Mr. Cole, to Adopt the Loan Resolution entitled "A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, 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 ITS SOUTH COASTAL REGIONAL WASTEWATER FACILITY (SAND FILTER REPLACEMENT AND PUMP STATION NO. 100 FORCE MAIN PROJECTS)".

Motion Adopted: 5 Yea.

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

South
Coastal
Planning
Area/
SCADA
System
Improve-
ments/
Contract
Amendment

Mr. Izzo, County Engineer, discussed an amendment to a contract with Whitman, Requardt and Associates, LLP for SCADA System Improvements, Phase II, in the South Coastal Planning Area. This amendment will allow the County to proceed with Phase II of the SCADA construction project – a project providing alarms and remote controls for the purpose of monitoring pumping stations. Phase I included the main infrastructure of the project and bringing twenty (20) pump stations on-line with the alarm system; ninety-four (94) additional pump stations will be brought on-line in Phase II. Mr. Izzo pointed out that the contract with Whitman, Requardt and Associates is for the design and construction oversight of the project and that the County is doing the work in-house.

M 258 01
Execute
Contract
Amendment/
South
Coastal
Planning
Area/
SCADA
System
Improve-
ments

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute an Amendment No. 6 to its contract with Whitman, Requardt and Associates, LLP, which references design and construction phase services for Phase II SCADA System Improvements and increases the contract amount associated with this work item from \$78,357.96 to \$137,235.50, a net increase of \$58,877.54.

Motion Adopted: 5 Yea.

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

Proposed
Sea
Country
Estates SSD/
Boundaries

Mr. Archut, Assistant County Engineer, presented a Proposed Resolution establishing the boundaries for the Proposed Sea Country Estates Sanitary Sewer District. Mr. Archut explained that the boundaries include the subdivision known as Sea Country Estates I and a single family home adjacent to the subdivision. It was noted that on April 14, 2001, a public hearing was held; at that time there were no public comments except a request for the

Boundaries
(continued)

inclusion of an additional parcel. Mr. Archut advised that the parcel was not contiguous to the boundaries and therefore, the County cannot extend the boundaries to include it at this time.

M 259 01
Adopt
R 015 01

A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to Adopt Resolution No. R 015 01 entitled "DISTRICT BOUNDARIES FOR THE PROPOSED SEA COUNTRY ESTATES 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

Old
Business/
C/U
No. 1379

Conditional Use No. 1379 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", filed on behalf of Robino Seachase LLC, was discussed.

The Planning and Zoning Commission held a Public Hearing on this application on January 11, 2001. On January 25, 2001, the Commission recommended that this application be denied.

The County Council held a Public Hearing on this application on January 30, 2001.

M 260 01
Adopt
Ordinance
No. 1455
(C/U
No. 1379)

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 1455 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, with the following conditions:

1. The maximum number of residential units shall not exceed 45.
2. The development shall be served as part of the Sussex County Sanitary Sewer System.
3. The development shall be served by Tidewater Utilities, Inc. providing central water for consumption and fire protection per applicable regulations and approvals of DNREC, the State Fire Marshal, and the Public Service Commission.

M 260 01
(continued)

4. All entrance, intersection, and roadway improvements required by DelDOT, as set forth in DelDOT's letter dated April 20, 2000, shall be completed by the applicant.
5. Site plan of the development, including landscaping plans, shall be reviewed and approved by the Sussex County Planning and Zoning Commission.
6. Applicant will construct the clubhouse and swimming pool by completion of 24 residential units.
7. The development will utilize a combined entrance to Sea Chase I and Sea Chase II for ingress and egress to County Road 274.

Motion Adopted: 4 Yea, 1 Abstention.

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

Findings
of Fact

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use is in a Development District, is served by public sewer and by a public water utility and adjoins a similar multi-family development. The proposed use is consistent with the purposes and goals of the Comprehensive Plan.
2. The findings of fact of the Planning and Zoning Commission are incorporated herein.
3. With the conditions imposed, there will be minimal, if any, adverse impacts from the proposed use.

Covenant/
Deed
Restrictions/
Development
Zone

Mr. Phillips suggested that developers be required by stipulation to include a covenant within their deed restrictions declaring that a property is located within a Development Zone. Mr. Bayard reported that he will meet with Mr. Stickels and Mr. Lank to discuss Mr. Phillips' concerns, after which time he will report back to Council.

Old
Business/
C/Z
No. 1428

Change of Zone No. 1428 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19,410 SQUARE FEET, MORE OR LESS", filed on behalf of Patricia McDaniel, was discussed.

C/Z
No. 1428
(continued)

The Planning and Zoning Commission held a Public Hearing on this application on April 5, 2001, at which time they recommended approval.

The County Council held a Public Hearing on this application on April 24, 2001.

M 261 01
Adopt
Proposed
Ordinance
(C/Z
No. 1428)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19,410 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1428) filed on behalf of Patricia McDaniel.

Motion Denied: 3 Nay, 2 Yea.

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

Old
Business
(C/Z
No. 1430)

Change of Zone No. 1430 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24.45 ACRES, MORE OR LESS" filed on behalf of Rehoboth Home Builders, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on April 5, 2001; on April 19, 2001, the Commission recommended that the application be approved, with stipulations.

