

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 11, 2000

Call to Order            The regular meeting of the Sussex County Council was held Tuesday, July 11, 2000, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	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 335 00            A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the  
Approve            Agenda, as distributed.  
Agenda

Motion Adopted: 3 Yea, 2 Absent.

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

M 336 00            A Motion was made by Mr. Phillips, seconded by Mr. Jones, to approve the  
Approve            minutes of the June 27, 2000 meeting, as distributed.  
Minutes

Motion Adopted: 3 Yea, 2 Absent.

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

Corre-            Mr. Bayard read the following correspondence:  
spondence

DELAWARE SOLID WASTE AUTHORITY, DOVER, DELAWARE.  
RE: Notice of Public Hearing regarding Statewide User Fee for Tires.

MARCIE WINDLEY, WEST SEAFORD ELEMENTARY SCHOOL,  
SEAFORD, DELAWARE.  
RE: Letter thanking Council for its support of the Launching a Dream Project.

Corre-  
spondence  
(continued)

CHERIE L. NOLT, LANDSHARKS PROGRAM DIRECTOR, SPECIAL OLYMPICS DELAWARE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant funding for the annual sports banquet.

BRIDGEVILLE APPLE-SCRAPPLE FESTIVAL, BRIDGEVILLE, DELAWARE.

RE: Letter of invitation to become a sponsor of the Bridgeville Apple-Scrapple Festival.

Mr. Cole joined the meeting.

Community  
Development  
Block  
Grant  
(CDBG)  
Funding

Mr. Stickels reported that the County has received notification from Susan A. Frank, Director, Delaware State Housing Authority (DSHA), that \$898,000 in Community Development Block Grant (CDBG) Funds has been allocated by the DSHA to the Sussex County Council for the following activities:

Administration	\$ 105,000
Blades – Rehabilitation (2)	30,000
Bridgeville – Housing Rehabilitation (2)	30,000
Coverdale Crossroads – Rehabilitation (2)	20,000
Ellendale – Housing Rehabilitation (2)	30,000
Frankford – Housing Rehabilitation (2)	24,000
Demolition (1)	7,500
Georgetown – Street Repair (16)	36,000
Greenwood – Housing Rehabilitation (2)	30,000
Laurel – Housing Rehabilitation	45,000
Lucas Development – Rehabilitation (2)	30,000
Demolition (2)	15,000
Milford – Housing Rehabilitation (2)	30,000
Millsboro – Rehabilitation (2)	30,000
Shelter Rehabilitation (1)	12,000
Demolition	10,000
Milton – Housing Rehabilitation (2)	27,500
Ocean View – Sewer Hookups (15)	45,000

CDBG Funding	Rural Lincoln/Cedar Creek – Rehabilitation (3)	36,000
	Rural Middleford – Rehabilitation (2)	30,000
	Rural Millsboro – Rehabilitation (3)	37,500
	Scattered Site Rehabilitation (20)	120,000
	Seaford – Rehabilitation (4)	60,000
	West Rehoboth – Water Line (28)	35,000
	Water Hookups (15)	<u>22,500</u>
	<b>TOTAL CDBG FUNDS</b>	<b>\$898,000</b>

**HOME Program Funds** In addition to the CDBG funding, a total of \$294,000 in HOME Program funds was allocated by the DSHA to the Sussex County Council for the following activity:

Scattered Site Rehabilitation (Countywide) (21)	\$294,000
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DSHA is using HOME Program funds to supplement Sussex County’s CDBG allocation for the first time. HOME Program funds are being used to fund Sussex County scattered sites rehabilitation program as requested under the CDBG program application process.

The CDBG funding (\$898,000) and the HOME Program funding (\$294,000) totals \$1,192,000.

Mr. Stickels further advised Council that a total of \$1,354,360 in Disaster Recovery Initiative (DRI) Program funds have been allocated by the DSHA to the Sussex County Council for the following activities:

Administration	\$ 80,000
Installation of Sewer Lines in Oak Orchard (392)	963,027
Rehabilitation of Storm Damaged Homes (40)	240,000
Repair/Elevation of Long Neck Sewer Pump Stations (370)	<u>71,333</u>
<b>TOTAL</b>	<b>\$1,354,360</b>

**Disaster Recovery Initiative (DRI) Funds** The U.S. Department of Housing and Urban Development has allocated DRI funds to the State of Delaware to assist in the recovery from two 1998 severe winter storms, high winds, and flooding. Sussex County applied for \$1,354,360 in DRI funding to the State of Delaware, and the State of Delaware is funding Sussex County’s request in full.

