

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 16, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 16, 1996, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	Member
George B. Cole	Member
William D. Stevenson, Sr.	Member

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

M 020 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated January 2, 1996. Motion Adopted by Voice Vote.

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

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Public Notice to solicit comments and recommendations from the public concerning the issuance of a Department of the Army permit. (Applicant: John E. Burris. Waterway: Lewes and Rehoboth Canal.)

INEZ KENT, DIRECTOR/ADMINISTRATOR, HOMEBOUND ELDERLY REHABILITATIVE OPPORTUNITIES, INC., DOVER, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

PATRICK C. MILLER, SECRETARY, INDIAN RIVER VOLUNTEER FIRE COMPANY, INC., MILLSBORO, DELAWARE.
RE: Letter to Sussex County Emergency Operations Center in appreciation of the staff's relentless efforts during the Blizzard of 1996.

GREGORY FERRESE, CITY MANAGER, CITY OF REHOBOTH BEACH, REHOBOTH BEACH, DELAWARE.
RE: Letter to Mr. Cole in appreciation of his Councilmanic Grant in the amount of \$200.00 to be used towards the promotion of the convention center.

Certi- Mr. Paul Hewett, District Director, American Association of ficate Retired Persons, was in attendance to present a Certificate Present- to Mr. Stickels, County Administrator, on behalf of the ation Delaware State AARP Leadership Council for the presentation he gave to the Council on County Government.

Certi- Mr. Dukes presented a Certificate of Appreciation to Betty ficate Jo Collins for devotion, loyalty, and excellence in serving Present- Sussex County from November 2, 1987, to November 3, 1995. ation

M 021 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Authorize authorize an Executive Session to be held in the County Executive Council Chambers on Tuesday, January 23, 1996, at 9:00 a.m., Session for the purpose of discussing land acquisition and pending litigation.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Amend-
ments to
"Rules
of
Proce-
dure"

Mr. Jones, Assistant County Attorney, discussed amendments to the proposed "Rules of Procedure of the Sussex County Council of Sussex County, Delaware" that were distributed on November 14, 1995, for Council's review and consideration. The amendments were reviewed and additional amendments made. Mr. Jones requested that he be notified by Thursday, January 18, 1996, if further amendments are to made. A final draft will be submitted to Council for approval in the near future. Mr. Jones noted that if an issue is not covered by the "Rules of Procedure", the general rules of parliamentary procedure as outlined in Mason's Manual of Legislative Procedures will be followed.

Legis-
lative
Update

Mr. Stickels, County Administrator, requested Council's approval to lobby for the following legislative issues:

Three New Issues

1. Unclaimed Funds

Currently, unclaimed funds resulting from Sheriff Sales are placed in a County account and transferred to the State after seven years. Mr. Stickels' proposed that funds be disbursed to school and County on the same percentage as the property tax bill after one year.

2. Regulating of Private Wastewater Utilities

Currently, the Department of Natural Resources issues construction and operating permits for private wastewater utilities. However, no agency is regulating charges for these services. Complaints have been received that private wastewater utilities are increasing user fees as much as sixty-six percent without providing users notification prior to increases or justification of increases. Delaware Association of Counties suggests that private wastewater utilities be subject to rate increase regulations similar to other private water utilities.

Legis-
lative
Update
(con't)

3. Establishment of Sewer Districts in Delaware

New Castle County and Sussex County employ almost identical procedures for creating new sewer districts. Unless an existing district is being extended, or unless homes are already connected to County sewer mains, a public referendum is required. In Kent County, a public vote is only necessary if requested. The Delaware Association of Counties wishes to propose another procedure to allow for the creation of a sewer district. In areas where it is found necessary by the local government, the Secretary of Public Health, and the Secretary of the Department of Natural Resources, the sewer district may be created without a referendum if all three entities feel that it is in the best interest of the public to create this district. Under this proposal, local governments may establish a sewer district if the local government states, after a Public Hearing, the creation of a sewer district is of the best interest of the residents of the district; if the Secretary of Public Health states there is a health hazard or a potential health risk to the residents of the district; and if the Secretary of Natural Resources states there is a health hazard or a potential health risk to the residents of the district. All three levels of government must be in agreement to create a new district. Should one level of government not be in agreement, current state law will be required to be followed to create a district.

