

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 23, 2003

Call to Order The regular meeting of the Sussex County Council was held Tuesday, September 23, 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 530 03 A Motion was made by Mr. Jones, seconded by Mr. Phillips, to amend the
Approve Agenda by deleting "Approval of Minutes – September 16, 2003" and to
Agenda 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

Corre- Mr. Griffin read the following correspondence:
spondence

WILLIAM R. LE STRANGE, WILLIAMSVILLE, MARYLAND
RE: Letter commending an employee in the Mapping and Addressing
Department.

Appoint- Mr. Griffin introduced Alix Robinson who has joined the firm of Griffin &
ment/ Hackett as an Associate Attorney. Mr. Griffin advised Council that Ms.
Assistant Robinson would be working on County business and for this reason, he
County suggested that the County Council have her appointed as an Assistant
Attorney County Attorney.

M 531 03 A Motion was made by Mr. Dukes, seconded by Mr. Jones, to appoint Alix
Appoint Robinson as Assistant County Attorney.

Motion Adopted: 5 Yea.

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

**M 532 03
Adopt
Tribute**

A Motion was made by Mr. Jones, seconded by Mr. Phillips, to Adopt the Tribute commending Aron Serman for achieving the rank of Eagle Scout.

Motion Adopted: 5 Yea.

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

**Draft
Personnel
Policy on
Workplace
Violence**

Mr. Stickels distributed and reviewed a draft of a Personnel Policy on Workplace Violence. Mr. Stickels reported that a question was raised as to whether employees can bring weapons to work if they have a permit for that weapon. Mr. Stickels stated that he spoke with the County's Personnel and Labor Attorney and the County does not currently have any policy in place prohibiting employees from bringing weapons to work. Mr. Stickels stated that he spoke with other local governments and found that they have similar policies in place.

Councilmembers raised the following questions and concerns:

- Should the County prohibit everyone (not just employees) from bringing weapons on County property?
- Should the County consider prohibiting other dangerous instruments such as knives?
- Would the County fall into a liability position if an employee who has obtained a concealed weapon permit for safety reasons is not allowed to bring a weapon to work?
- The proposed policy states that the "The presence of a weapon, other than by Sussex County Sheriff's Department personnel..." should read "The presence of a weapon, other than by Sussex County Sheriff's Department authorized personnel..."

Councilmembers requested that Mr. Griffin review the proposed policy and report back to Council.

**MOU
between
Sussex
County
and the
Delaware
Office of
State
Planning
Coordina-
tion**

Ms. Connie Holland, Director, Office of State Planning Coordination, and Mr. Stickels presented a Proposed Memorandum of Understanding between Sussex County and the Delaware Office of State Planning Coordination, as follows:

WHEREAS, the State of Delaware has determined that certain local land use decisions have far reaching and complex effects on the region, resulting in development which often requires the commitment of finite resources by the various levels of government as well as private investors; and

WHEREAS, coordinated review of certain development activities would result in a more efficient, effective and timely use of resources and would also achieve consistency and coordination between the various levels of government and other interested parties; and

**MOU
(continued)**

WHEREAS, under Chapter 92 of the Delaware Code, local land use planning actions by local governments are subject to pre-application review processes by the Office of State Planning Coordination (OSPC); and

WHEREAS, under Chapter 92, Section 9205 (c) of the Delaware Code, the OSPC shall, through a Memorandum of Understanding, exempt a local jurisdiction from the provisions of the Land Use Act or modify the pre-application process when the local jurisdiction has a Certified Comprehensive Plan and imposes a more stringent review of projects;

NOW, THEREFORE, BE IT RESOLVED that Sussex County and the Office of State Planning Coordination agree that local land use planning actions defined herein will be subject to State review under Title 29, Chapter 92, Delaware Code; and

BE IT FURTHER RESOLVED that the stipulations for review of development projects within Sussex County are as follows:

Development Activities Requiring State Review

- 1. Any Residential Planned Community.**
- 2. Major residential subdivisions containing more than 50 dwelling units, as defined in Title 29, Section 9203.**
- 3. Any non-residential subdivision or site plan involving the expansion of an existing structure by 25 percent or more or new construction involving structures or buildings with a total floor area exceeding 75,000 square feet.**
- 4. Any rezoning within the Environmentally Sensitive Development District identified in Sussex County's Comprehensive Plan Update adopted December 10, 2002, that would increase intensity or residential density.**
- 5. Applications for rezoning that are inconsistent with the Sussex County Comprehensive Plan Update adopted December 10, 2002.**
- 6. Any local land use regulation, ordinance or requirement referred to the Office of State Planning Coordination by Sussex County for the purpose of providing the County with advisory comments. These include the modifications to the County's zoning and subdivision ordinances that implement the Comprehensive Plan.**
- 7. Any amendment, modification or update to the Sussex County Comprehensive Plan, as required by Title 9 of the Delaware Code.**