The County Council held a Public Hearing on this application on April 24, 2001.

M 262 01
Adopt
Ordinance
No. 1456
(C/Z
No. 1430)

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1456 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24.45 ACRES, MORE OR LESS" (Change of Zone No. 1430) filed on behalf of Rehoboth Home Builders, Inc., with stipulations:

1. The maximum number of residential lots shall not exceed fifty (50).

M 262 01
(continued)

2. The development shall be served as part of the Sussex County Sanitary Sewer System.
3. The development shall be served by Tidewater Utilities, Inc. providing central water for consumption and fire protection per applicable regulations and approvals of DNREC, the State Fire Marshal, and the Public Service Commission.
4. All conditions required by DelDOT, as set forth in DelDOT's letter dated December 8, 2000, shall be completed and/or enforced by the applicant.
5. The site plan of the development shall be reviewed and approved by the Sussex County Planning and Zoning Commission.
6. Applicant will limit through deed restrictions the type of residential use of this property to an age restricted community in compliance with the Fair Housing Act, said restrictions to be reviewed and approved by the County Attorney at the time of final site plan review by the Sussex County Planning and Zoning Commission.
7. The applicant shall provide sidewalks and street lighting throughout the project.

M 263 01
Amend
Motion

A Motion was made by Mr. Phillips to amend Stipulation No. 1 to read, "The maximum number of residential lots shall not exceed sixty-four (64). The Motion died for the lack of a Second.

Call for Vote
on

Mr. Dukes called for the vote on the original Motion.

M 262 01

Motion Adopted: 5 Yea.

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

Findings
of Fact

The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the change of zone is in a Development District and is consistent with the purposes and goals of the Comprehensive Plan, with a density that is substantially reduced from what the Plan permits.
2. The change of zone, with the conditions imposed hereafter, will have minimal, if any, adverse impact.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing/
West
Rehoboth
Boundary
Extension/
Marriott
Fairfield

A Public Hearing was held to consider extending the boundary of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to include the proposed Marriott Fairfield Inn & Suites property. Mr. Archut, Assistant County Engineer, advised that the parcel is contiguous to the West Rehoboth Sewer District boundaries on two sides.

Mr. Warren, the owner of the property, stated that he may be selling the property to Beebe Medical Center. There were no further public comments and the Public Hearing was closed.

M 264 01
Adopt
R 016 01

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Resolution No. R 016 01 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT (WRX) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND KNOWN AS MARRIOTT FAIRFIELD INN AND SUITES, LYING CONTIGUOUS TO THE WRX, SITUATE ON THE SOUTHERLY RIGHT-OF-WAY OF STATE OF DELAWARE ROUTE 24 AND BEING IN LEWES-REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

M 265 01
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give \$250.00 from Mr. Rogers' Councilmanic Account to the Slaughter Neck Educational and Community Center for educational supplies and a dishwasher.

Motion Adopted: 5 Yea.

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

Funding
Request

Mr. Dukes advised Council of a letter received from The Phoenix Club requesting funding for their annual ceremony.

Draft
Ordinance
Relating
to Weeds/
Grass

Mr. Dukes asked Council to consider adopting an ordinance allowing the County to cut tall grass/weeds on lots owned by absentee property owners. Mr. Dukes reported that the County Constables Office receives many phone calls pertaining to grass/weed control.. Currently, the County's Ordinance does not permit grass/weeds to be any higher than 12 inches; however, the Ordinance does not allow the County to cut the grass. Mr. Dukes mentioned that other counties have ordinances that allow them to cut the grass/weeds and then bill the property owner on their tax bills.

Readdressing
Concerns

Mr. Jerry Lamb of the Route One Coalition submitted petitions with more than 600 signatures requesting that the Sussex County Council “stop address changes”. The Coalition asked Council to:

1. Issue an immediate moratorium on all address changes.
2. Appoint a 911 Enhancement Commission consisting of public officials, subdivision residents, and business people to study alternatives to readdressing.
3. Conduct an impact study on all viable alternatives presented by the 911 Enhancement Commission.
4. Report all findings to the public.
5. Hold a public hearing in an evening session to discuss proposed enhancements and implementation of the enhancement.

Public comments were heard. Several business owners in unincorporated areas along Route 1 around Lewes and Rehoboth spoke in opposition to the pending address changes. They stated that the address changes would be expensive and would result in lost business from customers trying to find the stores using the old addresses.

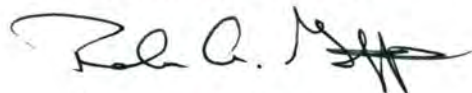
Mr. Lamb suggested an alternative to readdressing – using the Global Positioning Systems and posting 911 numbers on houses without changing the mailing addresses.

Mr. Stickels advised that the June 30th deadline for changing addresses has been postponed and that he will administer the remainder of the project. He noted that addresses in subdivisions and along Route One will be reviewed with consideration given to keeping existing addresses. Mr. Stickels emphasized that the County will make every effort to use addresses already in place and further, that the County is committed to completing the project with the least impact on the residents and businesses.

M 266 01
Adjourn

A Motion was made by Mr. Jones, seconded by Mr. Cole, to adjourn at 12:05 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council