

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 23, 1993

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, February 23, 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 074 93      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes      approve the minutes of the previous meeting dated February 16, 1993. Motion Adopted by Voice Vote.

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

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.  
RE: Solicitation of comments and recommendations from the public concerning issuance of a Department of the Army permit applied for by Ronald D. Phillips, Sr., Georgetown, Delaware.

BRUCE BROSNAHAN.  
RE: Appreciation to paramedics for quick response to an accident on January 18, 1993.

BRUCE E. HICKMAN, HOME OF THE BRAVE FOUNDATION, MILFORD.  
RE: Accomplishments of the Foundation over the past year.

JEFFREY A. HATLING, PUTNAM COUNTY PLANNING COMMISSION, WINFIELD, WEST VIRGINIA.  
RE: The proposal in Delaware to place a \$.25 telephone surcharge for 911.

JOSEPH R. BIDEN, JR., UNITED STATES SENATOR, WASHINGTON, D.C.  
RE: Federal funds for infrastructure projects.

THOMAS J. FORD, LANDDESIGN, INC., OCEAN VIEW.  
RE: "Brainstorm Session" for the purpose of exchanging, discussing and developing options for the "James Farm" land.

Audit -      Truitt Jefferson, Sheldon Forney and Susan Webb of Jefferson, Year Ended      Urian, Doane & Sterner, P.A. appeared before Council to present 6/30/92      the "County of Sussex, Delaware, Audited Financial Statements and Supplemental Information for the Year Ended June 30, 1992".

Audit-  
Year  
Ended  
6/30/92

Mr. Jefferson and Mr. Forney reviewed the report and addressed questions raised by Council. The Auditor's Report expresses the opinion of Jefferson, Urian, Doane & Sterner, P.A. that "the general purpose financial statements referred to above present fairly, in all material respects, the financial position of the County of Sussex, Delaware, as of June 30, 1992, and the results of its operations and the cash flows of its proprietary and similar trust funds for the year then ended in conformity with generally accepted accounting principles".

County  
Projects

Mr. Stickels, County Administrator, discussed major County projects that will be liabilities in the future that need to be planned for; i.e. Landfill Water Districts, Laurel Landfill, Courthouse Administration Building, Angola Landfill Purchase, Reassessment, Sewer District Planning Studies, Road Naming - 911 Enhancement, Pension Fund, Statewide Communication System, Airport Improvements, and Library Programs.

Pension  
Arbitra-  
tion  
Commis-  
sion

Mr. Stickels, County Administrator, discussed the Pension Arbitration Commission. This Commission was created for the purpose of settling any controversy that may arise out of the administration of the pension plan. Mr. Stickels stated that members currently serving on the Commission are Dale R. Dukes, George F. Purpur, Jr., and Norman C. Rickard. Mr. Stickels recommended that David B. Baker be appointed to serve on the Commission replacing George F. Purpur, Jr.

M 075 93  
Appoint  
David B.  
Baker to  
Pension  
Arbitra-  
tion  
Commis-  
sion

A Motion was made by Mr. Cole, seconded by Mr. Collins, that David B. Baker replace George F. Purpur, Jr. as a member of the Pension Arbitration Commission.

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. Sussex County Volunteer Firemen's Association Monthly Dinner Meeting

The Sussex County Volunteer Firemen's Association monthly dinner meeting is scheduled for Tuesday evening, February 23, 1993, at 7:30 p.m. This meeting is being hosted by the Georgetown Fire Company at Grace United Methodist Church, East Market and King Streets, Georgetown, Delaware.

Adminis-  
trator's  
Report  
(con't)

2. Operation Skyway

A nonprofit dropout prevention organization that teaches high school students about aviation through class trips and special activities began this on-site training at the Georgetown Industrial Park on Wednesday, February 17, 1993. Operation Skyway at Kent Poly Tech was inaugurated last August by the school's aviation committee under the direction of Lt. Col. Harry Batty, Jr., retired from the United States Air Force.

More than 30 students are enrolled in the start-up aviation course. They will receive ground and flight training and move toward certification as airframe and power plant mechanics. All flight training will be conducted at the Sussex County Airport.

