

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 9, 2002

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 9, 2002, 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
Dale R. Dukes	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

M 421 02 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to amend the Agenda by deleting "Douglas Stewart, Project Engineer, 1. Dagsboro - US 113 Sewer Extension of the Dagsboro -Frankford Sanitary Sewer District, A. Report on Bids Received and Recommendation of Award of Contract", and, to approve the Agenda, as amended.

Motion Adopted: 5 Yea.

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

M 422 02 A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to approve the minutes of June 25, 2002, as distributed.

Motion Adopted: 5 Yea.

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

Corre-spondence Mr. Bayard read the following correspondence:

BRENDA WHITEHURST, EXECUTIVE DIRECTOR, DELAWARE SMALL BUSINESS FOUNDATION, INCORPORATED, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant for the Teen Conference 2002.

JIM FENERTY, DIRECTOR OF ATHLETICS, GERMANTOWN ACADEMY, FORT WASHINGTON, PENNSYLVANIA.

Corre-
spondence
(continued)

RE: Letter in appreciation of Council's support of the Slam Dunk to the Beach National Basketball Tournament.

VERA COLEMAN, FIRST AMERICAN TITLE INSURANCE, GEORGE-TOWN, DELAWARE.

RE: Email regarding the County's web page.

ED AND MARY ANN FREDE, DANBURY, CONNECTICUT.

RE: Letter in appreciation of the professional care their son and daughter-in-law received in an accident on June 3rd in Sussex County.

J. RUSSELL MOLNAR, PRESIDENT, WICOMICO COUNTY COUNCIL, SALISBURY, MARYLAND.

RE: Letter thanking Council for their participation in the New York City Relief fund effort.

Appoint-
ments

Mr. Stickels advised Council of Committee appointments to the Planning and Zoning Commission which have expired.

M 423 02
Planning
and
Zoning
Commission
Reappoint-
ment

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to reappoint John L. Allen to the Planning and Zoning Commission for a term of three years.

Motion Adopted: 5 Yea.

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

M 423 02-A
Planning
and
Zoning
Commission
Reappoint-
ment

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to reappoint W. Layton Johnson to the Planning and Zoning Commission for a term of three years.

Motion Adopted: 5 Yea.

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

M 424 02
Board of
Adjustment
Reappoint-
ment

A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to reappoint Ronald G. McCabe to the Board of Adjustment for a term of three years.

Motion Adopted: 5 Yea.

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

Draft Ordinance Relating to the Recorder of Deeds Fees Mr. Rick Bell, Recorder of Deeds, and Mr. Stickels presented a draft ordinance relating to the Recorder of Deeds which (1) eliminates fees no longer being charged by the Recorder of Deeds to the public and (2) adds a fee for obtaining copies of documents recorded pursuant to provisions of the Uniform Commercial Code. Mr. Bell told Council that the draft ordinance does not raise any fees. Mr. Stickels told Council that the draft ordinance includes one charge that is currently assessed by policy – “for photocopies of documents filed pursuant to the Uniform Commercial Code: \$2.00 per page”.

Introduction of Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled “**AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY, TO ADD AND DELETE CERTAIN FEES CHARGED BY THE RECORDER OF DEEDS OF SUSSEX COUNTY**”. A Public Hearing will be held on the Proposed Ordinance on Tuesday, August 6th at 11:00 a.m.

Town of Slaughter Beach/ Enforcement of Flood Zone Ordinance Ms. Cynthia Longobardi, representing the Town of Slaughter Beach, presented a request to the County Council asking that the County take over the enforcement of the Town’s Flood Zone Ordinance. Ms. Longobardi stated that the Town has limited personnel and funds and has found it difficult to strictly enforce the ordinance. Also, the Town has received a letter advising them that residents were in danger of losing their flood insurance if they failed to enforce the ordinance.

Mr. Stickels advised that the Town needs to approve an ordinance authorizing the County to take over the enforcement of the Flood Zone Ordinance.

M 425 02 Authorize County to Enforce Flood Zone Ordinance A Motion was made by Mr. Rogers, seconded by Mr. Phillips, that the Sussex County Council authorizes the Sussex County Planning and Zoning Department and the Building Code Department to perform the administration and enforcement of Flood Zone Ordinances for the Town of Slaughter Beach, contingent on the successful adoption of an ordinance by the Town Council.

Motion Adopted: 5 Yea.