Two Issues From Last Year

1. Request exemption of Utility Tax for State School Districts and local and County governments.
2. Statewide Reassessment

It was the consensus of Council that Mr. Stickels lobby for each of the five proposals.

Agree-
ments
with
First
State
Inspection
Agency

Mr. Stickels, County Administrator, discussed the Inspection Agreement and Plan Review Agreement between Sussex County and First State Inspection Agency, Inc. Mr. Stickels recommended that both Agreements be extended from September 1, 1996, to August 1, 1998. It was noted that the only foreseeable change would occur should the State of Delaware mandate energy inspections. In this situation, energy inspection would replace foundation inspection.

M 022 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, Authorize that the Sussex County Council authorizes the extension Extension of the Inspection Agreement and Plan Review Agreement, of Agree- between the Sussex County Council and First State ments Inspection Agency, Inc., to August 1, 1998.

M 022 96 Motion Adopted: 5 Yea.
(con't)

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

CABO
One
and
Two
Family
Building
Code

Mr. Stickels, County Administrator, advised that currently First State Inspection Agency, Inc. conducts building inspections, on behalf of the County, to meet the requirements of the 1992 CABO One and Two Family Building Code and not the most recent edition of the Code - the 1995 edition. Council discussed whether the adoption of the 1995 edition should be considered further. Differing views were heard; however, the consensus was that the 1992 CABO One and Two Family Building Code remain in effect.

Adminis-
trator's
Report

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

1. South Ocean View Sanitary Sewer District

Sussex County has been notified by the United States Department of Agriculture, Rural Utilities Service, that Sussex County is eligible to submit an application for funding of the proposed South Ocean View Sanitary Sewer District in the amount of \$7,357,650. The decision to qualify the County to apply for the funding was based on a preapplication submitted by the County on March 10, 1995. Mr. Russell Archut, Director of Planning and Permits, County Engineering Department, will appear before Council at a later date to request the County's authority to prepare an application for funding.

2. City of Seaford Water Utility

Mr. Stickels has been notified by the Department of Natural Resources and Environmental Control (DNREC) that the City of Seaford has applied for a Certificate of Public Convenience and Necessity to provide public water service within the limits of the City of Seaford in Sussex County, Delaware. The application for the City may be inspected by appointment by contacting the offices of the Department of Natural Resources and Environmental Control, 30 South American Avenue, Dover, Delaware. For more information or an appointment to review the application, Al Farling may be contacted at (302)739-5081. DNREC will not conduct a public hearing unless a written objection to issuing the permit is received by the Department by January 30, 1996.

Adminis-
trator's
Report
(con't)

3. Subdivision Approvals

On December 28, 1995, the Sussex County Planning and Zoning Commission granted final approval for the following subdivisions:

- a. C/Z No. 1209, Sandy Ridge General Residential/ Residential Planned Community - 43.16± acres were subdivided into 81 lots on Road 461 in Little Creek Hundred. The RPC will be served with community central water and sewer service. Streets will be private.
- b. Subdivision No. 95-5, Pine Acres, Inc. - 26.45 acres were subdivided into 63 lots in a MR Medium Density Residential Zoning District. Lots will be serviced with a community central water system and connected to the Long Neck Sanitary Sewer District. Streets will be private and built to County specifications.

4. Strong Communities Initiative

Governor Thomas R. Carper, the Family Services Cabinet Council, and members of the Sussex Strong Communities will be conducting "The Second Summit" on Saturday, January 20, 1996. The summit will take place at Cape Henlopen High School, Kings Highway, Lewes, Delaware, from 9:00 a.m. to 5:00 p.m. If any Council members are planning to attend, please let Robin Griffith know.

