

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 22, 2000

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 22, 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 |
| 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 |
| Eugene Bayard | County Attorney |

The meeting was opened by repeating the Lord's Prayer and Pledge of Allegiance to the Flag.

M 406 00 A Motion was made by Mr. Dukes, seconded by Mr. Jones, to amend the
Approve Agenda by changing "3. Wastewater Operator of the Year" to "3. Water
Agenda Operator of the Year" and by changing "Robert C. Green, Director of
Utility Construction" to "Tom Baker, Project Coordinator"; 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. Jones, Yea;
 Mr. Rogers, Yea

M 407 00 A Motion was made by Mr. Jones, seconded by Mr. Dukes, to approve
Approve the minutes of the August 8, 2000 meeting, 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. Bayard read the following correspondence:
spondence

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL, AIR QUALITY MANAGEMENT
SECTION, DOVER, DELAWARE.
RE: Request for construction permit.

Correspondence
(continued)

THELMA MONROE, MILLSBORO, DELAWARE.
RE: Letter in appreciation of Proclamation.

JACK HICKEY, PRESIDENT, BAY COLONY CITIZENS GROUP.
RE: Letter regarding the progress of the Holt's Landing Sewer District project and commending County staff and the contractor, Bunting and Murray.

M 408 00
Authorize
Executive
Session

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to authorize an Executive Session to be held in the Caucus Room of the Sussex County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, for the purpose of discussing pending litigation and land acquisition.

Motion Adopted: 5 Yea.

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

Recognition of
Kay
Dewson

Mr. Stickels announced that Ms. Karlyn (Kay) Dewson has been recognized by the Wastewater Operators Association of Maryland, Delaware, and the District of Columbia and the Chesapeake Wastewater Environmental Association as "Water Operator of the Year". Kay has 19 years experience in management and operations of water and wastewater treatment systems. She has a personnel management background, including training, supervision, and evaluation. In August of 1998, Kay applied for Chairperson/Licensee Representative. She was appointed for a five year term as a charter member of the Advisory Council for Certification of Public Water System Operators, State of Delaware, Division of Public Health, Office of Drinking Water, Dover, Delaware. Kay is directly responsible for operations and maintenance for the Dewey Beach Water District and Sussex County Industrial Airpark Water Facilities. Ms. Dewson also oversees the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Mr. Stickels congratulated Ms. Dewson and expressed his sentiments that she is very deserving of this award.

Recognition of
Heather
Sheridan

Mr. Stickels announced that Ms. Heather Sheridan, Director of Wastewater Operations for Sussex County, will be participating in the People to People Ambassador Program, Water Environment Delegation to the People's Republic of China from October 26 to November 8, 2000. Mr. Stickels stated that the trip will be very beneficial to Sussex County and allowing Ms. Sheridan to be a part of this delegation affords Sussex County many opportunities, including: networking with environmental regulatory departments; discovering new technologies/processes/methods that may be applicable to Sussex County; exchanging ideas of how wastewater is being used for spray irrigation; and providing Sussex

Recognition of Heather Sheridan (continued)

County with an opportunity for economic development exposure. Mr. Stickels acknowledged Ms. Sheridan for her accomplishments as a wastewater operator. Over the years, Ms. Sheridan has received numerous awards, including the prestigious Hatfield Award, Clean Partnership Award, State of Delaware Wastewater Operator of the Year, and EPA Regional Operator Maintenance Excellence Award. This year, Ms. Sheridan was recognized by the Delaware General Assembly for the South Coastal Wastewater Facility for a maintenance and operations award.

Delaware Transit Corporation/ Five Year Plan and Long Range Plan

Mr. David Miller, a consultant for the Delaware Transit Corporation, made a presentation on the goals and objectives of their Five Year Business Plan and Long Range Plan. The Five Year Business Plan contains the capital improvements planned over the next five years. The Five Year Capital Improvement Program is annually updated and fiscally constrained; they can only put in the Program what can reasonably be funded. By contrast, the Long Range Plan takes a much broader view; it is a five to twenty year plan that is driven by a vision of what transportation in Delaware should be over the next twenty year period. The goals and objectives of both the long range and the short range plans are: basic mobility for people that do not have transportation; mitigation of congestion; efficiency of transportation services; improving statewide livability; and sustainable development. Council expressed their concerns about public transportation needs in Sussex County: low usage of buses, the location of the bus stops, and the need for larger signs.