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

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

1. **SR 24 Planning Study**

The next community working group meeting for the SR 24 Planning Study is scheduled for Thursday, July 18, 2002, at 2:00 p.m. at the Long Neck Elementary School cafeteria. The project team will be

Administrator's
Report
(continued)

presenting specific transportation improvements within the study area, including Route 24, Alternate Route 24, and local roads. I would encourage residents of the area to attend this meeting.

2. Airport Meeting

A reminder that on Wednesday, July 10, 2002, the Sussex County Airport Committee will be meeting at 10:00 a.m. at the West Complex, DuPont Highway, Georgetown, Delaware. The media, as well as the public, is welcome to attend this meeting.

3. Ribbon Cutting Ceremony

The Sussex County Council and the Sussex County Economic Development Office will be hosting a Grand Opening of the new Terminal Building and restaurant located at the Sussex County Industrial Airpark, Georgetown, Delaware, on July 16, 2002. The ribbon cutting ceremony will take place at 9:00 a.m. Light refreshments will be provided by Jimmy's Grille. For any additional information, please call 855-7771.

Bank
Accounts

Mr. Baker reviewed a Proposed Resolution authorizing three new (non-interest bearing) bank accounts at Delaware National Bank for the Community Development and Housing program.

M 426 02
Adopt
R 021 02
Authorizing
Bank
Accounts

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt Resolution No. R 021 02 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF ANY TWO OF FINLEY B. JONES, JR., PRESIDENT; LYNN J. ROGERS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

Amendment
to Contract
with Delta
Airport
Consultants

Mr. Sapp, Project Engineer, discussed Amendment No. 8 to the Agreement for Professional Services between Sussex County and Delta Airport Consultants, Inc., dated September 15, 1999. The amendment includes design phase services for the "Rehabilitate Runway 10-28 (Phase I) Project" and preliminary wetlands restoration evaluation services at Sussex County Airport.

M 427 02 Approve Amendment to Contract with Delta Airport Consultants	<p>A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based on the recommendation of Sussex County Engineering Department, that the Sussex County Council approves Amendment No. Eight (8) to the Agreement for Professional Services between Sussex County, Delaware, and Delta Airport Consultants, for the design of Runway 10-28, pending DelDOT and FAA approval.</p> <p>Motion Adopted: 5 Yea.</p> <p>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea</p>
Change Order/ Sussex County Airport Terminal Building Con- struction Project	<p>Mr. Sapp, Project Engineer, reviewed Change Order No. 5 to the Sussex County Airport Terminal Building Construction Project. The Change Order, for a total credit of \$792.73, is for miscellaneous items needed near the end of construction time, as follows:</p> <ul style="list-style-type: none">• Supply and install pressure reducing valve that is required for the dishwasher (+ \$83.60).• Fire suppression system for Essbar supplied exhaust hood (- \$1,078.00).• Regrading in new propane tank area (+ \$220.00).• Deduct seeding in specified area (- 144.26).• All labor and material to rework gas line to meet hood fire protection requirements (+ \$125.93).
M 428 02 Approve Change Order/ Sussex County Airport Terminal Building Con- struction Project	<p>A Motion was made by Mr. Rogers, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Change Order No. 5 for Project Number 98-04, Sussex County Airport Terminal Building Construction, for a credit of \$792.73 to decrease the contract amount from \$1,096,721.78 to \$1,095,929.05.</p> <p>Motion Adopted: 5 Yea.</p> <p>Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea</p>
Grants	Mr. Stickels presented grant requests for Council's consideration.
M 429 02 Council- manic Grant	<p>A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to give \$550.00, \$275.00 each from Mr. Jones' and Mr. Dukes' Councilmanic Accounts, to New Coverdale Outreach Mission for the purchase of supplies for a handicap ramp.</p>

M 429 02 (continued)	Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 430 02 Council- manic Grant	A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$250.00, \$50.00 from each Councilmanic Account, to the Sussex Conservation District to offset conference expenses. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 431 02 Council- manic Grant	A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Safe Kids Coalition to sponsor the Sussex County Safe Kids Day. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 432 02 Council- manic Grant	A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00 from Mr. Dukes' Councilmanic Account to the City of Seaford for Seaford's Annual Community Night Out Against Crime and Drugs. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 433 02 Council- manic Grant	A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$500.00 from Mr. Phillips' Councilmanic Account, to the Selbyville Public Library for the building fund. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 434 02 Grant	A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to provide funding from Mr. Rogers' Councilmanic Account to the Town of Milton, in

