

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 24, 1998

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, March 24, 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 133 98      A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Agenda      approve the Agenda, as presented.

Motion Adopted: 4 Yea, 1 Absent.

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

M 134 98      A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve Minutes      approve the minutes of the previous meeting, dated March 17, 1998.

Motion Adopted: 4 Yea, 1 Absent.

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

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

MARGOT KIA, DELAWARE TECHNICAL & COMMUNITY COLLEGE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

THE HONORABLE THOMAS R. CARPER, GOVERNOR OF THE STATE OF DELAWARE, DOVER, DELAWARE.

RE: Letter regarding emergency response efforts to the recent Nor'Easter.

HEIDI EVANS, CHAIRMAN, LAUREL PARK & RECREATION COMMITTEE, TOWN OF LAUREL, LAUREL, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

Corre- U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.  
spondence RE: Public Notice to solicit comments and recommendations  
(con't) from the public concerning the issuance of a Department of  
the Army permit. (Applicant: Joseph L. Warnell) (Project:  
Lewes and Rehoboth Canal)

D. ALLAN WATERFIELD, GOVERNOR'S COUNCIL ON LIFESTYLE AND  
FITNESS, WILMINGTON, DELAWARE.  
RE: Letter regarding raising the excise tax on cigarettes  
and smokeless tobacco.

M 135 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to  
Adopt Adopt the Proclamation entitled "PROCLAIMING SATURDAY, MARCH  
Procla- 21, 1998 AS A DAY TO HONOR GUY N. LONGO".  
mation

Motion Adopted: 4 Yea, 1 Absent.

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

FEMA  
Mitiga-  
tion  
Program

Mr. Stickels, County Administrator, advised that the agenda  
item entitled "Federal Emergency Management Agency Mitigation  
Program" was to be presented by Michael Powell, who was not  
in attendance. Mr. Stickels briefly discussed the Program  
stating that \$1 Million is available to the State of Delaware  
for homeowners for mitigation projects. Homeowners can make  
application for the money in the maximum amount of \$15,000;  
however, the County or other local government must be the  
applicant. Mr. Stickels expressed concern regarding liability  
issues and recommended that no action be taken. Mr. Powell  
will be invited to attend a future Council meeting to present  
the details of this Program.

Mr. Cole joined the meeting at this time.

T-Hangar  
Leases

Mr. Stickels, County Administrator, discussed six leases for  
T-Hangars being constructed at the Sussex County Airport.  
These leases were previously approved by Council on October  
21, 1997. Since that time, several changes have been pro-  
posed; these changes were presented for Council's considera-  
tion. The term of the original leases was for one year,  
it is proposed that the term of the leases be for three  
years as requested by the tenants; during the third year,  
the rent will be adjusted based on the Consumer Price Index.  
Another change to the original leases relates to property  
insurance, a change recommended by the County's insurance  
carrier.

M 136 98  
Approve  
Leases

A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
approve amendments to six (6) lease agreements for T-Hangars  
at the Sussex County Airport.

M 136 98 Motion Adopted: 5 Yea.  
(con't)

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

Attorney Mr. Schrader, Assistant County Attorney, joined the meeting.

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

1. Safety Inspection

I am pleased to inform the Council that we have had a re-  
view performed by The PMA Group, risk consultants for  
J. A. Montgomery, the County's insurer. W. James McDonough,  
Risk Control Specialist, has informed Tony DiGiuseppe,  
the County's Safety Officer, that the County's Confined  
Space Hazardous Control Program has been reviewed and has  
received excellent grades. Programs developed by Mr.  
DiGiuseppe will provide several benefits to the County,  
such as (1) resulting in lower insurance rates, and (2)  
providing a safe working environment for the employees.