In special circumstances, the Office of State Planning Coordination may waive the pre-application requirements of Title 29, Chapter 92 of the Delaware Code. Where such waiver is granted, the Office of State Planning Coordination shall provide a written explanation of the causes for the waiver to the relevant local jurisdiction and the applicant. These circumstances may include, but are not limited to, local governments that impose a more stringent review of projects enumerated in §9203(a) than required by this Chapter, or for projects which will provide an extraordinary benefit to the State and the local jurisdiction through

**MOU
(continued)**

economic development, job creation, educational opportunities, public services or facilities, agricultural preservation, or protection and enhancement of the natural environment; and

BE IT FURTHER RESOLVED that this Memorandum of Understanding may be revised from time to time as circumstances warrant, only with the concurrence of both Sussex County and the OSPC, or in relation to significant changes within the State Code.

Ms. Holland stated that her office has been following this policy for over two years and the Memorandum of Understanding would make the policy official and it would bring the County into compliance with State Law.

The County Council discussed the Proposed Policy.

**M 533 03
Motion
Failed**

A Motion was made by Mr. Cole to Adopt the Memorandum of Understanding.

Mr. Phillips requested that action be deferred for one week.

The Motion died for the lack of a Second.

**NEMO
Workshop**

Ms. Holland asked Council's permission to allow the University of Delaware and the Delaware Office of State Planning Coordination to conduct a workshop in December on NEMO (Nonpoint Education for Municipal Officials). The National NEMO Network is a confederation of programs that educate local land use decision-makers about the links between land use and natural resource protection. A major objective in the development of NEMO was to demonstrate the effectiveness of using remote sensing and geographic information system (GIS) technologies to inform and enhance educational programs linking local land use decisions to water quality issues. The basic approach of the Network is face-to-face workshops for local officials. Mr. Stickels noted that the workshop would be a joint workshop to include both the Sussex County Council and the Planning and Zoning Commission. Mr. Stickels advised that, with Council's approval, the workshop will be held on December 2, 2003.

It was noted that the Mildred King Luncheon is scheduled for December 2nd and a suggestion was made that the workshop should begin at 1:30 p.m.

**Adminis-
trator's
Report**

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

1. **Airport Committee Meeting**

The regularly scheduled meeting of the Sussex County Airport Committee will be held on Wednesday, October 1, 2003, at the Sussex County Administrative Office West Complex, North DuPont Highway, Georgetown, Delaware, at 10:00 a.m. The general public as well as the media is welcome to attend.

Administrator's
Report
(continued)

2. Beneficial Acceptance

The Sussex County Engineering Department granted Beneficial Acceptance effective September 17, 2003, for Forest Reach R.P.C. in the South Bethany Sanitary Sewer District, Agreement No. 266. Included with this report is a copy of the fact sheet for this project.

Pickup
Truck for
Engineering
Department/
Change
Order

Mr. Shade, Purchasing Director, advised Council that on March 31, 2003, bids were opened for a One Ton Extended Cab Pickup Truck needed by the Engineering Department at the treatment facilities. Four (4) bids were received with the bid being awarded to Hertrich Fleet Services for \$31,238.00.

Mr. Shade advised that, due to the nature of the use of this unit, it is important to have a four-wheel drive vehicle. Most of the locations to be serviced by the vehicle are rough terrain areas. It was also determined when the boom was added, that a single rear axle would present a significant amount of danger of tipping over.

Mr. Shade requested the approval of a change order in the amount of \$4,103.00 to upgrade the One Ton Extended Cab Pickup Truck with four-wheel drive and dual rear wheels.

M 534 03
Approve
Change
Order/
Pickup
Truck for
Engineering
Department

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council approves the change order in the amount of \$4,103.00, for the addition of four-wheel drive and dual rear wheels to the One Ton Extended Cab Pickup Truck purchased by the Engineering Department.

Motion Adopted: 4 Yea, 1 Absent.

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

(Mr. Phillips was not present during the vote.)