CDBG  
Funding

Mr. Phillips questioned whether there are any strings attached to receiving CDBG funding and whether there are any encumbrances placed upon the residents of Sussex County as a result of receiving this funding. Mr. Stickels responded that the strings attached are requirements relating to income, owner-occupied housing, insurance, and taxes. In addition, the County is required to have a housing code.

CDBG  
Funding/  
Housing  
Code

Mr. Phillips questioned whether the County could adopt an ordinance whereby the housing code would affect only the recipients of the CDBG funds and not all residents of Sussex County. Mr. Stickels advised that he would contact the Delaware State Housing Authority (DSHA) for a response to Mr. Phillips' question.

Specialized  
Transportation  
Program

Mr. Stickels discussed the funding requests for the Specialized Transportation Program, as follows:

<u>Agency</u>	<u>Funding Request</u>	<u>Received FY 2000</u>
CHEER	\$438,770	\$457,905
Easter Seal	41,021	39,198
Cape Henlopen	38,900	36,800
Indian River	2,100	2,100
Laurel	74,995	67,568
Lewes	18,000	16,000
Nanticoke	<u>32,252</u>	<u>30,599</u>
 Total	 <u>\$646,038</u>	 <u>\$650,170</u>

Mr. Stickels noted that this is the first time in thirteen (13) years that the General Assembly has provided enough funding to fund the program 100 percent. Mr. Stickels recommended that the Sussex County Council ask the Delaware Transit Corporation to fund the agencies per their request.

M 337 00  
Recommend  
Distribution  
of Funds/  
Specialized  
Transportation  
Program

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to recommend the distribution of funds for the Specialized Transportation Program for FY 2001, as presented.

Motion Adopted: 4 Yea, 1 Absent.

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

Legislative  
Report

Mr. Stickels provided the following legislative report.

Legislative  
Report  
(continued)

House Bill 626 - This Bill designates the Inland Bays as a critical area under the Land Use Planning Act. Representative Price has advised that she would like to hold a public meeting on this Bill. The meeting will be scheduled sometime between now and November, 2000. She would like the County Council to participate in the public meeting. The Bill is in the House Environmental Committee.

Senate Bill 403 – This Bill enables local governments to adopt ordinances relating to source water assessment wellhead protection. The Bill references (1) ordinances the County would be required to adopt, (2) a manual on establishing land use around the wellheads, and (3) maps. Amendments to the Bill were recommended to include these documents as part of the legislation. Senate Bill 403 was tabled.

House Bill No. 537 – Requires that the counties notify, by certified mail, any owner of land within 500 feet of a parcel of land for which an application for a zoning change has been submitted before any such application may be considered.

This Bill has been amended twice. In the House it was amended to reduce the requirement to include only rezonings that are initiated by the County. In the Senate it was amended to require counties to continue with the same process that is in place as of the date of the adoption of this law. Currently, Sussex County voluntarily sends, by conventional mail, notices to owners of land within 200 feet of a parcel of land for which an application for a zoning change has been submitted.

Bond Bill – This Bill did not get passed.

Mr. Stickels advised that he had asked for a grant from the State for the County's purchase of the First State property on the north side of Market Street in Georgetown. The property would be used for an additional parking lot. The Bond Bill includes \$400,000 in funding for the State's purchase of this property; however, Mr. Stickels advised that he feels the County will be able to negotiate a lease agreement between the State and the County.

A Bill was passed earlier in the General Assembly session giving schools until the second Thursday in July to set their tax rates. To date, the County has not received all the tax rates from the schools. This results in a delay in the County sending out tax bills. Funding in the amount of \$50,000 has been allocated to compensate the County for this delay.

House Bill 425 – Permits local governments to appeal designations under the State Land Use Plan initially to the Advisory Panel on Intergovernmental Planning and Coordination, and then to the Superior Court.

Report

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

Adminis-  
trator's  
Report  
(continued)

1. Delaware Department of Transportation

The Delaware Department of Transportation will be holding a Public Workshop to present facts and solicit public comments regarding State Road 24 and State Road 5 intersection improvements in the Long Neck area of Millsboro. The meeting will be held on Wednesday, July 26, 2000, between the hours of 4:00 p.m. and 7:00 p.m. in the Long Neck Elementary School cafeteria, R.D. 10, Box 452, School Lane, Millsboro, Delaware.