Subdivision Ordinance

Council discussed the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 99, SECTION 13, OF THE SUBDIVISION CODE OF SUSSEX COUNTY, RELATING TO NOTICE REQUIREMENTS TO BE GIVEN TO OWNERS WITHIN SUBDIVISIONS PRIOR TO ALTERATION, RESUBDIVISION, OR ADDITION; REQUIRING THREE-FOURTHS APPROVAL OF PROPERTY OWNERS WITHIN THE SUBDIVISION PRIOR TO PROCEEDING WITH THE HEARING PROCESS; PROVIDING FOR ADDITIONAL STANDARDS FOR DETERMINING APPROVAL OF ALTERATIONS OR ADDITIONS TO SUBDIVISIONS; PROVIDING A FORM FOR NOTICE BY PUBLICATION; AND CREATING A PROCEDURE FOR THE APPROVAL OF MINOR SUBDIVISIONS". This draft ordinance has been discussed on various occasions by the Planning and Zoning Commission and the Sussex County Council. During the discussions of this draft ordinance, the section of the ordinance relating to the required percentage of approval of property owners has been debated each time.

Mr. Dukes questioned whether there is a procedure by which someone can change the site plan of a subdivision. Mr. Lank, Director of Planning and Zoning, responded that, under current ordinances, subdivisions cannot be amended. Mr. Dukes expressed his opinion that amendments

Adminis-
trator's
Report
(continued)

2. Public Workshop

The Department of Transportation is holding a public information meeting to present proposed improvements at the intersection of U.S. 13 and Road 468 near the town limits of Laurel. The meeting will be held on Thursday, August 24, 2000. The public is invited to attend anytime between 6:00 and 8:00 p.m. The meeting will be held at the Laurel Senior High School, The Commons, 1133 South Central Avenue, Laurel, Delaware.

The intersection improvements are in the vicinity of the new shopping center. The proposed safety improvements will consist of modifications to the existing median crossover. Improvements are needed in order to address safety concerns at this location.

3. Delaware Department of Transportation Capital Improvement Program – Public Participation Meeting

Delaware residents are encouraged to attend upcoming public meetings where they can participate in the development of the State's future transportation program. Sussex County's meeting will be held on Thursday, September 14, 2000, at the Delaware Technical & Community College, Owens Campus, Georgetown, in the auditorium. The workshop session will start at 6:00 p.m. and public comments will be given at 7:00 p.m.

I am currently in the process of developing the County's five-year recommendations. I anticipate presenting these to the Council at the regularly scheduled meeting on Tuesday, August 29, 2000.

DelDOT
Capital
Improvement Plan
Recommendations

Mr. Stickels asked Council members to submit to him any road concerns they would like included in the County's five-year recommendations other than the ones that are already included (54, 26, 36, 40, 404, 9, 24, and 20). Mr. Stickels advised that he will be recommending to Council that the number one priority be a limited access north – south road that is supported by revenue (toll road).

Route
113
Entrances

Mr. Phillips discussed improvements that are planned for Route 113 from Millsboro to the Maryland line. More specifically, entrances are going to be changed and several entrances are going to be closed. Mr. Phillips expressed concern that property owners will not be notified prior to the planning process or implementation. Mr. Phillips asked Mr. Stickels to request that the Department of Transportation notify the property owners in a timely manner.

Route 113
Service
Roads

Mr. Cole questioned whether interconnecting service roads are required along the Route 113 corridor as properties are developed and/or uses change. Mr. Stickels advised that there are no requirements at this time.

Route 113
Service
Roads
(continued)

Mr. Cole asked if there was a consensus of Council that a greater setback be required along the Route 113 corridor to provide room for service roads in the future. This issue will be placed on the agenda for the workshop that is being scheduled with SCAT in October.

Public
Hearing/
Harbeson
Street-
lighting
District

A Public Hearing was held to consider modifications to the Harbeson Streetlighting District. The modifications include upgrading the current 100-watt mercury vapor streetlights with 100-watt high-pressure sodium streetlights. If the modifications are approved, the annual cost is estimated to increase approximately \$5.64 per home. This increase will result in an annual bill of approximately \$24.76 per home and will not appear on a bill until 2001.

Public comments were heard. Comments were heard from Mr. Carl Anderson regarding the equity of the billing process and the ability of Conectiv to continue to provide the power necessary for increased lighting and other projects in the County. The Public Hearing was closed.