2. Downzoning Applications

I would like to update the Council on applications for  
downzoning that have occurred since we started the no-fee  
application process in the spring of 1997. To date the  
total acreage downzoned is 1,000.86 acres. The acreage  
deleted from Commercial and Industrial Districts equals  
212.05 acres. The acreage deleted from GR General Resi-  
dential Districts equals 764.79 acres. The acreage de-  
leted from MR Medium Density Residential Districts equals  
24.02 acres. The County will continue to take applications  
for downzoning at no cost to the property owner until June  
30, 1998.

3. Senate Tribute

Included with this report is a copy of the Senate Tribute  
presented by Senator George H. Bunting, Jr., on Tuesday,  
March 17, 1998, in the Senate Chamber at Legislative Hall.  
The tribute recognizes the Sussex County Government and  
Emergency Operations Center for their quick and efficient  
response to the nor'easters during the month of February.

4. Troop 4 Status Report - Month of February 1998

The following hours of duty and enforcement were compiled by  
the uniformed patrol officers at Troop 4, Georgetown, Dela-  
ware, during the month of February 1998:

Adminis-  
trator's  
Report  
(con't)

Total Hours On Duty	3,914.5
Hours Assisted Other Agencies	33.0
Total Traffic Arrests	844
Total DUI Arrests	27
Accident Reports:	
Property Damage	46
Personal Injury	17
<b>Total Accident Reports</b>	<b>63</b>
Criminal Arrests:	
Felony	24
Misdemeanor	62
<b>Total Criminal Arrests</b>	<b>86</b>
Total 10-29 P's (wanted persons)	75
Total Number of Complaints	595

5. Prayer Breakfast

The Sussex County Council is sponsoring its 21st Annual Prayer Breakfast on Monday, June 1, 1998 at 7:30 a.m. The breakfast will be held at Delaware Technical and Community College, Higher Education Building, Route 18, Georgetown. This year's guest speaker is The Reverend Manuel Baerga, Executive Director of Teen Challenge, Capital Heights, Maryland. Reverend Baerga is a former drug cartel leader. He has authored the book entitled Inside the Miami Drug Cartel. Reverend Baerga will share with us how his faith saved his family from a frightening ordeal.

Tickets will be sold at \$10.00 each. Tickets may be obtained by contacting the County Council Office at 855-7743.

6. Emergency Operations Vehicle

Joseph Thomas, Emergency Operations Director, took possession today of a 1998 4-Wheel Chevrolet Blazer. The vehicle was made possible from the funding enhancement Sussex County received from the State of Delaware. This vehicle brings the total number to seven vehicles provided for by State funding.

Holts  
Landing  
Sanitary  
Sewer  
District

Mr. Archut, Assistant County Engineer, advised Council that the eligible voters of the proposed Holts Landing Sanitary Sewer District approved the creation of the sewer district by a vote of 166 to 5 in an election held on March 7, 1998. Mr. Archut presented a description of the Holts Landing Sanitary Sewer District along with a Proposed Resolution declaring the district in accordance with Title 9, Chapter 54, Section 6507, of the Delaware Code.

M 137 98 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Adopt Adopt Resolution No. R 013-A 98 entitled "HOLTS LANDING SANI-  
Resolu- TARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9,  
tion No. CHAPTER 54 OF THE DELAWARE CODE".  
R 013-A  
98 Motion Adopted: 5 Yea.

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

Seabright Mr. Green, Director of Utility Construction, discussed the  
Village construction of wastewater facilities at Seabright Village  
Condominium, located in the West Rehoboth Sanitary Sewer  
District.

M 138 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, based  
Execute upon the recommendation of the Sussex County Engineering  
Agree- Department, for Sussex County Project No. 81-04, that the  
ments/ Sussex County Council execute a Construction Administration  
Sea- and Construction Inspection Agreement between Sussex County  
bright Council and Frank Robino and Westover Apartments, L.L.C.  
Village for wastewater facilities to be constructed at Seabright  
Village Condominium located in the West Rehoboth Sanitary  
Sewer District.