M 434 02 Council- manic Grant (continued)	an amount not to exceed \$400.00, for one portable toilet in the municipal park. Motion Adopted: 5 Yea. Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Proposed Ordinance	Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR 38 DUPLEX STYLE HOMES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.96 ACRES, MORE OR LESS" (Conditional Use No. 1466) filed on behalf of Bridle Ridge Properties, LLC. The Proposed Ordinance will be advertised for Public Hearing.
Proposed Ordinance	Mr. Cole 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 MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 64.28 ACRES, MORE OR LESS" (Change of Zone No. 1481) filed on behalf of Robert Harris. The Proposed Ordinance will be advertised for Public Hearing.
Fire at James Farm	Mr. Stickels reported to Council on the fire that occurred at the James Farm site on Saturday, July 6th. Although there are ideas on how the fire may have been started, the cause is unclear. Council discussed the need for an access path/road for rescue vehicles.
Public Hearing/ Council- manic Election Districts	A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO REPEAL ORDINANCE NO. 1500 RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING COUNCILMANIC ELECTION DISTRICTS". Ordinance No. 1500 was adopted on October 30, 2001; since that time, the Department of Elections has requested that the County Council approve changes to be made to the Election District Map for Sussex County. Mr. Ken McDowell of the Sussex County Department of Elections explained that nine pockets of voters did not fit into the formula used to determine district boundaries. The "pockets", each having less than 400 people in them, are too small to make a voting district and it is proposed that they be absorbed into existing election districts. Mr. McDowell stated that the reason for the boundary changes is to match the County districts up with the State redistricting and to save money. The savings will be \$360,000.00 over a 10 year period.

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

M 435 02 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1548 entitled "AN ORDINANCE TO REPEAL ORDINANCE NO. 1500 RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING COUNCILMANIC ELECTION DISTRICTS".

Motion Adopted: 5 Yea.

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

M 436 02 A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Jones called Council back into session at 1:40 p.m. (Mr. Rogers was not present at the time the meeting reconvened.)

Public Hearing C/Z No. 1470 and C/Z No. 1471 A Public Hearing was held on "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 10.36 ACRES, MORE OR LESS" (Change of Zone No. 1470) filed on behalf of Trout, Segall & Doyle Development Co., LLC and "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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 109.51 ACRES, MORE OR LESS" (Change of Zone No. 1471) filed on behalf of Gladys A. Swann/Trout, Segall & Doyle Development Co., LLC.

It was the consensus of Council to combine the two applications into one public hearing. (Separate decisions will be rendered for each case.)

The Planning and Zoning Commission held public hearings on these applications on June 13, 2002; on June 27, 2002 the Commission recommended that Change of Zone No. 1470 be approved and that Change of Zone No. 1471 be approved with conditions.

The record of the Planning and Zoning Commission was incorporated into the record of this Public Hearing.

**Public
Hearing
(continued)**

The Council found that the applicant had submitted, prior to the meeting, a booklet of information that included an introduction of the project, a land planning analysis, an environmental analysis, appendices which included a traffic analysis and correspondence, and exhibits of existing features and the development plan.

Mr. Fuqua, Attorney, spoke on behalf of the application and stated that the site contains 119.87 acres that has been owned by the Swann Family since 1947; that the B-1 application for “Fenwick Plaza” contains a 55,256 square foot grocery store and 8,000 square foot of retail shops and 3 pad sites; that the MR-RPC application for “Swann Cove” proposes 372 single family lots, recreational areas, open space, walking trails, and a density of approximately 3.4 units per acre gross; that central sewer is available for both applications; that no wetlands exist on the site; that other commercial areas exist along Route 54; that the developers feel that a need exists in the area for a large grocery store with related retail shops; that the density is consistent with other projects in the area; and that the application is similar to the recent applications of Bunting – Gray and McCabe/Smith.

(Mr. Rogers joined the meeting during Mr. Fuqua’s presentation.)

There were no public comments in support of or in opposition to the project.

Mr. Bayard read letters into the record from Georgeann Nilles and the LeBreen Family.

The Public Hearing was closed.

Mr. Rogers asked that action be deferred on the two applications so that he could listen to the taped proceedings, review the documents, and participate in the vote.

M 437 02 Defer Action/ C/Z Nos. 1470 and 1471	A Motion was made by Mr. Cole, seconded by Mr. Rogers, to defer action on Change of Zone No. 1470 and Change of Zone No. 1471.
	Motion Adopted: 5 Yea.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 438 02 Adjourn	A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 2:40 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council