

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 5, 1999

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 5, 1999, 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
Dale R. Dukes	Member
George B. Cole	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 549 99 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the
Approve Agenda, as presented.
Agenda

Motion Adopted: 5 Yea.

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

M 550 99 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to approve the
Approve minutes of the previous meeting, dated September 28, 1999.
Minutes

Motion Adopted: 5 Yea.

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

Corre- Mr. Bayard, County Attorney, read the following correspondence:
spondence

CLIFTON C. MURRAY, MAYOR, TOWN OF SELBYVILLE, SELBYVILLE,
DELAWARE.

RE: Letter requesting the town's participation in the Community Development
Block Grant for the coming year.

Correspondence

JAMES A. FUQUA, JR., FUQUA AND YORI, P.A., GEORGETOWN, DELAWARE.

RE: Letter enclosing copies of the Permanent Easement and Right of Way Agreement between Rosedale Beach Hotel, Inc. and the State of Delaware and as restated by Easement Agreement from New Rosedale Beach Hotel, Inc. to the Department of Natural Resources and Environmental Control of the State of Delaware. (Re: Gull Point Trust, C/U No. 1307)

DELAWARE HEALTH AND SOCIAL SERVICES, STOCKLEY CENTER, GEORGETOWN, DELAWARE.

RE: Letter requesting a review of the petition that was submitted to change the name of Colony Road to Avenue of Honor.

SCOTT COULBOURN, DIRECTOR, SEAFORD PARKS & RECREATION, CITY OF SEAFORD, SEAFORD, DELAWARE.

RE: Letter in appreciation of Youth Activity Grant.

AFRICAN-AMERICAN FESTIVAL, SEAFORD, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

EDITH CAMPER, SEAFORD, DELAWARE.

RE: Letter in appreciation of house repairs made possible by the Sussex County Community Development Office.

LAUREL FIRE DEPARTMENT, LAUREL, DELAWARE.

RE: Invitation to Open House on Sunday, October 24, 1999.

M 551 99
Adopt
Proclamation

A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt the Proclamation entitled "PROCLAIMING OCTOBER 8, 9 & 10, 1999, AS 'LIONS VISION DAYS' IN SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

M 552 99
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to give \$500.00, \$250.00 each from Mr. Dukes' and Phillips' Councilmanic Accounts, to the Laurel Lions Club (check to be made payable to L.V.R.F.) in support of "Lions Vision Days" in Sussex County.

Motion Adopted: 5 Yea.

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

M 553 99 Adopt Proclamation A Motion was made by Mr. Rogers, seconded by Mr. Dukes, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF OCTOBER 3 THROUGH OCTOBER 9, 1999, AS 'RESIDENTS' RIGHTS WEEK' IN SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

Surplus Vehicles Mr. Stickels requested permission to remove the following surplus vehicles from the County's inventory and to have them sold as salvage: 1969 pickup truck, 1983 GMC Jimmy, and 1992 pickup truck.

M 554 99 Authorize Removal of Surplus Vehicles A Motion was made by Mr. Rogers, seconded Mr. Phillips, to authorize the removal of the following surplus vehicles from the County's inventory: 1969 pickup truck, 1983 GMC Jimmy, and 1992 pickup truck.

Motion Adopted: 5 Yea.

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

M 555 99 Youth Activity Grants A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$740.00 from Youth Activity Grants, \$185.00 each from Mr. Cole, Mr. Jones, Mr. Phillips and Mr. Rogers, to Sussex Central Pop Warner Football for operating expenses.

Motion Adopted: 5 Yea.

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

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

1. Sussex County Property Tax Subsidy Program

Included with this report is a copy of the Sussex County Property Tax Subsidy Program. This program would provide tax assistance to residents of Sussex County who have resided in their primary Sussex County residence for a minimum of five years who are either legally disabled or over the age of 65. This funding is a grant provided by the County Council for the County's portion of the property tax, as well as capitation tax. To date, 17 individuals have been declared eligible for this funding.

Adminis-
trator's
Report
(continued)

2. Public Assistance – Greenwood

On Friday, October 1, 1999, the Delaware Emergency Management Agency (DEMA) held a meeting at the Greenwood Town Hall for anyone who incurred damages during Hurricane Floyd. Along with DEMA, the Federal Emergency Management Agency (FEMA), Delaware Health and Social Services, and American Red Cross had representatives present. Joseph L. Thomas, Director of Emergency Operations, was also present representing Sussex County.

