

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 22, 2003

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 22, 2003, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Lynn J. Rogers	President
Dale R. Dukes	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

M 421 03 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the
Amend agenda by deleting "Glenn Luedtke, Director of EMS, 1. Lease Agreement
and – Paramedic Station, Mid-Sussex Rescue Squad" and to approve the
Approve Agenda, as amended.
Agenda

Motion Adopted: 5 Yea.

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

M 422 03 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to approve the
Approve minutes of July 15, 2003, as distributed.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Griffin read the following correspondence:
spondence

NATHAN HAYWARD, SECRETARY, DELAWARE DEPARTMENT OF
TRANSPORTATION, DOVER, DELAWARE.
RE: Wescoats Corner improvements.

ELEANOR JOHNSON, GEORGETOWN, DELAWARE.
RE: Letter thanking the Sussex County Community Development and
Housing Division for the repairs made to her home.

Corre-
spondence
(continued)

HAROLD TRUXON, ELLENDALE, DELAWARE.

RE: Letter in appreciation of grant.

WARD BURTON, WARD BURTON ENTERPRISES, HALIFAX, VIRGINIA.

RE: Letter to Steve Masten, Director of Economic Development, in appreciation of his help during the Nascar event at Dover Downs.

WALT REYNOLDS, JR., PRESIDENT, SUSSEX COUNTY FIRE CHIEFS' ASSOCIATION, SUSSEX COUNTY, DELAWARE.

RE: Letter thanking Council for their support and funding provided to the Sussex County Fire Service.

BETTY WASHINGTON, PINETOWN.

RE: Letter thanking the Sussex County Community Development and Housing Division for the repairs made to her home.

Vegetable
Growers
Association
of Delaware
Grant

Mr. Stickels announced that the Sussex County Council would be presenting a check in the amount of \$20,000 to the Vegetable Growers Association of Delaware. He noted that the funding was appropriated and approved in the FY 2004 Budget. Mr. Ed Kee, Extension Specialist, University of Delaware Research & Education Center, was present and stated that the funds will be used to support and enhance a new agricultural enterprise (pepper program) in Sussex County. Dean Foods, a major U.S. food processor has contracted 8 acres of sweet cherry peppers and nearly 40 acres of hot cherry peppers with local growers. Four growers in Sussex County are involved in the program. The funds provided by the County will support the project in terms of pest management and nutrient management.

Adminis-
trator's
Report

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

1. **Burke and Cedar Creek Group, LLC vs. Sussex County Council**

On February 14, 2002, the Plaintiffs, Burke and Cedar Creek Group, LLC, filed a declaratory judgment action in the Court of Chancery to reverse the County Council's 3-2 vote to deny the Plaintiffs' conditional use application for a campground at Fort Saulsbury, near Slaughter Beach. In particular, the Plaintiffs argued that the County Council did not create a sufficient record for the court to review because the individual members of Council did not articulate reasons for their voting for approval and that, if the record was found to be adequate, the decision of the County Council was arbitrary and capricious. Oral argument was conducted before Vice Chancellor Leo Strine on Friday, July 18, 2003, in Georgetown. Mr. Burke, Ms. Longabardi (attorney for Slaughter Beach) and Dennis Schrader appeared and argued for their respective clients. At the conclusion of the argument, the Court took the unusual step of ruling from the bench. The Court rejected both the claims of the

**Administrator's
Report
(continued)**

Plaintiffs and found the Councilmen properly created a record of their reasons for voting as they did and that the Council had acted within its discretion and the applicable law.

2. Bethany Crossing West

Sussex County Engineering Department granted beneficial acceptance on July 16, 2003 for Bethany Crossing West Agreement No. 283. Included with this report is a fact sheet on the development.

3. Community Development Block Grant Allocations

I am pleased to inform the Council that the Delaware State Housing Authority has awarded \$1,173,500 to Sussex County for Community Development Block Grant Programs. The funding has been allowed for the following activities:

Administration	\$140,000
Coverdale Crossroads – Rehabilitation (15)	\$120,000
Ellendale - Sewer Hookups (75)	\$ 75,000
Laurel - Sidewalk (254)	\$ 18,500
Rural Ellendale – Rehabilitation (30)	\$450,000
Rural Ellendale – Sewer Hookups (100)	\$100,000
Scattered Sites – Rehabilitation (18)	\$270,000

The recommendations for funding were made by an independent review panel, whose members evaluated each application's potential benefit to low-income persons, the management capacity of the applicant, and the cost-benefit of the proposed activities, including: the severity of need, impact, cost reasonableness and feasibility.

The recommendations for funding were also made in response to a limited State CDBG allocation and, therefore, not all activities requested could be funded. Consequently, housing rehabilitation activities requested for Bridgeville, Ellendale, Georgetown, Laurel, Milford, Seaford and Selbyville were not recommended for funding. Additionally, the review panel did not recommend Morningside Village sewer upgrade, the Laurel emergency generator, the Laurel water main valve replacement, or the Rehoboth Beach water main. It was the review panel's opinion that these activities would not compare to the need for the housing rehabilitation work.

I would like to compliment Bill Lecates and his staff for the work they did in securing the \$1.1 million.

