

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 19, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 19, 1993, 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 023 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated January 12, 1993. Motion Adopted by Voice Vote.

Letters Mr. Schrader, Assistant County Attorney, read the following correspondence:

PAMELA G. SMITH, AMERICAN CANCER SOCIETY, GEORGETOWN
RE: Appreciation for Human Service Grant award.

CAROL H. MEASOM, GIRL SCOUTS CHESAPEAKE BAY COUNCIL, NEWARK
RE: Appreciation for Human Service Grant award.

GAIL D. OLSEN, THE PIONEER CLUB OF THE VISUALLY IMPAIRED, GEORGETOWN
RE: Appreciation for Human Service Grant award.

CHRISTOPHER SMITH, ARTHRITIS FOUNDATION, WILMINGTON
RE: Appreciation for Human Service Grant award.

CLARA C. JAMES, LAUREL SENIOR CENTER, INC., LAUREL
RE: Appreciation for Councilmanic Grant.

Paramedic Super-visor Promotion Mr. Harris, Paramedic Deputy Director, introduced Sean Gilligan who was being promoted to Paramedic Supervisor by the Sussex County Paramedic Program. The Supervisor badge was presented to Mr. Gilligan by President Dukes.

Agreement of Purchase and Sale Mr. Calio, Director of Airport and Industrial Park Operations, appeared before Council to discuss the agreement of purchase and sale for the Gora property in the clear zone area of the County's Airport. Five agreements of purchase and sale were approved at the meeting of the County Council on January 5, 1993. The objective of the purchase of the properties is to comply with the safety requirements of the Federal Aviation Administration (FAA).

M 024 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Execute authorize the President of the Sussex County Council to execute
Agree- the agreement of purchase and sale between Sussex County Council
ment of and Mr. and Mrs. Edward F. Gora, for the purchase of property in
Purchase the County Airport's clear zone area.
and
Sale
Airport
Clear
Zone

Motion Adopted: 5 Yea.

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

Airport Mr. Izzo, Public Works Division Director, discussed a proposed
Master contract with The LPA Group Incorporated of Valley Forge,
Plan Pennsylvania, to develop a Master Plan for the County's Airport.
Study The Master Plan Study is intended to be a comprehensive planning
effort focusing on the inventory and aerial mapping, forecasting,
demand/capacity analysis, alternatives evaluation, environmental
overview, pavement evaluation task, and development of noise
exposure contours. The Federal Aviation Administration (FAA) has
earmarked \$900,000 to Sussex County for the Clear Zone Project
and the Master Plan.

M 025 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, based
Execute upon the recommendation of the Sussex County Engineering
Contract Department, that the President of the Sussex County Council be
With The authorized to execute the contract with The LPA Group Incor-
LPA porated of Valley Forge, Pennsylvania, for the performance of
Group the Airport Master Plan Study at the Sussex County Airport, at
Inc. a total cost of \$85,000.00.
for

Airport Motion Adopted: 5 Yea.
Master
Plan
Study

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

Bid Bid Openings were held on January 12, 1993, on Sussex County
Openings Project No. 93-01 for Repair, Alteration and/or Installation of
Projects Electrical Items and Sussex County Project No. 93-02 for Repair,
#93-01 & Alteration and/or Installation of Plumbing, Heating, Air
#93-02 Conditioning, Sheet Metal, and Other Related Items.

M 026 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, based
Award on the recommendation of the Engineering Department, that the
Project President of the Sussex County Council be authorized to enter
#93-01 into a contract with Solar Heating, Inc./Sussex Electric for the
Repair, Alteration and/or Installation of Electrical Items as
required at facilities owned or leased by Sussex County, in
accordance with rates and conditions outlined in Contract Bid
Documents for Sussex County Project No. 93-01 dated January 12,
1993.

M 026 93 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

M 027 93 A Motion was made by Mr. Benson, seconded by Mr. Collins, based
Award on the recommendation of the Engineering Department, that the
Project President of the Sussex County Council be authorized to enter
#93-02 into a contract with Solar Heating, Inc./Sussex Electric for the
Repair, Alteration and/or Installation of Plumbing, Heating, Air
Conditioning, Sheet Metal, and other related items as required
at facilities owned or leased by Sussex County, in accordance
with rates and conditions outlined in Contract Bid Documents
for Sussex County Project No. 93-02 dated January 12, 1993.

Motion Adopted: 5 Yea.

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

Change of Zone No. 1178 Change of Zone No. 1178, entitled "AN ORDINANCE TO AMEND THE
COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM
DENSITY RESIDENTIAL DISTRICT TO A HR-2 HIGH DENSITY RESIDENTIAL
DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.35 ACRES, MORE
OR LESS" filed on behalf of John E. Schade, et.ux. and William
B. Warrington, et.ux., was discussed. A Public Hearing on this
application was held by the County Council on December 8, 1992,
at which time action was deferred.