The scope of the project is to widen the pavement to allow for separate left, through, and right turn lanes at all four approaches to the intersection. Stormwater drainage improvements to address existing ponding and run-off problems will also be presented.

I would encourage residents of the area to attend this workshop.

Loan  
Agreement  
Modification/  
Taylorcraft,  
2000, LLC

Mr. Baker, Finance Director, discussed the modification of a Loan Agreement adopted by the Sussex County Council through Resolution No. R 014 00. The modification includes a change in the security requirements for the loan. The loan, in the amount of \$400,000, was approved to assist in the financing of a project proposed by Taylorcraft 2000, LLC, consisting of the construction of a new airplane hangar and the acquisition of equipment to be used in the business of manufacturing aircraft. Taylorcraft 2000, LLC, is requesting that the mortgage securing the loan include only the new airplane hangar and not the existing building (Edgehill building). The County will hold a first mortgage on the new hangar building; the estimated cost of the new hangar building is \$800,000, two times the amount of the loan. Mr. Baker recommended acceptance of this security requirement change.

M 338 00  
Adopt  
Resolution  
No.  
R 026 00

A Motion was made by Mr. Jones, seconded by Mr. Cole, to adopt Resolution No. R 026 00 entitled "RESOLUTION AUTHORIZING A \$400,000 LOAN FOR TAYLORCRAFT 2000 PROJECT".

Motion Adopted: 4 Yea, 1 Absent.

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

Draft  
Zoning  
Ordinances

Mr. Lank, Director of Planning and Zoning, reported on two draft ordinances that were discussed by the Planning and Zoning Commission at a special meeting held on June 29, 2000.

1. "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED 'ZONING', TO AMEND PROVISIONS RELATING TO THE PLACEMENT OF MOBILE HOMES"

Draft  
Zoning  
Ordinances  
(continued)

This draft ordinance was proposed to permit mobile homes on individual lots of ½ acre or more, rather than ¾ acre or more, as presently permitted. here was a consensus of the Commission that they were not in favor of the draft ordinance.

Council discussed the fact that there is currently no mechanism in place that would allow a property owner to apply for permission to place a mobile home on a smaller lot. One option discussed was giving the property owner the ability to make application to the Board of Adjustment for a variance.

Mr. Cole questioned how many 1/2-acre lots exist that are recorded. Mr. Lank advised that the County's computer program cannot calculate the number of recorded lots based on size; however, it is possible to obtain the number of residential vacant lots recorded.

It was the consensus of Council to forward this draft ordinance to the Land Use Advisory Committee for review and a recommendation, and to ask Mr. Lank to proceed with obtaining the number of residential vacant lots recorded.

2. "AN ORDINANCE TO AMEND ARTICLE XVI OF THE CODE OF SUSSEX COUNTY IN ORDER TO MODIFY THE METHOD FOR CALCULATING THE NUMBER OF PERMITTED DWELLING UNITS IN AN RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT"

This draft ordinance was proposed to modify the method of calculating the number of permitted dwelling units in an RPC District by excluding federally defined wetlands and golf courses from the calculation.

There was a consensus of the Commission that they would consider excluding all wetlands and some stormwater management areas from the calculation, but that they were not receptive to excluding golf courses.

Mr. Cole asked Mr. Lank to prepare a density calculation comparison for the next discussion of this draft ordinance; to prepare an example of a subdivision excluding wetlands and an example of the same subdivision excluding wetlands and golf course.

It was the consensus of Council to forward this draft ordinance to the Land Use Advisory Committee for review and a recommendation.

Land Use  
Advisory  
Committee

Mr. Phillips questioned whether, at some point in the future, the Land Use Advisory Committee should start reviewing the County's Comprehensive Land Use Plan in preparation of updating the plan in the year 2002. It was the consensus of Council to ask the members of the Committee if they are willing to meet more frequently for this purpose. (Members of the Land Use Advisory Committee are not paid for their attendance at the meetings.)

M 339 00  
Approve  
Change  
Order/  
Regional  
Pump  
Station at  
Ocean  
View

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based on the recommendation of the Consulting Engineers, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that the Sussex County Council approves Change Order No. 4 for Contract 99-08, "Regional Pump Station at Ocean View" to upgrade Gypsum Board, that increases the contract total in the amount of \$316.00.

Motion Adopted: 4 Yea, 1 Absent.

