



Sussex County Council Agendas & Minutes

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 9, 2005

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 9, 2005 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
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
James D. Griffin	County Attorney

M 434 05 A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to amend the
Approve Agenda by deleting "Approval of Minutes" and to approve the Agenda, as
Agenda amended.

Motion Adopted: 3 Yea, 2 Absent.

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

Corre- Mr. Griffin read the following correspondence:
spondence

PHILIP L. BROWN, CAROLINE COUNTY SHERIFF'S DEPARTMENT, DENTON, MARYLAND.

RE: Letter of appreciation for the assistance of the Sussex County Emergency Operations Center during an incident on July 20, 2005 at Colonel Richardson Middle School. Sheriff Brown stated that "Your staff and the Mobile Command Unit provided to be invaluable. Everything to handle a multi-agency incident was provided and utilized."

Check The County Council presented a check in the amount of \$50,000 to John
Presen- Culp, Deputy Director of CHEER, Sussex County Senior Services for
tation to capital projects. Mr. Culp reported that, this year, CHEER has
CHEER constructed and opened two new senior centers – in Long Neck and in
 Ocean View. Mr. Culp thanked the Council for its continued support.

M 435 05
Adopt
Procla-
mation/
Safe
Kids
Day
M 435 05
(continued)

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to Adopt the Proclamation entitled “PROCLAIMING WEDNESDAY, AUGUST 10, 2005, AS SUSSEX COUNTY SAFE KIDS DAY”.

Motion Adopted: 3 Yea, 2 Absent.

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

Revenue
Sharing
for Local
Law
Enforce-
ment

Mr. Stickels presented funding requests from five local police departments which were made through the County’s new program - Revenue Sharing for Local Law Enforcement. Mr. Stickels stated that in the Fiscal Year 2006 Budget, the County Council allocated \$25,000 for each local police department to help with capital purchases.

The five requests were as follows:

•	Blades	\$25,000.00	Durango 4x4
•	Fenwick Island	\$ 4,438.00	Segway HTi167
•	Georgetown	\$24,253.94	Crown Victoria Sedan
•	Greenwood	\$25,000.00	Crown Victoria Sedan
•	Rehoboth Beach	\$19,552.00	Crown Victoria Sedan

M 436 05
Approve
Local
Law
Enforce-
ment
Grants

A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to approve the Local Law Enforcement grants, as presented.

Motion Adopted: 3 Yea, 2 Absent.

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

Reim-
bursable
Transporta-
tion
Program

Mr. Stickels presented the Delaware Transit Corporation’s Reimbursable Transportation Budget for July 1, 2005 through June 30, 2006. The total amount requested was \$895,275.00, as follows:

Cape Henlopen Senior Center	\$ 52,000
Indian River Senior Center	2,100
Laurel Senior Center	103,620
Lewes Senior Citizens Center	30,000
Nanticoke Senior Center	44,800
Easter Seals	78,700
Sussex County Senior Services, Inc. (CHEER)	<u>584,275</u>

Total \$895,275

Mr. Stickels reported that the Delaware General Assembly approved the allocation of \$796,862.00 for the senior transportation program in Sussex County, as follows:

Reim- bursable Transportation Program (continued)	Cape Henlopen Senior Center	\$ 41,600
	Indian River Senior Center	2,100
	Laurel Senior Center	92,653
	Lewes Senior Citizens Center	24,000
	Nanticoke Senior Center	39,995
	Easter Seals	47,279
	Sussex County Senior Services, Inc. (CHEER)	<u>549,235</u>
	Total	\$796,862

Mr. Stickels noted that the funding awarded is the same amount awarded in Fiscal Year 2005.

M 437 05 **A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to authorize the acceptance of the \$796,862.00 approved by the Delaware General Assembly to be allocated for the senior transportation program in Sussex County, as presented.**

Program Funding **Motion Adopted: 3 Yea, 2 Absent.**

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

Appeal Request/ Spring Breeze **The County Council considered a letter dated July 29, 2005 received from Heidi Balliet, Attorney for Spring Breeze Associates, appealing the decision of the Planning and Zoning Commission to deny their subdivision application (Subdivision No. 2004-8).**

M 438 05 **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to grant the request for an Appeal Hearing to be held for the application filed on behalf of Spring Breeze Associates, Subdivision No. 2004-8.**

Grant Request for Appeal Hearing/ Spring Breeze Associates **Motion Adopted: 3 Yea, 2 Absent.**

