

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 3, 1998

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 3, 1998, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
George J. Collins	Member
Lynn J. Rogers	Member

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

M 051 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Agenda approve the Agenda, as presented.

Motion Adopted: 5 Yea.

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

M 052 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Minutes approve the minutes of the previous meeting, dated January 27, 1998.

Motion Adopted: 5 Yea.

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

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Public Notice regarding amendments to the Delaware River Basin Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania.

COLONEL DAVID HALL CHAPTER, NSDAR, REHOBOTH, DELAWARE.
RE: Letter of appreciation for Human Service Grant.

BRUCE MEARS, MILLVILLE, DELAWARE.
RE: Letter commending County employee, Jackie Blocker.

LAUREL CHAMBER OF COMMERCE, LAUREL, DELAWARE.
RE: Letter in appreciation of Councilmanic Grants to the Laurel Chamber of Commerce and the Laurel Fire Department.

1997
Delaware
State
Police
Status
Report

Mr. Stickels, County Administrator, advised that Major Joseph Forester of the Delaware State Police was in attendance to present the 1997 Delaware State Police Status Report for Sussex County. Mr. Stickels noted that Sussex County has a cooperative agreement with the Delaware State Police in helping staff Troop 4.

	T-4	T-5	T-7	Total
Total Hours on Duty	46,818	49,437.5	62,319.5	158,575
Hours Assisted Other Agencies	580	215	334	1,129
Total Traffic Arrests	10,035	12,812	11,303	34,150
Total DUI's	321	482	505	1,308
Accident Reports:				
Property Damage	628	924	1,218	2,770
Personal Injury	212	304	368	884
Fatals	<u>10</u>	<u>11</u>	<u>17</u>	<u>38</u>
Total Accident Reports	850	1,239	1,603	3,692
Criminal Arrests:				
Felony	271	295	546	1,112
Misdemeanor	<u>1,465</u>	<u>1,443</u>	<u>2,740</u>	<u>5,648</u>
Total Criminal Arrests	1,736	1,738	3,286	6,760
Total 10-29 P's (wanted persons)	686	768	612	2,066
Total Number of Complaints	9,011	14,137	16,234	39,382

Major Forester assured Council that Sussex County will continue to get their share of uniformed personnel. The breakdown of manpower for all three troops in Sussex County in 1994 compared to today is as follows:

	1994	1998
Troop 4	42	54
Troop 5	28	30
Troop 7	<u>41</u>	<u>44</u>
	111	128

Major Forester announced that the Delaware State Police is in the very early stages of conversations with County officials regarding additional troopers for Sussex County to be directed in the area of drug enforcement only.

M 053 98
Adopt
Procla-
mation

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt the Proclamation entitled "PROCLAIMING THE MONTH OF FEBRUARY AS 'AMERICAN HEART MONTH'".

M 053 98 Motion Adopted: 5 Yea.
(con't)

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

Accept Proclamation Mr. Steiner, Mrs. Wingard, and Ms. Betts of the Sussex County American Heart Association were in attendance to accept the Proclamation.

Building Code Inspection Request/Blades Mr. Stickels, County Administrator, advised Council of a letter from the Town of Blades requesting that Sussex County enforce building code requirements within their town limits, including all commercial and multi-family inspections. Up to this date, Sussex County has been enforcing only single-family and duplex inspections in the Town of Blades.

M 054 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, that Authorize the Sussex County Council authorizes the Building Code Department to do commercial and multi-family inspections in the Town of Blades, as requested.

Inspections/Blades Motion Adopted: 5 Yea.

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

Wilmington Trust Lease Extension Request Mr. Stickels, County Administrator, discussed a request from the Wilmington Trust Company that the Sussex County Council extend their lease of office space at the Sussex County West Complex Building. The lease, dated March 29, 1997, is presently scheduled for expiration on June 30, 1998. Wilmington Trust is requesting that the lease be extended on a month to month basis with sixty (60) days notice through the end of December 1998. The work on the new Wilmington Trust building is underway and is to be substantially complete by October, 1998.

M 055 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, that Extend Wilmington Trust Lease the Sussex County Council authorizes the extension of the lease with Wilmington Trust Company on a month to month basis with sixty (60) days notice through the end of December 1998.

Motion Adopted: 5 Yea.