Motion Adopted: 5 Yea.

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

T-Hangar Mr. Sapp, Project Engineer, discussed Change Order No. 3 to  
Project Sussex County Project No. 97-02, Six (6) T-Hangars at the  
Change Sussex County Airport. This Change Order is a result of  
Order requirements mandated by the Delaware State Fire Marshal's  
Office. The Change Order includes the installation of steel  
flange, interior asphalt curbing, and a fire alarm system.  
The Engineering Department will be investigating further the  
requirement for the interior asphalt curbing. Mr. Sapp  
noted that the Delaware State Fire Marshal's Office require-  
ments have resulted in a 49-day time extension.

M 139 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, based  
Approve upon the recommendation of the Sussex County Engineering De-  
Change partment, that Sussex County Council approves Change Order  
Order/ No. 3 for Sussex County Project No. 97-02, Six (6) T-Hangars  
T-Hangar at the Sussex County Airport, which increases the Contract  
Project total by \$19,432.03 to \$205,818.60, and extends the Contract  
time by 49 days to accommodate unanticipated requirements man-  
dated by the Delaware State Fire Marshal's Office; contingent  
upon approval from Delaware Rural Development Association.

M 139 98 Motion Adopted: 4 Yea, 1 Absent.  
(con't)

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

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF LANDSCAPING SUPPLIES NOT PRODUCED ON SITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 16.39 ACRES, MORE OR LESS" (Conditional Use No. 1242) filed on behalf of RSC Landscaping, LTD. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, FOR THREE (3) TRACTS CONTAINING 49.49 ACRES, MORE OR LESS" (Change of Zone No. 1336) filed on behalf of William H. and Barbara Y. Nichols. The Proposed Ordinance will be advertised for Public Hearing.

M 140 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, to  
Council- give \$250.00, \$50.00 from each Councilmanic Account, to the  
manic Grant Sussex County Kernels (Sussex County boys 14 and under AAU/  
USA Junior Olympic baseball team) for operating expenses.

Motion Adopted: 5 Yea.

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

M 141 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, to  
Council- give \$400.00, \$200.00 each from Mr. Dukes' and Mr. Collins'  
manic Councilmanic Accounts, to the Laurel Senior Center for  
Grant nutrition programs.

Motion Adopted: 5 Yea.

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

M 142 98 At 11:05 a.m., a Motion was made by Mr. Collins, seconded by  
Recess Mr. Jones, to recess until 1:30 p.m.

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

Trash  
Franchise  
District  
Work-  
shop

A Public Workshop was held to discuss the possibility of the County Council adopting Trash Collection Districts. Pamela Kasemeyer, Executive Director for the Maryland Delaware Solid Waste Association, spoke at length in opposition to the creation of Trash Collection Districts. Numerous local waste-haulers were also in attendance to express their views in opposition to this proposal. Public comments included the following:

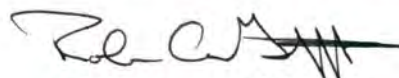
- There will be a negative impact on small, local independent hauling companies.
- The creation of collection districts discriminates against the smaller hauler, even in circumstances where there is competitive bidding.
- The most important asset a hauling company holds is its customer lists. The creation of districts will take substantial portions of their business.
- The consumers' freedom of choice will be eliminated.
- Special arrangements will no longer be available to the consumer.
- Lack of competition creates no incentive for efficiency, innovation, or enhanced services.
- There is no assurance that the cost of hauling and disposal would decrease under a districting plan, there are new costs for administration that would have to be borne by the County or its residents.
- If the County should decide to proceed with the creation of collection districts, "just compensation" legislation should be enacted.

Representatives of the Delaware Solid Waste Authority (DSWA) also addressed Council; comments centered around tipping fees and programs offered by DSWA that would have to be eliminated if tipping fees are reduced.

Council did not take any action on this proposal.

M 143 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Adjourn adjourn at 3:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council