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

Ross  
Point  
School

Mr. Brian Page, Historic Preservation Planner, announced that on June 20, 2000, the Ross Point School was nominated to the National Register of Historic Places. Mr. Page presented a brief history of the school to the County Council.

House  
Bill  
584

Mr. Stickels referred to House Bill 584, which provides a 30 percent tax credit to any approved rehabilitation of an historic home in the State. Mr. Stickels noted that there was not much publicity on this legislation and he asked Mr. Page to work with the media in notifying the public of this program.

Historic  
Preservation  
Planner

Mr. Page was complimented on the work that he has done and his efforts in saving the County money on archaeological and historical reviews that are required as a result of receiving federal money for sewer construction.

M 340 00  
Execute  
Agreement/  
Summerset  
Subdivision

A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Gulfstream Development Corporation, for wastewater facilities to be constructed in Summerset Subdivision, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

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

M 341 00  
Execute  
Agreement/  
Village of  
Bear Trap  
Dunes

A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Freeman Communities for wastewater facilities to be constructed in the Village of Bear Trap Dunes located in the South Bethany Sanitary Sewer District.

M 342 00  
(continued)

Motion Adopted: 4 Yea, 1 Absent.

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

M 343 00  
Council-  
manic  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$200.00 from Mr. Phillips' Councilmanic Account to the Laurel Lions Club for repairs to the Laurel town clock.

Motion Adopted: 4 Yea, 1 Absent.

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

Birthday

A birthday cake was enjoyed by all in celebration of Mr. Finley Jones' 51st birthday on Saturday, July 15, 2000.

M 344 00  
Recess

At 11:18 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

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

Public  
Hearing  
(C/Z  
No. 1403)

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 TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 15.46 ACRES, MORE OR LESS" (Change of Zone No. 1403) filed on behalf of Providence Land, LTD. The Planning and Zoning Commission held a Public Hearing on this application on June 22, 2000, at which time they recommended approval with the stipulation that the site plan be subject to review and approval.

There were no public comments in favor of or in opposition to the application.

Mr. Cole recommended that a phasing schedule be required; that the amenity package (community pool and bathhouse, and 10 additional parking spaces) be completed when certificates of occupancy have been issued for 50 percent of the project.

The Public Hearing was closed.

M 345 00  
Adopt  
Ordinance

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1384 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL

M 345 00  
Adopt  
Ordinance  
No. 1384  
(C/Z No.  
1403)

RESIDENTIAL DISTRICT TO A HR-RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 15.46 ACRES, MORE OR LESS” (Change of Zone No. 1403) filed on behalf of Providence Land, LTD., with the following stipulations:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. The amenity package, including the pool, bathhouse, and ten additional parking spaces, shall be completed when certificates of occupancy for 31 units have been issued.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea;  
Mr. Dukes, Absent; Mr. Jones, Yea;  
Mr. Rogers, 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 consistent with the purposes and goals of the Comprehensive Land Use Plan, that the property is within a Development District and will be served by central water and sewer and that the change of zone is consistent with the character and trend of development in the vicinity and will have no adverse impact of any sort.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 346 00  
Amend  
Agenda

A Motion was made by Mr. Jones, seconded by Mr. Cole, to amend the Agenda to include the following: “Proclamation – Gary E. Matthews and Brian A. Ney”.

Motion Adopted: 4 Yea, 1 Absent.

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

M 347 00  
Adopt  
Proclamation

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to Adopt the Proclamation entitled “PROCLAIMING TUESDAY, JULY 11, 2000, AS A DAY TO HONOR GARY E. MATTHEWS AND BRIAN A. NEY”.

Motion Adopted: 4 Yea, 1 Absent.

M 347 00  
(continued)

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

M 348 00  
Council-  
manic  
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00, \$100.00 from each Councilmanic Account, to the Indian River Lions Club for eye glasses for needy children.

Motion Adopted: 4 Yea, 1 Absent.

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

M 349 00  
Youth  
Activity  
Grant

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$750.00 from Mr. Jones' Youth Activity Grant Account to the Woodbridge Little League for operating expenses.

Motion Adopted: 4 Yea, 1 Absent.

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

M 350 00  
Council-  
manic  
Grant

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$698.00 from Mr. Rogers' Councilmanic Account to First State Community Action Agency for the purchase of two air conditioners to be installed in the Pinetown Community Center.

Motion Adopted: 4 Yea, 1 Absent.

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

M 351 00  
Adjourn

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to adjourn at 2:12 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council