M 409 00
Adopt
Resolution
No.
R 027 00

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt Resolution No. R 027 00 entitled "A RESOLUTION PROVIDING FOR MODIFICATIONS IN THE HARBESON STREETLIGHTING DISTRICT".

Motion Adopted: 5 Yea.

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

Industrial
Airpark
Update
and
Request
for Fire
Supply
Line on
West
Side

Mr. Sapp, Project Engineer, discussed the progress and development at the Sussex County Airport and the need for a fire supply line on the western side of the airport. Last October, a project was completed installing domestic water and sewer to the western side of the airport. The eastern side of the airport has water, sewer, and a designated fire line. Some of the projects that are taking place at the airport are (1) a new terminal building, (2) a new terminal apron, and (3) expansion of t-hangars. The airport has seen an increase in activities and businesses in the area.

Mr. Sapp advised that Taylorcraft is erecting a new hangar, which will be connected to the existing terminal building. This will create an immediate need for a fire supply line. Currently, the water supply system that is on the airport side comes from the Town of Georgetown and is domestic water only. The supply needed for the new hangar, which is currently under construction, is twice what the Town will supply.

Industrial
Airpark
(continued)

Mr. Stickels reported that a new fire suppression system is estimated to cost in the range of \$175,000 - \$250,000. The Delaware Economic Development Office has agreed to provide \$75,000 and the County's Economic Development Account has \$100,000.

M 410 00
Authorize
Installation
of a
Fire
Suppression
System

A Motion was made by Mr. Dukes, seconded by Mr. Jones, that the Sussex County Council authorizes the Economic Development Office to receive proposals for the installation of a fire suppression system for the Sussex County Airport.

Motion Adopted: 5 Yea.

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

Bid
Results/
CAD
System

Mr. Thomas, Director of Emergency Operations, reported on the bid results for the Fire/EMS Computer Aided Dispatch (CAD) System, as follows:

| | |
|---|----------------|
| Logistic Systems Inc. Missoula, Montana | \$ 458,745.00 |
| IBM Corporation/New World Systems Berkeley Heights, New Jersey | \$ 964,107.00 |
| Printrak International, Inc. Anaheim, California | \$1,199,426.00 |
| Tritech Software Solutions San Diego, California | \$ 754,655.00 |

RCC Consultants, Inc. evaluated all four proposals and developed an evaluation report.

It is the recommendation of the Emergency Operations Center that approval be given to start contract negotiations with Tritech Software Solutions to purchase a Computer Aided Dispatch System.

Mr. Thomas reported that the Tritech proposal is compliant and would provide a "state-of-the-art" system. Tritech provides a less costly basis; Tritech appears to be a better value, as their proposed price is significantly lower than Printrak and the feature/functionality appears to be more consistent with the County's needs and requirements for Fire and EMS services.

M 411 00
Authorize
Negotiation
of a
Contract
for a
Fire/EMS
CAD
System

A Motion was made by Mr. Cole, seconded by Mr. Jones, that the Sussex County Council authorizes the Emergency Operations Center, along with RCC Consultants, Inc., to negotiate the award of a contract with Trittech Software Solutions for the purchase of a Fire/EMS Computer Aided Dispatch System, not to exceed \$754,655.00.

Motion Adopted: 5 Yea.

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

M 412 00
Execute
Agreements/
Hunters
Run
RPC

A Motion was made by Mr. Cole, 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 Consolidated Land Trust, L.L.C. for wastewater facilities to be constructed in Hunters Run RPC, located in the Bethany Beach Sanitary Sewer District.

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. 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 HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.64 ACRES, MORE OR LESS" (Change of Zone No. 1416) filed on behalf of Mills Landing Associates, L. P. 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 HR-2 HIGH DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.09 ACRES, MORE OR LESS" (Change of Zone No. 1417) filed on behalf of Harbour Towne Associates, L.P. The Proposed Ordinance will be advertised for Public Hearing.

Land Use Advisory Committee Mr. Phillips questioned how the Land Use Advisory Committee members are appointed. Mr. Stickels responded that two members are appointed by each Councilmember. Mr. Phillips noted that one Councilmember that he appointed has moved out of his district and he would like to appoint someone to replace him. Mr. Phillips will submit a name and address to Mr. Stickels.

Assessment/900 Phone Number Procedure Council discussed questions and complaints that have been received as a result of the 900 phone number used in the Assessment Office. The 900 number is used when someone is calling in for multiple tax map/tax information; it is not a requirement that the 900 number be used for single requests. Mr. Parker, Director of Assessments, reported that the 900 number that the County uses is on a 555 exchange, which is strictly for information. If companies have concerns about 900 phone number usage, the phone company can provide a block on all 900 numbers except the 555 exchange. There was not a consensus to change the policy.

