

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 18, 1992

Call to Order The regular meeting of the Sussex County Council was held Tuesday, February 18, 1992, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
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 064 92 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Approve Minutes approve the minutes of the previous meeting dated February 11, 1992. Motion Adopted by Voice Vote.

Letters Mr. Bayard, County Attorney, read the following correspondence:

SERIES OF CORRESPONDENCE FROM CONCERNED CITIZENS
RE: West Rehoboth Sewer Project.

DEPARTMENT OF AGRICULTURE, DIVISION OF RESOURCE MANAGEMENT, DOVER
RE: Expressing views on the retention and protection of the County's agricultural lands.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY
RE: Notice of Commission meeting and public hearing.

KENNETH C. TULL, CARGILL COMMODITY MARKETING DIVISION, SEAFORD
RE: Delaware Solid Waste Authority proposed landfill rate increase.

FAYE L. STOCUM, STATE OF DELAWARE, DEPARTMENT OF STATE, HISTORIC PRESERVATION OFFICE
RE: Cemeteries located in the proposed Bay Farm Subdivision.

DSWA President Dukes expressed appreciation to Mr. Stickels for his participation in the workshop held by the Delaware Solid Waste Authority.

Absence President Dukes announced that Councilman Collins' absence was due to his attendance at the National Watermelon Convention in Alabama.

Court-
house
Expan-
sion

Mr. Stickels, County Administrator, advised that action was taken at last week's meeting on an item not listed on the agenda. Council authorized an increase in the amount of \$600.00 to the Courthouse Renovation and Expansion Contract to allow for the investigation of the cost for the removal of windows found in the walls where renovations are taking place.

M 065 92
Court-
house
Expan-
sion
Contract

A Motion was made by Mr. Cole, seconded by Mr. Benson, to ratify the Motion (M 062 92) authorizing an increase in the amount of \$600.00 to the Courthouse Renovation and Expansion Contract to allow for the investigation of the cost for the removal of the windows.

Motion Adopted: 4 Yea, 1 Absent.

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

Dog
Control

Mr. Stickels, County Administrator, reported that Senate Bill No. 265 includes the transferring of dog control responsibilities from the State of Delaware to the counties. Currently, the State of Delaware contracts with the SPCA in Sussex County for two animal control agents. FY '93 calls for a payment of \$152,100. The SPCA also receives a grant from the Board of Health for one animal control agent at a cost of \$39,600. Approximately \$17,200 is taken in annually in Sussex County. If Sussex County was to absorb the two funding requirements made to the SPCA at this time, this program would need a General Fund contribution of \$174,500.

M 066 92
Dog
Control

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that the Sussex County Council, having met in public session, opposes the proposed implementation of transferring dog control responsibilities from the State of Delaware to the counties, as stated in Senate Bill No. 265.

Motion Adopted: 4 Yea; 1 Absent.

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

Council-
manic
Grant

Mr. Stickels, County Administrator, presented a request for a \$500.00 grant from T.E.N. (Teen Environmental Network) 2000, a newly formed group which will function as a separate entity and not as a high school club. The grant will be used to get established.

M 067 92 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$500.00, \$100.00 from each of the five (5) Councilmanic Accounts, to T.E.N. 2000.

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

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

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

1. Project READS

Michael C. Ferguson, State Budget Director, has advised that his office, in its function as the State Clearinghouse, has reviewed the County's request for federal funding. It is his opinion that the proposed use of these funds is consistent with goals established for the State of Delaware in the Delaware Tomorrow Commission Report.

2. Dagsboro-Frankford Sanitary Sewer District

A ground breaking ceremony will take place on Thursday, March 5, 1992, at 2:00 p.m. in front of the Indian River High School for the Dagsboro-Frankford Sanitary Sewer District.

3. Rescheduling of Council Meeting

The County Council meeting scheduled for Tuesday, March 3, 1992, will be rescheduled for Thursday, March 5, 1992. County Council members will be at the National Association of Counties Legislative Conference in Washington, D.C., from February 28 through March 2, 1992.