5. Sussex Conservation District Board of Supervisors

The Sussex County Council will meet with the Sussex Conservation District Board of Supervisors on Tuesday, February 20, 1996, at 12:00 noon. The meeting will take place at the Conservation District Office located at 21 Shortly Road, Georgetown, Delaware. The purpose of the meeting will be to discuss drainage and conservation issues in Sussex County. The media, as well as the public, is permitted to attend.

6. Blizzard of '96

The Sussex County Emergency Operations Center (EOC) was activated and staffed to manage and coordinate storm responses. The cooperation and coordination of efforts between the multiple agencies that responded to the incident was outstanding. Everyone was interested in ensuring that operations were effective, and they were flexible as needs changed. Throughout the event the EOC was in constant contact with the fire service and towns, discussing the weather and problems to be expected and determining the support they would need.

Adminis-
trator's
Report
(con't)

In addition to the normal staffing of the Operations Center, additional County employees were used to form a call-taking pool to receive citizens' requests for assistance. Working in coordination within the EOC were the following agencies: Sussex County EOC, Delaware National Guard, Delaware State Police, Delaware Emergency Management Agency, American Red Cross, DelDOT, Paramedics, and four-wheel drive volunteers. Many other agencies, groups, and individuals made themselves available if they were needed.

The call-taking group processed over 550 calls during the storm. They received telephone calls around-the-clock for the first two days of the storm and then 12 hours a day for the remainder of the storm. This group handled calls that addressed issues/requests such as transportation to dialysis treatment centers, transportation to pick up required prescriptions, requests for heating fuel (only way to heat the dwelling), transportation for nurses or doctors to hospitals, necessity to check on an elderly person that it was known was probably out of fuel and might freeze, transport food to homebound diabetic patient, requests for driveway plowing to allow access to the roadway, notification of abandoned cars blocking the road, and notification of road problems (blowing snow, in-operative lights).

This call-taking process relieved the EOC management from the interruptive calls and allowed them to be proactive in their decision-making and coordination. This group provided a timely service that was both responsive and sensitive to the needs and requests.

County employees who worked during the storm at the Emergency Operations Center included Betty Collins, Carol Lewis, Joseph Thomas, Jean Warrington, Richard Johnson, Andy Talley, Norma Talley, Milton Hill, Sharlene Hill, Jamie Hall, Richard King, William Davis, Andy Coleman, and Robert Stickels. These individuals put in as many as 88 hours during the seven-day period.

In addition to the employees who worked at the Emergency Operations Center, the following individuals worked diligently to keep water and sewer services on line: Bobby Rogers III, Norris Derrickson, Gary Hickman, Kevin Van Auken, Rodney Marvel, Bill Shufelt, Barry Pryor, Charles Parsons, Loran George, Bob Green, Rex Powell, Keith Bryan, Brad Hawkes, Van Mitchell, Nathan Mitchell, Steve Hudson, Dave Littleton, Gerald Cusato, Eddie Wise, Brian Thomas, Ronn Carey, Eddie Pusey, Albert Goepel, and Jimmy Robinson.

Adminis-
trator's
Report
(con't)

As a result of the storm, the Region III Office of the Federal Emergency Management Agency (FEMA) announced on Friday, January 12, 1996, that President Clinton will make federal disaster assistance funds available to Delaware to help alleviate the costs associated with the coastal storm. These funds are directed towards State, local, and municipal governments and agencies who responded to the emergency. The types of available reimbursement for which the emergency actions qualify are being determined by FEMA at this time.

Mr. Stickels will be meeting with representatives from the Army Corps of Engineers to evaluate beach damage this afternoon. Initially, the County has been informed that beach replenishment will not be an eligible item. However, it is hoped that once the Army Corps of Engineers sees the amount of damage, they will reconsider this position.

Mr. Dukes expressed appreciation, on behalf of the Council, for the extra effort of all personnel who worked during the recent snow storm.