The Police Chief of Greenwood, Mr. Paul Marlowe, Jr., and a representative of Seaford Presbyterian Church were present to ascertain if any assistance was available for damages. After reviewing what the Town of Greenwood had compiled, as well as listening to those present, Mr. Glenn Gillespie, Deputy Director of DEMA, advised those present that there did not appear to be enough damage for a Presidential Declaration to be issued.

The American Red Cross and Delaware Health and Social Services went over those individuals with damage to see if there was any assistance that their agencies could provide. Health and Social Services may be able to assist with low interest loans.

3. County Government Closing

County offices will be closed on Monday, October 11, 1999, in observance of Columbus Day. County offices will reopen Tuesday, October 12, 1999, at 8:30 a.m. There will be a Council meeting as scheduled on October 12, 1999.

Senior
School
Property
Tax
Credit

Mr. Stickels advised Council that the Board of Education of the Milford School District and the Indian River School District has voted to allow the Senior School Property Tax Credit. To qualify for this credit, a taxpayer must be age 65 or older as of the beginning of the tax year. Also, the property for which the taxpayer is applying for the credit must be their principal residence. Each school district qualifies for the program; however, each school district must vote on whether or not to allow the tax credit.

Hazard
Mitigation
Grant
Program

Mr. Brady, Sussex County Private Roads Coordinator, Public Works Division and Mr. Powell, a representative of the Department of Natural Resources and Environmental Control were in attendance to discuss the Hazard Mitigation Grant Program. Mr. Brady requested Council's approval for the County to act as Project Administrator and Escrow Agent for the Program. This is a Federal Grant Program that became available as a result of the two winter storms that took place in 1998, which caused extensive flooding in areas of Sussex County. The purpose of the program is to elevate approximately 18 homes; these homes have been identified in accordance with Federal and State criteria. The program

Hazard
Mitigation
Grant
Program
(continued)

is now closed to further applications. The total cost of this Program is \$542,750.00; the Federal Emergency Management Agency (FEMA) has granted 75 percent of these funds, in the amount of \$407,062.00. The owners of the properties receiving the funds must contribute the other 25 percent of the expenses. The County will receive approximately \$12,855.00 for administrative costs and will incur no costs in the administration of the Program.

M 556 99
Authorize
Hazard
Mitigation
Grant
Program

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council act as Project Administrator and Escrow Agent for the Hazard Mitigation Grant Program for the purpose of elevating approximately 18 residential structures at a total cost of \$542,750.00; 75% of the funding will be provided by the Federal Emergency Management Agency and 25 percent will be funded by the homeowners; Sussex County will receive \$12,855.00 for administrative costs.

Motion Adopted: 5 Yea.

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

Deposit
Account

Mr. Baker, Finance Director, recommended the opening of a deposit account for the purpose of depositing the funds received for the Hazard Mitigation Grant Program.

M 557 99
Adopt
Resolution
No.
R 025 99

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Resolution No. R 025 99 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY 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

Mobile
Command
Post
Change
Order

Mr. Thomas, Director of Emergency Operations, presented for Council's consideration a Change Order to upgrade the Mobile Command Post that is to be manufactured. More specifically, two change orders were presented; Change Order A and Change Order B.

Change Order A consists of the following upgrades:

Mobile Command Post Change Order (continued)	<ul style="list-style-type: none"> • Two deadbolt locks. \$ 180.00 • Hubble twist-loc inlet plug. 160.00 • 4 combination 12V lights. 500.00 • 3 light switches for overhead lights. 185.00 • Exterior phone jack. 125.00 • 2 air steps for step wells. 1,575.00 • Rear step well cover. 475.00 • Upgrade rear ladder. 650.00 • Interior drip tubes for air conditioners. 270.00 • Kussamaul auto charge system – for auxiliary batteries. 870.00 • 5 isolated ground receptacles. 400.00 • Pig tail. 185.00 • Conduit paths. 295.00 • Reflective stripping. 395.00
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Change Order A totals \$6,265.00.

Change Order B consists of the following upgrades:

<ul style="list-style-type: none"> • Stainless steel outside table • Storage box. 	\$825.00 625.00
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Change Order B totals \$1,450.00.

Mr. Thomas reported that options deleted totaled \$2,590.00 (credit).