3. Federal Aviation Administration (FAA) Funding

On Monday, February 22, 1993, a check was received in the amount of \$463,500. The FAA funding is to cover the expense of the fee simple purchase of six parcels of land, totaling approximately 15 acres, in the runway protection zone adjacent to the airport. Settlement with the property owners should occur shortly.

The FAA funding was received within three weeks of submitting application for reimbursement.

4. Glassco, et al., v. County Council and Sea Colony

On February 19, 1993, the Court of Chancery ruled in favor of Sea Colony and Sussex County Council in a lawsuit filed last year by Paul B. Glassco and others seeking to declare invalid Change of Zone No. 829. That change of zone amended the zoning map by designating Sea Colony's property HR-1/RPC from Medium Density Residential.

The Plaintiffs claimed the Ordinance was invalid because: (1) the Ordinance contravened a moratorium previously adopted by the County Council and allegedly was still in effect; (2) the rezoning was not in accordance with the Comprehensive Development Plan; and (3) in all events there was insufficient competent evidence in the record to support the rezoning.

The Court of Chancery found that:

- (1) The Council did revoke the moratorium and, therefore, it was not in effect;

Adminis-  
trator's  
Report  
(con't)

- (2) The rezoning was in accordance with the Comprehensive Development Plan, particularly where it limited permissible development to eight units per acre instead of 12 as otherwise authorized by the permissible zone; and
- (3) The record evidence supported the rezoning.

Chancellor Allen dismissed the Complaint filed by Mr. Glassco and others, saying:

"There is a natural tendency for those who are comfortably situated to resist change that may disturb the existing order. Zoning regulation recognizes this interest in the status quo as valid and worthy of some protection. It does not afford to existing owners of property a right to prevent the disruption occasioned by community development, but it does provide procedures and standards by which elected officials make judgments about the public interest. That process appears to have been properly followed in this instance."

Bid  
Results  
Sussex  
County  
Project  
No.  
93-03

Mr. Green, Director of Utility Construction, reported the following bid results for Sussex County Project No. 93-03, Contract 1, for Sewer and Water Installation, Repair, Alteration and Other Related Items:

BIDDER	BID AMOUNT
Teal Construction, Inc.	\$ 836.00
David G. Horsey & Sons, Inc.	1,475.00
Willow Oak, Inc.	2,365.00
Bunting & Murray Construction Corp.	2,366.00

The Bid Opening was held on February 22, 1993. Mr. Green advised Council that the Engineering Department recommends that Sussex County Council award Sussex County Project No. 93-03, Contract 1, to Teal Construction, Inc.

M 076 93  
Award  
Bid  
Sussex  
County  
Project  
No.  
93-03

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council award Sussex County Project No. 93-03, Contract 1, for Sewer and Water Installation, Repair, Alteration and Other Related Items to Teal Construction, Inc. of Dover, Delaware, for their bid amount of \$836.00, and Be It Further Moved that the President of the Sussex County Council execute a contract with Teal

M 076 93 Construction upon receipt. This award and contract execution  
(con't) is contingent upon the review and approval of the Sussex County  
Attorney.

Motion Adopted: 5 Yea.

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

Change Mr. Green, Director of Utility Construction, and Peter Bozick,  
Order George, Miles & Buhr, reviewed Change Order No. 11 for the West  
Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 077 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
Change that based on the recommendation of the Inspection Engineer,  
Order George, Miles & Buhr, and the Sussex County Engineering  
No. 11 Department, that the Sussex County Council authorizes the  
West President of the Sussex County Council to approve Change Order  
Rehoboth No. 11, for the West Rehoboth Expansion of the Dewey Beach  
Expansion Sanitary Sewer District, Phase 1A, to Onshore Construction Co.,  
of the Inc., for additional saw cutting and increased restoration  
Dewey widths per DelDOT's directive placed on Route One open cut  
Beach crossings, for an amount of \$50,807.96, increasing this  
Sanitary contract amount to \$2,954,306.26.

District Motion Adopted: 5 Yea.