4. Audit Report

Jefferson, Urian, Doane & Sterner, P.A., will present the audit report for FY '91 on Tuesday, February 25, 1992. This audit report will give a detailed account of the County's financial position and will be instrumental in the development of the FY '93 budget.

C/Z #1113

Change of Zone No. 1113, filed on behalf of Maplewood Industries, Inc. was discussed. A Public Hearing was held on March 26, 1991, at which time action was deferred.

M 068 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt
C/Z Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE
#1113 COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY
Denied RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A
CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH
HUNDRED, SUSSEX COUNTY, CONTAINING 4.9 ACRES, MORE OR LESS" (C/Z
#1113) filed on behalf of Maplewood Industries, Inc.

Motion Denied: 4 Nay, 1 Absent.

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

Findings of Fact The Council found that the change of zone was not appropriate legislative action based upon the following findings of fact:

1. The proposed change of zone, if approved, would adversely affect the character of the neighborhood, particularly the adjoining Maplewood residential subdivision.
2. The proposed change of zone would adversely affect traffic in an already congested area.
3. The applicant failed to establish a need for the change of zone, since the record is clear that ample developed and undeveloped C-1 commercial property exists in the Route 1 - Route 24 area.
4. The proposed change of zone appears to conflict with the Coastal Sussex Land Use Plan.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 069 92 A Motion was made by Mr. Benson, seconded by Mr. Cole, based upon
Bid the recommendation of the Engineering Department, that the
Award President of the Sussex County Council be authorized to enter into
91-11 a contract with the S & T Painting Company, Baltimore, Maryland,
the low bidder, to paint the West Process Unit of the South Coastal
Regional Wastewater Treatment Plant as advertised and specified in
Sussex County Project No. 91-11, for the lump sum of \$72,700.00.

Motion Adopted: 4 Yea, 1 Absent.

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

M 070 92 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, based
Bid on the recommendation of the Engineering Department, that the
Award President of the Sussex County Council be authorized to award the
92-03 purchase of the tractor as advertised and specified for Sussex
County Project No. 92-03 for the Sussex County Airport, for the
lowest complete bid price of \$18,788.00, to David A. Banks, Inc.,
Georgetown, Delaware, pending the confirmation approval and funding
by Delaware Department of Transportation Aeronautical.

Motion Adopted: 4 Yea, 1 Absent.

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

M 071 92 A Motion was made by Mr. Benson, seconded by Mr. Cole, based on the
Bid recommendation of the Engineering Department, that the President of
Award the Sussex County Council be authorized to award the purchase of
92-04 the dump truck as advertised and specified for Sussex County
Project No. 92-04 for use at the Sussex County Airport, for the
lowest complete bid price of \$24,226.57, to I.G. Burton Co.,
Milford, Delaware, pending confirmation and funding by Delaware
Department of Transportation Aeronautical.

Motion Adopted: 4 Yea, 1 Absent.

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

News President Dukes advised the reporters present of a news release for
Release guest columns regarding the Council's recent decision to close
the County's trash transfer stations.

M 072 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, to give
Council- \$500.00, \$250.00 from Mr. Cole's Councilmanic Account and \$250.00
manic from Mr. Benson's Councilmanic Account, to the Cape Henlopen High
Grant School Band for their annual spring trip.

Motion Adopted: 4 Yea, 1 Absent.

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

M 073 92 Council-
manic
Grant A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$500.00 from Mr. Cole's Councilmanic Account to the Friends of the Rehoboth Beach Public Library, Inc.

Motion Adopted: 4 Yea, 1 Absent.

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

M 074 92 Council-
manic
Grant A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$100.00 from Mr. Cole's Councilmanic Account to the City of Rehoboth Beach to be used for the feeding of the wild ducks.

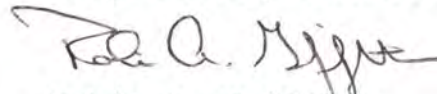
Motion Adopted: 4 Yea, 1 Absent.

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

M 075 92 Adjourn A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to adjourn at 11:15 a.m. Motion Adopted by Voice Vote.

Lunch In observance of National Heart Month, the American Heart Association of Delaware, Inc., Sussex County Division, provided the County Council with a "Heart-healthy lunch" at the conclusion of the meeting.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council