Courthouse/“Boardwalk” Council discussed the “boardwalk” that has been erected at the entrance of the Courthouse located on The Circle in Georgetown. Mr. Stickels advised that the State did not obtain proper permits; the Contractor did not have a Town business license; and the State did not consider the historic preservation of the building. The State will be meeting with the Town’s Planning and Zoning Commission this evening, August 22, 2000.

M 413 00 Councilmanic Grant A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$500.00 from Mr. Dukes’ Councilmanic Account to the City of Seaford for Seaford’s Annual Night Out Against Crime and Drugs.

Motion Adopted: 5 Yea.

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

Addressing Problem/Middleford Road and Old Furnace Road Mr. Dukes informed Council of an addressing problem on Middleford Road to Old Furnace Road in Seaford. This road was previously served in its entirety by the Seaford Post Office. Now, the road has been split and some of the residents have Seaford addresses and some of the residents have Georgetown addresses. This has created an inconvenience for the residents that have been assigned a Georgetown address. Although it is a postal service issue and not a County Council issue, it was decided that Mr. Bayard will notify Mr. Ryder, who is one of the “Governors” in the postal service, to see if he will get involved in this issue.

Biocell Tour Mr. Stickels reported on his tour to Snow Hill, Maryland, to look at the BioCell system at the wastewater treatment plant.

M 414 00 At 12:50 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Dukes, to recess and go into Executive Session. Motion Adopted by Recess Voice Vote.

Executive An Executive Session of the Sussex County Council was held Tuesday, Session August 22, 2000, at 12:55 p.m., in the Caucus Room of the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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|----------------------|----------------------|
| 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 |
| Eugene Bayard | County Attorney |

The Executive Session was held for the purpose of discussing pending litigation and land acquisition. The Executive Session concluded at 1:08 p.m.

Reconvene Council reconvened for the purpose of recessing the morning session.

M 415 00 At 1:10 p.m., a Motion was made by Mr. Phillips, seconded by Mr. Cole, Recess to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Rogers called Council back into session at 1:30 p.m.

Public A Public Hearing was held on the Proposed Ordinance entitled "AN Hearing/ ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF C/Z 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, No. 1409 CONTAINING 34.28 ACRES, MORE OR LESS" (Change of Zone No. 1409) filed on behalf of Wedgefield Land, LTD. The Planning and Zoning Commission held a Public Hearing on this application on July 27, 2000, at which time they recommended approval with conditions.

Public comments were heard. Mr. Orem, President of the Ocean View Town Council, was the only one to speak. Mr. Orem expressed concern that DelDOT has not required any traffic studies for this development or other developments that are taking place in the area.

The Public Hearing was closed.

M 416 00
Adopt
Ordinance
No. 1391
(C/Z
No. 1409)

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Ordinance No. 1391 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 34.28 ACRES, MORE OR LESS" (Change of Zone No. 1409) filed on behalf of Wedgefield Land, LTD., with the following conditions:

1. Thirty-foot wide forested buffers shall be provided along the adjacent farmland to the west and the south. The plantings shall be approved by the State Forester and shall be completed in five phases, identical to the applicant's construction and design plans. The buffer area may be used in lot area and size calculations.
2. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
3. No site preparation, site disturbance, excavation, or other construction shall be commenced until all other permits required by all other laws, ordinances, rules, and regulations have been issued and the approved final site plan is recorded.

Motion Adopted: 5 Yea.

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

Findings
of Fact

The Council found that the change of zone is 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 Comprehensive Land Use Plan and consistent with the character and trend of development in the area. DelDOT advises that any traffic impact will be negligible. With central water and sewer serving the site, there will be no adverse impact on the environment.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

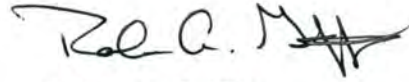
Traffic
Impact
Study
Requirement

Mr. Cole directed Mr. Lank to work with the Town of Ocean View to designate an area in the Town where the County should require a traffic impact study prior to considering a conditional use or change of zone application.

Requirement (continued) There was not a consensus of Council to proceed with Mr. Cole's request.

M 417 00 Adjourn A Motion was made by Mr. Dukes, seconded by Mr. Jones, to adjourn at 2:25 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council