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

Jet Charter Hangar Purchase Mr. Stickels, County Administrator, presented a proposal whereby the County would purchase the Jet Charter hangar located at the Sussex County Airport at a cost of \$25,000 with an additional \$5,000 to be expended to make repairs to the

Jet Charter Hangar Purchase (con't) building. The County would rent out the hangar at a cost of \$500 per month, resulting in a five-year payback to the County. This purchase would be funded by the sales benefits received from the Coastal Stock Tab Building; \$76,000 in funding is still available.

M 056 98 Authorize Purchase of Jet Charter Hangar A Motion was made by Mr. Collins, seconded by Mr. Jones, to authorize the purchase of the Jet Charter hangar at a cost of \$25,000.

Motion Adopted: 5 Yea.

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

Conser- vation Zone Update Mr. Stickels, County Administrator, and Mr. Lank, Director of Planning and Zoning, provided an update on the Conservation Zone and the related pending ordinance which supports the Comprehensive Plan. Controversy over the pending ordinance and more specifically the definition of "Major Tributary" prompted discussions between the County and the Department of Natural Resources and Environmental Control (DNREC) in an effort to define the Conservation Zone and the term "Major Tributary". DNREC suggested that the County give consideration to Head of Tide Mapping for delineating the Conservation Zone. This would enable the County to provide a more specific, physical boundary and it would simplify administration and enforcement. It was the consensus of Council that Mr. Lank work with DNREC to establish Conservation Zone boundaries based on Head of Tide Mapping. This information will be shared with Council upon completion, at which time Council will consider rejection of the pending ordinance and introduction of a new ordinance.

Land Use Advisory Committees The following appointments were made to Land Use Advisory Committees:

TDR Committee

Skip Valliant	(Cole's appointment)
Wayne Baker	(Rogers' appointment)
Gary Carmean	(Collins' appointment)
Keith Carlisle	(Jones' appointment)
James Jestice	(Dukes' appointment)

Oversight Committee

Tom Ford	(Cole's appointment)
Don Hearn	(Cole's appointment)
Rich Collins	(Rogers' appointment)
Mike Tyler	(Rogers' appointment)

Land Oversight Committee (con't)
Use

Advisory	Walt Bryan	(Collins' appointment)
Com-	Tommy Vincent	(Collins' appointment)
mittees	Ed Evans	(Jones' appointment)
(con't)	Elaine Craft	(Jones' appointment)
	Randall Willin, Jr.	(Dukes' appointment)
	Rex Mears	(Dukes' appointment)

It was noted that there will be no compensation for the members of these committees.

M 057 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Approve approve the appointments to the TDR and Oversight Committees.
Appoint-
ments/
TDR & Motion Adopted: 5 Yea.
Oversight Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Com- Mr. Jones, Yea; Mr. Collins, Yea;
mittees Mr. Dukes, Yea

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

1. Airport Advisory Committee

The Sussex County Airport Advisory Committee will be meeting on Wednesday, February 4, 1998, at the Sussex County West Complex Building located on DuPont Highway, Georgetown, Delaware. The meeting will take place at 10:00 a.m. in the First Floor Conference Room. A copy of the agenda is included with this report.

2. Extended Hours

The only activity that took place on Wednesday, January 28, 1998, was one building permit issued. I will continue to monitor the extended hours. If activities do not increase, it does not appear that it will warrant the County containing to stay open.

Sublease Mr. Calio, Director of Economic Development and Industrial
Requests/ Airpark, presented for Council's consideration two sublease
Indus- requests, as follows:
trial

Airpark 1. The assignment of a lease (Hangar on Lot A, Sussex County Airport) from Paul Warnell, T/A Mid Atlantic, to Edwin T. and Delores J. Walls. Rent will be \$1,000 annually for the first five years; on the sixth year of the lease, there shall be a rent escalation where the rent shall escalate by a percentage increase, equal to the most recent CPI index.

Sublease
Requests
(con't)

2. The assignment of a lease (Lot #19 at 5 Baltimore Avenue, Sussex County Industrial Park) from J. Fran Dell to MAXIMUS. MAXIMUS will assume the remainder of the lease at a cost of \$750 annually with rent escalation to \$1,000 in Year 11; \$1,200 in Years 16-20, \$1,300 in Years 21-25, and \$1,400 in Years 26-30. The 30-year lease is currently in Year 9.