Proposed
Loan
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Ocean
Way
Estates
Expan-
sion
of the
Bethany
Beach
SSD

Mr. Baker, Finance Director, discussed a Proposed Loan Resolution entitled "A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS OCEAN WAY ESTATES EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE". This Proposed Loan Resolution is necessary for RECD (Rural Economic and Community Development) Bond Financing for this project; the Resolution specifies the terms for the financing. The issuance of the bonds will be in the amount of \$463,000; the term of the loan is 40 years, the interest rate is 4 1/2%. The long term, low interest loan will result in a savings of \$10,000 per year for the residents of this area.

M 023 96
Adopt
Loan
Resolu-
tion/
Ocean
Way
Estates
Expan-
sion

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt the Loan Resolution entitled "A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS OCEAN WAY ESTATES EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE".

Motion Adopted: 5 Yea.

M 023 96 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Table The agenda item entitled "Proposed Ellendale Sanitary Sewer
Item District - Update" was tabled.

Proposed Mr. Dukes introduced the Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR A METAL ART FOUNDRY
AND BLACKSMITH SHOP TO BE LOCATED ON A CERTAIN PARCEL OF
LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY,
CONTAINING 8.19 ACRES, MORE OR LESS" (Conditional Use No.
1149) filed on behalf of Victor and Karen Letonoff. The
Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Benson introduced the Proposed Ordinance entitled "AN
Ordinance 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 10.9 ACRES, MORE OR LESS" (Change
of Zone No. 1276) filed on behalf of W. Leroy Mears. The
Proposed Ordinance will be advertised for Public Hearing.

M 024 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Council- give \$500.00 from Mr. Cole's Councilmanic Account to the
manic Pyle Child Development Center to supplement the purchase
Grant of a multi-complex play unit for the playground.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 025 96 At 11:55 a.m., a Motion was made by Mr. Stevenson, seconded
Recess by Mr. Benson, to recess until 1:30 p.m. Motion Adopted by
Voice Vote.

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

Absence Mr. Stickels, County Administrator, was absent.

Attorney Mr. Jones, Assistant County Attorney, served as Legal
Counsel for the meeting.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND CHAPTER 99, THE CODE OF SUSSEX COUNTY,
RELATING TO PLAN SUBMISSION PROCEDURE". One public comment
was heard in favor of the Proposed Ordinance. It was recom-
mended that the Proposed Ordinance be amended, as follows:

Public Hearing
(con't)

- A. After the preliminary conference with the staff, the subdivider shall prepare a preliminary plat of the proposed subdivision conforming to the requirements for the preparation of such plat as set forth in Article IV. At least forty-five (45) calendar days prior to the second meeting of the Commission of any given month, at which action on such plat is desired, the following items shall be filed with the staff: black or blue line prints of the preliminary plat in a quantity to be determined by the Director, a completed application form, the filing fee and all supporting statements required by this ordinance.

The Public Hearing was closed.

M 026 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Adopt Ordinance No. 1071 entitled "AN ORDINANCE TO AMEND
Ordinance CHAPTER 99, THE CODE OF SUSSEX COUNTY, RELATING TO PLAN
No. 1071 SUBMISSION PROCEDURE", as amended.

Motion Adopted: 5 Yea.

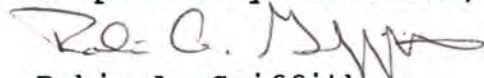
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings
of Fact

The Council found that the Ordinance was appropriate legislative action. The Findings of Fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the proposed Ordinance would promote and protect the health, safety, convenience, orderly growth and welfare of the citizens of Sussex County, to assist in the proper development, conservation of property values and use of land in Sussex County, and to provide for better site planning as planning relates to submitting plans. The Council also found that the proposed Ordinance was recommended by the staff of the Office of Planning and Zoning of Sussex County, in order to assist in the processing of subdivision applications.

M 027 96 A Motion was made by Mr. Benson, seconded by Mr. Cole, to
Adjourn adjourn at 12:48 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council