M 558 99 A Motion was made by Mr. Rogers, seconded by Mr. Cole, to approve Change Order A and Change Order B to the Mobile Command Post Project.

Approve Change Orders A & B Motion Denied: 3 Nay, 2 Yea.

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

M 559 99 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to approve Change Order A to the Mobile Command Post Project.

Approve Change Order A Motion Adopted: 3 Yea, 2 Nay.

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

Command Post Schedule Mr. Thomas advised that production of the Mobile Command Post would begin on this date, October 5, 1999. The proposed completion date is November 24, 1999.

Public
Hearing/
Assessment
Roll/
Holts
Landing
Sanitary
Sewer
District

A Public Hearing was held on the Assessment Roll for Holts Landing Sanitary Sewer District. Mr. Archut, Assistant County Engineer, discussed the establishment of a service charge for the Holts Landing Sanitary Sewer District for the hauling and treatment of wastewater until the County's sewer system becomes operational. This service is proposed to begin in October, 1999, and extend to June, 2000. The rate proposed is \$250.00 per EDU annually; however, the residents will only be paying for three-quarters of a year. The residents of Bay Colony and Fairways Villa have requested that the County take over this service since the County can provide regular service versus emergency service provided by private haulers. With regular pump-outs, the current system will work more efficiently until such time as the Holts Landing Sanitary Sewer District is operational. No comments were received in opposition to the County providing this service. The Public Hearing was closed.

M 560 99
Adopt
Assessment
Roll/
Holts
Landing
Sanitary
Sewer
District

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council hereby adopts the Assessment Roll for the Holts Landing Sanitary Sewer District, as presented on October 5, 1999, for the period October 1, 1999, to June 30, 2000.

Motion Adopted: 4 Yea, 1 Abstention.

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

Public
Hearing/
Annual
Service
Charge/
Holts
Landing SSD

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL SERVICE CHARGE FOR THE HOLTS LANDING SANITARY SEWER DISTRICT". The Proposed Ordinance states that the annual service charge for the Holts Landing Sanitary Sewer District is \$250.00 per EDU and shall become effective October 1, 1999. This charge will only be assessed to developed properties. There were no public comments and the Public Hearing was closed.

M 561 99
Adopt
Ordinance
No. 1342

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to Adopt Ordinance No. 1342 entitled "AN ORDINANCE ESTABLISHING THE ANNUAL SERVICE CHARGE FOR THE HOLTS LANDING SANITARY SEWER DISTRICT".

Motion Adopted: 4 Yea, 1 Abstention.

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

Proposed
Extension

Mr. Archut, Assistant County Engineer, discussed the proposed extension of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to in-

Proposed
Extension/
West
Rehoboth
Expansion/
Heritage
Golf
Course

clude the Heritage Golf Course and adjoining lands. A Public Hearing was held on the proposed extension on September 28, 1999, at which time action was deferred for one week to permit the Engineering Department to consider the feasibility of the extension including only the pro shop and the apartment (located on the Heritage Golf Course property). During the Public Hearing, comments were heard from owners of the adjoining lands that they are not interested in being included in the extension. Comments were also heard in opposition to the entire golf course being included in the extension. Mr. Archut advised that, following a review of the proposed extension, it was his recommendation that the extension include the entire golf course and exclude the adjoining properties. Mr. Archut's reason for his recommendation to include the entire golf course was based on the fact that further development of the Heritage Golf Course property would require a zoning change and approval by Council.

M 562 99
Adopt
Resolution
No.
R 026 99

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Resolution No. R 026 99 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT (WRX) TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND KNOWN AS HERITAGE GOLF COURSE, LYING CONTIGUOUS TO THE WRX, SITUATE ON THE SOUTH SIDE OF COUNTY ROAD 283 AND BEING IN LEWES-REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE".

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 A BULK PROPANE STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.66 ACRES, MORE OR LESS" (Conditional Use No. 1315) filed on behalf of Chesapeake Utilities. The conditional use will be advertised for Public Hearing.

M 563 99
Youth
Activity
Grants

A Motion was made by Mr. Phillips, seconded by Mr. Dukes, to give \$600.00 from Youth Activity Grants (\$300.00 each from Mr. Phillips and Mr. Dukes) to the Laurel Little League for future projects.

Motion Adopted: 5 Yea.

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

M 564 99
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Cole, to give \$400.00 from Mr. Rogers' Councilmanic Account to Casa San Francisco for the after-school program.