M 058 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, that Authorize the Sussex County Council authorizes Paul Warnell, T/A Mid-Sublease Atlantic, to sublease his hangar on Lot A on Rudder Lane Between at the Sussex County Airport to Edwin T. and Delores J. Warnell Walls, and further authorizes the President of the Sussex and County Council to execute an agreement with Paul Warnell Walls as required in Section X of his lease under "Subletting and Assigning", subject to evidence of insurance coverage acceptable to the County.

Motion Adopted: 5 Yea.

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

M 059 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, that Authorize the Sussex County Council authorizes J. Fran Dell, Inc. to Sublease sublease their building and land at 5 Baltimore Avenue, Between Sussex County Industrial Park, to MAXIMUS and further J. Fran authorizes the President of the Sussex County Council to Dell execute an agreement with J. Fran Dell, Inc. as required and in Section XI of the lease under, "Sub-letting and Assigning", MAXIMUS subject to evidence of insurance coverage acceptable to the County.

Motion Adopted: 5 Yea.

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

Old
Business
C/U
No. 1212

Conditional Use No. 1212 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HEATING AND WORKSHOP (HVAC) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.00 ACRES, MORE OR LESS" (Conditional Use No. 1212) filed on behalf of Glenn S. and Patti J. Roberts was discussed. A Public Hearing was held on this application on December 9, 1997, at which time action was deferred. Discussion centered around the three retail shops proposed in the applicant's presentation. It was noted that these shops were not included in the title of the Proposed Ordinance.

M 060 98 A Motion was made by Mr. Collins, seconded by Mr. Rogers, Adopt Ordinance No. 1210 entitled "AN ORDINANCE TO GRANT A Ordinance No. 1210 CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR HEATING AND AIR WORKSHOP (HVAC) TO BE LOCATED ON (C/U A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, No. 1212) SUSSEX COUNTY, CONTAINING 2.00 ACRES, MORE OR LESS" (Conditional Use No. 1212) filed on behalf of Glenn S. and Patti J. Roberts, with the following conditions:

1. The use shall be limited to the sheet metal operation only.
2. The hours of operation shall be 7:00 a.m. to 5:00 p.m.
3. All storage of materials shall be to the rear of the building.
4. A Lyland Cypress landscaping buffer shall be provided.
5. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

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

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

Mr. Cole abstained due to the fact that he was not in attendance at the Public Hearing.

Findings of Fact The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the area has a history of mixed uses; residential, business and commercial and agricultural; that the use is an extension and/or relocation of an existing business on a nearby parcel.
2. The three (3) retail shops shall not be a part of this application.
3. With the conditions set forth heretofore, the proposed use meets the purposes and goals of the Comprehensive Plan.

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.42 ACRES, MORE OR LESS" (Change of Zone No. 1334) filed on behalf of Louis Moses, Dora Moses and James Moses. The Proposed Ordinance will be advertised for Public Hearing.

M 061 98 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$600.00 from Mr. Rogers' Councilmanic Account to the City of Lewes to help defray the Mayor's expenses at the Congressional City Conference.

Motion Adopted: 5 Yea.

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

M 062 98 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Collins, to give \$500.00, \$100.00 from each Councilmanic Account, to the Delaware Police Chiefs' Council, Inc. for the annual Staff Development Seminar.

Motion Adopted: 5 Yea.

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

M 063 98 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$350.00, \$70.00 from each Councilmanic Account, to the Delaware Police Chiefs' Council, Inc. for expenses associated with Mr. Martin Johnson's, Local Police Coordinator, attendance at a meeting of the Committee of Executive Directors, International Association of Chiefs of Police Training Conference.

Motion Adopted: 5 Yea.

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

Board of Assessment Review Mr. Dukes advised that Mr. Daniel Boyce has resigned from the Board of Assessment Review due to health reasons, effective January 21, 1998. Mr. Boyce's term was to expire in January, 1999. Mr. Dukes recommended that Mr. Norman Tate be appointed to the Board to complete the term of Mr. Boyce.

M 064 98 Appointment/Board of Assessment Review A Motion was made by Mr. Jones, seconded by Mr. Rogers, to appoint Mr. Norman Tate to the Board of Assessment Review to complete the term of Mr. Daniel Boyce, until January, 1999.

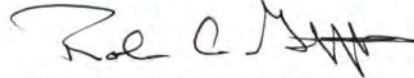
Motion Adopted: 5 Yea.

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

February 3, 1998 - Page 9

M 065 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adjourn adjourn at 11:21 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council