Airport
T-Hangar
Extension
Project/
Change
Order

Mr. Sapp, Project Engineer, discussed Change Order No. 1 to Sussex County Project No. 99-22, "Fire Pump System for Four (4) Unit Hangars". The Change Order, in the amount of \$53,926.00, is due to stricter fire suppression requirements imposed by the Fire Marshal's Office.

Mr. Sapp reported that the Project was awarded to Building Concepts of America, Inc. (BCA) in 2002. Subject to the County Council's approval of the Change Order, BCA has requested that an additional 120 days be added to the contract. This would allow for the engineering and approval of the fire pump system accordingly.

M 535 03
Change
Order

A Motion was made by Mr. Jones, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Change Order No. 1 for Sussex County

M 535 03
Approve
Change
Order/
Airport
T-Hangar
Extension
Project
(continued)

Project No. 99-22, Sussex County Airport T-Hangar Extension, to increase the contract time by 30 days, for a total of 120 days, and to increase the original contract amount by \$53,926.00, thereby increasing the total contract amount from \$209,800.00 to \$263,726.00.

Motion Adopted: 5 Yea.

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

Fly-In at
Airport

Mr. Masten, Director of Economic Development, announced that there would be a Fly-In at the Sussex County Airport on Saturday, September 27th, beginning at 8:00 a.m.

Millville-
North
Millville
Expansion
of the
Bethany
Beach
Sanitary
Sewer
District

Mr. Izzo, County Engineer, and Mr. Archut, Assistant County Engineer, reported on the comments received at the Public Hearing on the Millville – North Millville Expansion of the Bethany Beach Sanitary Sewer District, which was held on September 16, 2003.

Mr. Archut responded to the questions raised at the Public Hearing regarding the boundaries of the Proposed Expansion.

- **Bazzoli properties - The Bazzoli properties are not within the boundaries of the proposed sewer expansion area nor the South Coastal Planning Area. They are located in the area being examined by the South Coastal Area Planning Study Update to determine if treatment capacity is available to provide sewer service.**
- **Bay Forest – A proposed 1,250-lot subdivision located at the western boundary of the Millville Planning Area. The developer of the subdivision paid \$49,947 to amend the Millville Planning Study to examine the Holts Landing area. If included in the Millville Expansion proposal, the developer has agreed to construct regional infrastructure that would reduce construction costs for the Millville Expansion Area by \$3.5 million. As compensation for this work, a potential credit of \$1,003,724 could be granted toward system connection charges (based on the current rate).**
- **Bethany Forest – Bethany Forest is an isolated 93-lot subdivision located north of Collins Creek in the future Holts Landing Service Area. To provide service to this subdivision, Sussex County would have to install approximately 7,000 linear feet of pipeline and construct at least one pumping station. The proposed Bay Forest subdivision may provide a more convenient connection point for sewer service. However, the schedule for that connection is uncertain. The Engineering Department recommends that service to Bay Forest be reviewed and considered during the approval of the Bay Forest wastewater facilities. Annexation can be initiated when a more definite schedule can be established.**

**BBSSD
Expansion
(continued)**

Based on this information, Mr. Archut recommended that the boundaries of the Millville – North Millville Expansion of the Bethany Beach Sanitary Sewer District be approved, as presented on September 16, 2003.

**M 536 03
Adopt
Resolution
No.
R 026 03**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to Adopt Resolution No. R 026 03 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND THAT IS CONTIGUOUS TO THE BBSSD, SITUATE WEST OF THE TOWN OF OCEAN VIEW AND ENCOMPASSES THE TOWN OF MILLVILLE AND SUBDIVISIONS LYING NORTH AND SOUTH OF THE TOWN OF MILLVILLE AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 4 Yea, 1 Abstention.

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

**M 537 03
Youth
Activity
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$300.00 from Mr. Jones' Youth Activity Grant Account to the Boys and Girls Club of Georgetown for the Annual Meadow Muffin Madness Fundraiser.

Motion Adopted: 5 Yea.

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

**M 538 03
Youth
Activity
Grant**

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$750.00 from Mr. Jones' Youth Activity Grant Account to Woodbridge Pop Warner for the purchase of uniforms.

Motion Adopted: 5 Yea.

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

**M 539 03
Adjourn**

A Motion was made by Mr. Jones, seconded by Mr. Dukes, to adjourn at 11:22 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



**Robin A. Griffith
Clerk of the Council**