Motion Adopted: 5 Yea.

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

Savannah's
Landing

Mr. Green, Director of Utility Construction, provided Council with an update on the construction of wastewater facilities in Savannah's Landing Addition.

M 565 99
Execute
Agreements/
Savannah's
Landing
Addition

A Motion was made by Mr. Dukes, 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 "RDM, Inc.", for wastewater facilities to be constructed to serve Savannah's Landing Addition, located in the Ocean View Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Abstention.

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

West
Rehoboth
Expansion/
Phase III/
Five
Points
North

Mr. Green, Director of Utility Construction, discussed Change Order No. 1 for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Phase III, Five Points North, Contract 3. Change Order No. 1 provides for the hot mix overlay of the existing tar and chip streets in Sand Dunes Village. The change order increases the contract amount by \$9,632.70 to a total of \$2,394,355.82. Representative John R. Schroeder has agreed to pay for this additional work from his suburban street money funds.

M 566 99
Authorize
Change
Order/
West
Rehoboth
Expansion/
Phase III/
Five
Points
North

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 1, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Phase III, Five Points North, Contract 3, to L.A. Merrell Construction Company, Inc., for an amount of \$9,632.70, for additional work to overlay existing tar and chip streets in Sand Dune Village with hot mix pavement, and increasing this contract amount to \$2,394,355.82; Sussex County Council's approval is contingent on the approval of the United States Department of Agriculture, Rural Development, Department of Natural Resources and Environmental Control and upon receipt of legislative funds from the Honorable John R. Schroeder.

M 566 99
(continued)

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
Amendment

Mr. Cole recommended that Ordinance No. 1286 entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO OFF-STREET PARKING FOR MULTI-FAMILY RESIDENTIAL DWELLINGS AND TOWNHOUSES" be amended to clarify the definition of an apartment as it relates to the parking requirement formula. Mr. Cole requested that apartments be excluded from the requirement of three parking places. An amendment to the Ordinance will be drafted.

State
Growth
Plan
Workshop/
Hearing

Mr. Jones asked if there were any comments on the Workshop/Hearing that was held on the State Growth Plan on Monday evening, October 5, 1999. Mr. Phillips questioned Mr. Stickels' comment that Mr. Hugg's statements were encouraging. Mr. Stickels responded that he was encouraged that the gray areas (on the map) will be a secondary investment area. Mr. Stickels said that originally he was told that there would be no investment area. Mr. Stickels continued to say that there seems to be a lot of backpedaling on what was said at the meeting compared to the report when it originally came out. Mr. Stickels expressed his opinion that the report, as written, is very vague, and is open to a lot of individual interpretation, and that what was heard at the meeting was a lot different than what was originally presented. Mr. Stickels noted that he questions whether proper notification of the Workshop/Hearing was given. Mr. Stickels stated that he feels comfortable that the State will take the three counties' comments under consideration and amend the Plan.

Mr. Cole questioned whether there is any legislation that supports the State following the State Growth Plan, as presented. Mr. Stickels responded that they quoted sections of the law that they believe gives them the authority.

Mr. Stickels stated that concern was expressed at the meeting that the Development District includes the Inland Bays area. The State Growth Plan states that if you are not in the investment map areas, there would not be any State investments. This means there would be no State funding for Holts Landing, Cedar Neck, North Millville, and Ocean View Sewer Districts.

Concern was also expressed that the original map had no expansion areas for the western side of the County. The response to that was that the gray areas (on the map) would be given secondary consideration.

Mr. Stickels advised that the Plan has not been finalized. Mr. Stickels advised that he made the following three suggestions: (1) to come up with an inventory

State
Growth
Plan
Workshop/
Hearing
(continued)

of improvements needed in the County now, before any development, (2) that the State amend their maps to equal the County's maps, and (3) set up an appeal process.

Mr. Jones expressed his concern over the access denials that are being issued by DelDOT and the funding denials that will result from this proposed Plan.

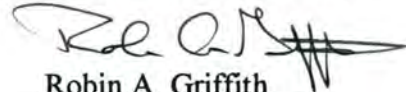
Mr. Phillips and Mrs. Purnell discussed the hostility between the State and the people of the State that was apparent at the meeting.

Mr. Jones stated that he feels proper notice of the meeting should have been given. In addition, Council members did not get to see the Plan until the very night of the meeting.

M 567 99
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 11:53 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the Council