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

Discussion/ Draft Ordinance Relating to Appeals **Mr. Griffin presented a draft ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE VIII RELATING TO APPEALS”. This amendment would revise the appeals provisions of the Subdivision Ordinance. It eliminates the ability to have a public hearing on a subdivision appeal before both the Commission and Council. It also**

Discussion/
Draft
Ordinance
(continued)

includes the standard of review to be applied on appeal, requires the appealing party to pay for the preparation of a hearing transcript and pay an appeal fee for each level of review. It also allows an appeal to be filed from either the approval or disapproval of a plat as required by 9 Del. C. §6811, whereas the present wording only allows an appeal to be filed by a developer. The fee for filing an appeal to the Commission would be \$500.00 and the fee for filing an appeal to the Council would be the same. Mr. Griffin noted that it appears that the County's current fee schedule does not even cover advertising costs. Mr. Griffin asked the Council to review and consider the draft ordinance. It was the consensus of the Council that the draft ordinance will be placed back on the agenda for discussion on August 23rd.

Adminis-
trator's
Report

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

1. Delaware Department of Transportation (DelDOT) Capital Transportation Program - Public Participation Meeting

Interested persons are encouraged to participate in the development of the State's future transportation program by attending a public meeting to be held on Thursday, September 8, 2005, at the DelDOT Georgetown Administration Building, Conference Room, 23697 DuPont Highway, Georgetown, beginning at 6:00 p.m. During the meeting, jointly sponsored by the Council on Transportation, the Dover Kent Metropolitan Planning Organization (MPO), and the Wilmington Area Planning Council (WILMAPCO), citizens and transportation officials will review the MPO's and DelDOT's final Capital Transportation Program (CTP) for Fiscal Years 2006-2011.

The meeting will provide an opportunity to review the current CTP and suggest transportation projects and/or services to be considered for the proposed CTP for Fiscal Years 2007-2012. Public input received during the September meeting is crucial to the development of this program.

There will be an informal workshop session beginning at 6:00 p.m., followed by a brief presentation and opportunity for public input in an auditorium session at 7:00 p.m. A court reporter will be available during both sessions to record formal comments. Interested persons are also invited to submit written comments during the public meeting process, and these also will be included in the formal record of the CTP meeting.

The Council on Transportation is composed of citizen representatives from every county in the State. Members are appointed by the Governor. The MPO is composed of representatives from State, county, and local governments, and citizen and technical representatives. Mandated by 29 Delaware Code, § 8409, the meeting is designed to ensure that the public has

ample opportunity to participate in the planning process.

- Requests** **Mr. Stickels presented grant requests for the Council’s consideration.**
- M 439 05** **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give**
Community **\$1,000.00 from Mr. Dukes’ Community Investment Account to the Town of**
Investment **Blades for facilities upgrades at Hardin Hall or the Town Park.**
Grant
- M 439 05** **Motion Adopted: 3 Yea, 2 Absent.**
(continued)
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Absent;**
 Mr. Dukes, Absent; Mr. Rogers, Yea;
 Mr. Jones, Yea
- M 440 05** **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to give**
Youth **\$200.00 from Mr. Jones’ Youth Activity Grant Account to the Business**
Activity **Industry Education Alliance for the Choices program.**
Grant
- Motion Adopted: 3 Yea, 2 Absent.**
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Absent;**
 Mr. Dukes, Absent; Mr. Rogers, Yea;
 Mr. Jones, Yea
- M 441 05** **A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to give**
Community **\$3,000.00 from Mr. Cole’s Community Investment Grant Account to the**
Investment **Boys & Girls Club of Oak Orchard/Riverdale for programs, staffing,**
Grant **transportation, and educational and art supplies.**
- Motion Adopted: 3 Yea, 2 Absent.**
- Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Absent;**
 Mr. Dukes, Absent; Mr. Rogers, Yea;
 Mr. Jones, Yea
- Public** **Dan Kramer questioned the Council regarding their plan of action in**
Comments **response to the State’s plans to take Realty Transfer Tax revenues from the**
 County for transportation funding.
- M 442 05** **A Motion was made by Mr. Phillips, seconded by Mr. Rogers, to adjourn at**
Adjourn **7:27 p.m. Motion Adopted by Voice Vote.**

Respectfully submitted,

Robin A. Griffith
Clerk of the Council