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

Amendment Mr. Wood, County Engineer, and Peter Bozick, George,  
Adminis- Miles & Buhr, discussed an Amendment to the Administration  
tration and Coordination Contract for the construction of the  
and Dagsboro/Frankford Sanitary Sewer District construction with  
Coordi- George, Miles & Buhr. The Amendment is for: (1) a time  
nation extension and (2) the reassignment of soils testing sub-  
Contract contracts to George, Miles & Buhr. A brief summary of the  
D/F SSD status of the Dagsboro/Frankford project was also provided.

M 078 93 A Motion was made by Mr. Cole, seconded by Mr. Collins,  
Amendment based on the recommendation of the Engineering Department,  
No. 1 that the County Council President be authorized to sign  
Adminis- Amendment No. 1 of the Administration and Coordination  
tration Contract for the Dagsboro/Frankford Sanitary Sewer District  
and construction with George, Miles & Buhr increasing the  
Coordi- contract by \$19,537.00, bringing the contract total to  
nation \$604,800.00, to allow for the assignment of soils testing  
Contract subcontracts, and to match a forty-five (45) day extension  
D/F SSD of the construction contracts.

M 078 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

Master  
Plan  
Study  
The LPA  
Group  
Incor-  
porated

Mr. Izzo, Public Works Division Director, introduced Paul Puckli and Patty Rapchak of The LPA Group Incorporated of Valley Forge, Pennsylvania. On January, 19, 1993, the Sussex County Council executed a contract with The LPA Group Incorporated for the performance of the Airport Master Plan Study at the Sussex County Airport. Mr. Puckli familiarized the Council with The LPA Group Incorporated, explaining that the Group is an aviation consulting firm specializing in airport planning, airport design and construction administration. Mr. Puckli discussed the goals and objectives of the Study and the work program for conducting the Study. The study approach to the Master Plan will take place in four phases: (1) Airport Requirements, (2) Airport System Design, (3) Financial Plan, and (4) Master Plan Product. The Sussex County Council and the general public will be kept informed of the progress of the project.

Councilman Cole requested that, periodically, The LPA Group Incorporated appear before Council to provide an update on the project.

Public  
Hearing  
Ordinance  
Relating  
to RPC

The Public Hearing on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, RELATING TO RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT" was continued. A Public Hearing was first held on February 16, 1993, at which time it was recessed and the record was left open. Additional correspondence was read and additional comments from the public were heard. The Public Hearing was then closed.

M 079 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Adopt Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND  
Proposed CHAPTER 115, THE CODE OF SUSSEX COUNTY, RELATING TO RPC  
Ordinance RESIDENTIAL PLANNED COMMUNITY DISTRICT".  
Relating

to RPC Motion Denied: 5 Nay.  
DENIED

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

Draft Ordinance Relating to RPC It was the consensus of Council to give Mr. Stickels, County Administrator, and Mr. Lank, Director of Planning and Zoning, permission to draft a new Proposed Ordinance relating to RPC Residential Planned Community Districts for presentation to the Council upon completion.

Proposed Ordinance Mr. Benson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS" (C/Z #1188) filed on behalf of Allen Family Foods, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.82 ACRES, MORE OR LESS" (C/Z #1189) filed on behalf of Tunnell Companies, L.P. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MANUFACTURED HOUSING COMMUNITY (MOBILE HOME PARK) WITH A PUBLIC GOLF COURSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 388.44 ACRES, MORE OR LESS" (C/U #1034) filed on behalf of Tunnell Properties, L.P. The Proposed Ordinance will be advertised for Public Hearing.

M 080 93 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$212.00 from Mr. Stevenson's Councilmanic Account to the Coverdale Child Development Center and Community Center for the repair of picnic tables.

Motion Adopted: 5 Yea.

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

M 081 93 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$500.00 from Mr. Stevenson's Councilmanic Account to the Woodbridge Little League to construct a new batting cage.

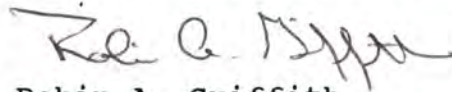
Motion Adopted: 5 Yea.

M 081 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Lincoln Everyone present was reminded that the dedication of Paramedic  
Paramedic Station 101 will be held at 1:30 p.m. The station is located  
Station in the Lincoln Community Center on Washington Street in Lincoln.

M 082 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
Adjourn to adjourn at 12:05 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council