M 028 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt
Adopt Ordinance No. 871 entitled "AN ORDINANCE TO AMEND THE COMPREHEN-
Ordinance SIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY
No. 871 RESIDENTIAL DISTRICT TO A HR-2 HIGH DENSITY RESIDENTIAL DISTRICT
(C/Z FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE
No. 1178) HUNDRED, SUSSEX COUNTY, CONTAINING 6.35 ACRES, MORE OR LESS"
(C/Z No. 1178) filed on behalf of John E. Schade, et.ux. and
William B. Warrington, et.ux.

Motion Adopted: 3 Yea, 1 Nay, 1 Abstention.

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

Findings of Fact The Council found that a change of zone from MR-Medium Density
Residential to HR-2 High Density Residential in Baltimore
Hundred, located on the west side of Route One, one mile north

Findings
of Fact
(con't)

of Fenwick Island, to be located on a parcel containing 6.35± acres is an appropriate legislative action based upon the testimony and evidence given and further finds as follows:

1. The proposed site is located in close proximity and/or adjacent to several multi-family projects.
2. The site meets the purpose of the HR-2 zoning district, which is to provide for residential densities appropriate for areas which are or will be served by public sanitary sewer and water systems, and are well located with respect to major thoroughfares, shopping, and centers of employment:
 - a. The Sussex County Engineering Office submitted in the public hearing process its report that the subject site is located in the Fenwick Island Sanitary Sewer District, and that the existing Fenwick Island Sanitary Sewer District facilities immediately adjoining the site has current capacity to accommodate no more than nineteen units in accordance with the evaluation completed for the South Coastal Area Planning Study.
 - b. Central water can be supplied from an on-site system, as reported by Davis, Bowen & Friedel. In addition thereto, the site is located within the proposed Fenwick Island Water District, which is currently under study by the Sussex County Engineering Department.
 - c. The subject site is located on Route One between Fenwick Island and the Town of South Bethany. The Department of Transportation has indicated that the proposed rezoning will have no significant impact on traffic; and the Department of Transportation has indicated that two development sites to be served by two separate entrances would be appropriate, since the two development sites are separated by 404 wetlands.
3. The Council found that development of this property at MR would be inappropriate, since the parcel in question contains a significant amount of 404 wetlands; single family residential development of the property based upon setback restrictions and required roads would result in the placement of housing units on pilings in 404 wetlands, which development can be avoided by authorizing cluster housing because it will allow the opportunity to place the proposed housing units outside the 404 wetlands.
4. The development of the site with cluster housing allowed by the HR-2 District is consistent with the South Coastal Land Use Plan because:

Findings
of Fact
(con't)

- a. It is located in an area primarily devoted to existing high density housing uses or zoned high density;
 - b. The Land Use Plan contemplates that fifty percent of the increase in a residential development will be located in the South Coastal area, and that to distribute the proposed population on fewer acres, the demand for housing units must be addressed by authorizing multi-family housing units, which cannot be accommodated by existing zoning;
 - c. In appropriate areas of the County, which are either designated for high density development, or located in close proximity to existing high density developments, it is necessary to meet the goals of the South Coastal Land Use Plan to rezone those areas in the South Coastal Planning Area meeting the Plan criteria;
 - d. The site in question meets the criteria of the South Coastal Land Use Plan to accommodate the anticipated absorption of population on fewer acres through select sites being rezoned which will allow cluster housing development;
5. The requested rezoning promotes the health, safety, morals, convenience, order, prosperity and general welfare based upon the evidence and testimony presented by the applicant, including the following:
- a. The traffic impact study of DelDOT indicates no increase in traffic. The site is located on Delaware Route One, a major thoroughfare which, in the segment in which the site is located, experiences no significant traffic problems at any time during the year;
 - b. The proposed development will not adversely impact upon the Indian River School District.
 - c. The Bethany Beach Volunteer Fire Company will serve the site so that fire protection will be available;
 - d. A private water system utilizing available water supplies can serve the property;
 - e. The property can be served by the existing Fenwick Island Sanitary Sewer District with no more than nineteen units based upon the existing capacity of the Fenwick Island Sanitary Sewer District;

Findings of Fact
(con't)

- f. The proposed development will not adversely impact upon the provision of other utility services;
- g. The proposed development will provide a substantial direct economic benefit to the County in terms of jobs, payroll, sewer fees, property taxes, school taxes and transfer taxes, and will provide substantial secondary economic impact to area businesses;
- h. The proposed development is planned to be sensitive to wetland areas, and development of the property at MR would indicate more potential intrusion onto wetland areas than is probable with cluster housing;
- i. The proposed development is located in an area which has significant public open space near it such that the recreational facilities are provided on or near the site, and open space is provided on or near the site;
- j. The proposed development will not have an adverse impact on property values, in that the majority of the properties located in proximity to the property are currently used for high density development.

Delaware Estuary Program

Beth Horsey and William Vanderwende of the Sussex Conservation District were present to discuss the Delaware Estuary Program's Preliminary Conservation and Management Plan. The preliminary plan addresses problems in the estuary. The problems are divided into six categories: habitat conservation; point source compliance; non-point source pollution; public access; sustainable development; and estuarine education. The Delaware Estuary Program has scheduled eight public meetings on the Program's Preliminary Conservation and Management Plan. One meeting will be held on February 3, 1993, at 7:00 p.m., at the Milford Middle School. The public meetings will provide an opportunity for the public to learn about the Plan and to express opinions about the Plan.