4. Property Tax Bills

The Treasury Division will be mailing Sussex County property taxes the week of August 18, 2003. Sussex County residents have until September 30, 2003 to pay their property tax bill without penalty.

**Administrator's
Report
(continued)**

This year's billing totals \$61,038,760. This includes \$48,655,818 for the school districts and \$9,578,378 for the County's portion of the property tax bill.

Sussex County property owners may file for a 50 percent reduction from school taxes, up to \$500, if they are a year-round resident of the County and the property is their primary home. Those over the age of 65 may file for the exemption up to September 1, 2003.

Anyone having questions regarding their tax bill may contact the Treasury Division at 855-7767.

**Old
Business
C/Z
No. 1506**

The County Council discussed 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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.4 ACRES, MORE OR LESS" (Change of Zone No. 1506) filed on behalf of Delaware Pulpwood Co.

The Planning and Zoning Commission held a Public Hearing on this application on May 22, 2003 at which time they deferred action. On June 26, 2003 the Planning and Zoning Commission recommended that the application be denied since the application has been a difficult one to consider; since the application is a change of zoning application in error; and, since the application would be more appropriate as a conditional use.

The County Council held a Public Hearing on this application on June 10, 2003.

The County Council considered the Commission's recommendation and findings.

**M 423 03
Adopt
Ordinance
No. 1626
(C/Z
No. 1506)**

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Ordinance No. 1626 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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.4 ACRES, MORE OR LESS" (Change of Zone No. 1506) filed on behalf of Delaware Pulpwood Co.

Motion Adopted: 5 Yea.

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

**Reasons
for
Approval**

It was the consensus of Council that there was not any basis or merit for the Planning and Zoning Commission to deny the application based on the reason that it was “a difficult application to consider”. Further, it was the consensus of Council that that has been a history of commercial activity on the site and in the area and that the proposed use would have no impact on the surrounding area.

Requests

Mr. Stickels presented funding requests for Council’s consideration.

**M 424 03
Youth
Activity
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, to give \$150.00 (\$50.00 each from Mr. Jones’, Mr. Phillips’, and Mr. Dukes’ Youth Activity Grant Accounts) to the Delaware Orange Crush 18U Softball Team for tournament expenses.

Motion Adopted: 5 Yea.

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

**M 425 03
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$200.00 (\$100.00 each from Mr. Jones’ and Mr. Dukes’ Councilmanic Accounts) to the Buckmasters of the Eastern Shore to place an ad in the Buckmaster Dinner Booklet for the Buckmasters American Deer Foundation Banquet and Auction. (All monies raised will be used on the Eastern Shore for charitable purposes.)

Motion Adopted: 5 Yea.

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

**M 426 03
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to give \$650.00 (\$400.00 from Mr. Jones’ Councilmanic Account, \$150.00 from Mr. Dukes’ Councilmanic Account, and \$100.00 from Mr. Phillips’ Councilmanic Account) to the Bridgeville Apple-Scrapple Festival for expenses.

Motion Adopted: 5 Yea.

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

**M 427 03
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 Greater Seaford Chamber of Commerce for the Towne & Country Fair.

Motion Adopted: 5 Yea.

**M 427 03
(continued)**

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

**M 428 03
Council-
manic
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to give \$500.00 (\$100.00 from each Councilmanic Account) to the Delaware Safe Kids Coalition for Sussex County Safe Kids Day.

Motion Adopted: 5 Yea.

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

**M 429 03
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00 (\$400.00 from Mr. Phillips' Councilmanic Account and \$100.00 from Mr. Cole's Councilmanic Account) to the Greater Millsboro Chamber of Commerce for the Big Thursday Festival.

Motion Adopted: 5 Yea.

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

**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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 14.23 ACRES, MORE OR LESS" (Change of Zone No. 1531) filed on behalf of Lake Placid Properties, LLC. The Proposed Ordinance will be advertised for Public Hearing.

**Corre-
spondence
Relating to
SCRWF**

Mr. Cole reported that he has received correspondence regarding the County's South Coastal Regional Wastewater Facility stating that there are strong odors during the summer months and that there is concern that the facility's expansion will pollute the air at unacceptable levels. Mr. Cole suggested that an ordinance be drafted and considered requiring deed restrictions disclosing the location of the facility on any new deeds for properties in the area.

**911
Address
Numbers**

Mr. Rogers suggested that an ordinance be drafted and considered requiring residents of Sussex County to display their 911 address (numbers) on their house or in front of their house.

**Plaque
Presen-
tation**

Mr. Stickels presented a plaque to Dale Dukes on behalf of the Delaware Association of Counties in appreciation of his serving as the Association's President.

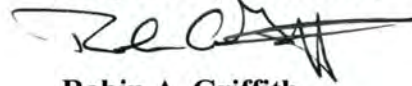
Luncheon

Mr. Stickels stated that the County Council would be having lunch with the Sussex County Association of Realtors. He noted that no business would be transacted at the luncheon.

**M 430 03
Adjourn**

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to adjourn at 10:55 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Griffith', with a long horizontal flourish extending to the right.

Robin A. Griffith
Clerk of the Council