Change Order No. 9 Court-house Project

Mr. Stickels, County Administrator, discussed Change Order No. 9, in the amount of \$74,332.34, for the Courthouse Expansion and Renovation Project. The purpose of the Change Order is to furnish and install furnishings for the Court of Common Pleas Room 114 and Superior Court Room 226. Mr. Stickels advised that, in accordance with the Lease Amendment, dated March 5, 1991, the "Lessee shall be required to install carpeting, window coverings, and furnishings in the additional Premises at its sole cost and expense." For this reason, the Lease must be amended to include furnishings as an eligible cost item prior to the approval of Change Order No. 9.

M 029 93
Execute
Change
Order
No. 9

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, that the President of the Sussex County Council be authorized to execute Change Order No. 9, in the amount of \$74,332.34, for the Courthouse Expansion and Renovation Project, contingent upon the execution of a Lease Amendment to include furnishings as an eligible cost item.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. "The Kiplinger Washington Letter"

"The Kiplinger Washington Letter" dated January 8, 1993, makes reference to the Delaware economy. The letter states, "A cloud on Delaware's horizon...closing of Chevy's Boxwood plant by '96. That comes on top of deep cutbacks at Du Pont, Hercules, and ICI. But Chrysler continues to do well, and credit-card business is expanding." The report does state, however, that Southern Delaware counties will show improvement in the farming and beach areas. Included in the Administrator's Report was a copy of the January 8, 1993, letter.

2. Sussex County Volunteer Firemen's Association Monthly Meeting

The Sussex County Volunteer Firemen's Association monthly meeting is scheduled for Tuesday evening, January 26, 1993, at 7:30 p.m. This month's meeting is being hosted by the Sussex County Ambulance Association and will be held at Grace United Methodist Church, East Market Street, Georgetown, Delaware.

3. Proposed State's FY '94 Budget

The State of Delaware's proposed FY '94 budget requires the three counties to pick up a portion of the cost of paramedic training. Next year is the last year of the program to establish a Statewide Paramedic Program. After that, the State wants the counties to put up 40 percent, a total of about \$200,000 a year, of retraining costs at county training sites or to agree to a central training facility that would be 100 percent State financed.

This appears to be a change in what was originally agreed upon when the Paramedic Program was first started. Mr. Stickels

Adminis-
trator's
Report

stated that he has a fear that once the County has fully developed its Paramedic Program, the State will want changes in the 60/40 funding ratio. Mr. Stickels further stated that he believes this is an issue that should be discussed with the Delaware Association of Counties.

4. Emergency Preparedness Workshop

The Sussex County Department of Emergency Preparedness, in conjunction with the Delaware Emergency Planning and Operations Division, is presenting a workshop entitled "Initial Damage Assessment". The workshop will focus on what a community or agency would be required to document after a natural disaster has occurred in their area. The program being presented is extremely informative and channels the community or agency in the direction to meet federal requirements for reimbursement of monies.

Due to the limited space available, we are requesting that each community or agency try to limit their representatives to two individuals. Each town in Sussex County will be encouraged to attend. Although, in recent years, damage from natural disasters has been limited to our coastal areas, it would not be unusual for towns on the western side of the County to have problems if a major storm strikes. In addition to the towns being invited, representatives from the Delaware Department of Transportation and the Delaware National Guard will also be invited.

The workshop is scheduled for Thursday, February 18, 1993, from 1:00 p.m. to 4:00 p.m. in the Conference Room at the Emergency Operations Center, 100 Airport Road, Georgetown. Pre-registration is required before 4:30 p.m. on February 12, 1993, by calling 855-7801.

A second workshop will also be scheduled for the Sussex County Fire Chiefs' Association during the evening of February 18, 1993.

M 030 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to give
Council- \$500.00 from Mr. Cole's Councilmanic Account to the Rehoboth
manic Art League, Inc. for the 20th Members' Fine Craft Exhibition to
Grant be held from June 4 - July 14, 1993.

Motion Adopted: 5 Yea.

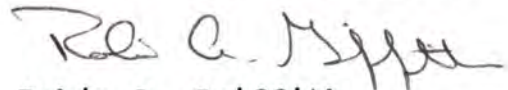
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Letter Mr. Cole read a letter from a constituent regarding support of a building code for Sussex County. Mr. Cole requested that the Fiscal 1994 Proposed Budget include a program for a Single Family Building Code.

Sussex County Declared Disaster Area Mr. Stickels, County Administrator, advised Council that President Bush has declared the coastal areas of Sussex County as "disaster areas", making Delaware eligible to receive funding from the Federal Emergency Management Agency (FEMA) to clean up and repair damage caused by the December 11-14, 1992, winter storm. A disaster field office will be established in Rehoboth Beach to serve as headquarters for Federal and State personnel.

M 031 93 Adjourn A Motion was made by Mr. Benson, seconded by Mr. Collins, to adjourn at 11:30 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council