

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 26, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, March 26, 1996, 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 131 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Amend amend the Agenda to change the order of items listed under Agenda Robert L. Stickels, County Administrator, as follows:

1. Proclamation Honoring Sussex County Vocational Technical School
2. Proclamation - "National Community College Month"
3. Citizens Coalition
4. ESI Transportation
5. Community Development Block Grant Program Application - Resolution
6. Administrator's Report

Motion Adopted: 5 Yea.

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

M 132 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve approve the minutes of the previous meeting dated March 19, Minutes 1996. Motion Adopted by Voice Vote.

Corre- ~~Mr. Bayard, County Attorney,~~ ^{Minutes amended 4/2/96} read the following correspondence: spondence

THE SOUTHERN DELAWARE CHORAL SOCIETY.

RE: Circular announcing the World Premiere of Lee Mitchell's "DELAWARE", a secular oratorio for soprano, mixed chorus and diverse instruments, to be held Sunday, April 14, 1996, 3:00 p.m., at Sussex Central High School, Georgetown, Delaware.

Amended

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3. Citizens Coalition
4. ESI Transportation
5. Community Development Block Grant Program Application - Resolution
6. Administrator's Report

Motion Adopted: 5 Yea.

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

M 132 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Approve approve the minutes of the previous meeting dated March 19,
Minutes 1996. Motion Adopted by Voice Vote.

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

THE SOUTHERN DELAWARE CHORAL SOCIETY.
RE: Circular announcing the World Premiere of Lee Mitchell's "DELAWARE", a secular oratorio for soprano, mixed chorus and diverse instruments, to be held Sunday, April 14, 1996, 3:00 p.m., at Sussex Central High School, Georgetown, Delaware.

Proposed Proclamation Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation entitled "PROCLAIMING TUESDAY, APRIL 2, 1996, AS A DAY TO HONOR SUSSEX TECHNICAL HIGH SCHOOL". Sussex Technical High School was recognized by the United States Department of Education as a National School of Excellence based on leadership, teaching environment, curriculum and instruction, student environment, parent and community support, student achievement, organizational vitality, parental involvement, and technology. A press conference celebrating Sussex Technical High School's recent recognition as a National Blue Ribbon School of Excellence is scheduled for April 2, 1996, at 9:15 a.m.

M 133 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt the Proclamation entitled "PROCLAIMING TUESDAY, APRIL 2, 1996, AS A DAY TO HONOR SUSSEX TECHNICAL HIGH SCHOOL".
Honoring Motion Adopted: 5 Yea.
Sussex
Technical Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
High Mr. Collins, Yea; Mr. Stevenson, Yea;
School Mr. Dukes, Yea

Proposed Proclamation Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation entitled "PROCLAIMING APRIL 1996 AS 'NATIONAL COMMUNITY COLLEGE MONTH'."

M 134 96 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING APRIL 1996 AS 'NATIONAL COMMUNITY COLLEGE MONTH'."
National Motion Adopted: 5 Yea.
Community
College Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Month Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Present Proclamation Mr. Dukes presented the Proclamation to Dr. Orlando J. George, Jr., President, Delaware Technical & Community College, and Dr. G. Timothy Kavel, Acting Vice President & Campus Director, Delaware Technical & Community College, Owens Campus.

Citizens Coalition Presentation Citizens Coalition members Michael Tyler, Mabel Granke, Richard Anthony, and Citizens Coalition attorney James Griffin were in attendance to give a presentation regarding their concerns about growth, planning and development in Coastal Sussex. Coalition members covered a wide range of issues as they relate to "Shaping Delaware's Future" and Senate Bill 116. The Citizens Coalition is requesting Council to declare a moratorium on commercial growth in Coastal Sussex; they want a construction ban until the State has a new transportation plan for Sussex County and until the Sussex County Council has a new Land Use

Presenta-
tion
(con't)

Plan. A question was raised by Council regarding the effectiveness of a moratorium in unincorporated areas while coastal towns continue to permit commercial growth. Council noted that the Coalition's concerns will be taken under advisement. No action was taken.

ESI
Transporta-
tion's
Proposed
Plan

Mr. Grice of ESI Transportation discussed with Council a proposal of services he would like to offer to supplement the State's Public Transportation System. Mr. Grice expressed concern regarding transportation services available to the residents of Sussex County. An example of the service ESI Transportation is proposing is as follows: a jitney service along Route 13 from Delmar to Harrington; two mini-vans to link to DelDOT's north to Dover route; also to link to Maryland's Transportation System at Delmar; a service along Route 113 from Selbyville to Georgetown and then to Milford; the central point would be the Ames Plaza in Seaford; two fifteen-passenger vans travelling to the beach area; one to intercept DelDOT's service at Route 9 and Route 1. It was the consensus of Council to authorize Mr. Stickels, County Administrator, to write to Secretary Anne P. Canby, Delaware Department of Transportation, requesting her department to explore ESI Transportation's proposed plan.

CDBG
Program

On March 19, 1996, a Public Hearing was held to give all citizens an opportunity to participate in the development of an application to the State of Delaware Community Development Block Grant Program for a grant under the provisions of the Community Development Act of 1977. The Public Hearing was closed and the record was left open for written comments until the close of business on March 25, 1996. Mr. Stickels, County Administrator, noted that no comments were received.

Proposed
Resolu-
tion/
CDBG
Program

A Proposed Resolution entitled "ENDORISING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS". The Proposed Resolution lists the following projects to be submitted to the State of Delaware Division of Housing for funding:

Application No. 1:

Rural Selbyville/Belltown/ Rural Millsboro	\$289,000	Housing Rehab/Hookups
Ellendale	24,000	Housing Rehab
Blades	34,000	Housing Rehab
Scatter Site	270,000	Housing Rehab
Administration	83,000	

Proposed
Resolu-
tion
(con't)

Application No. 2:

Milford 95,000 Housing Rehab

Application No. 3:

Greenwood 70,000 Housing Rehab

Application No. 4:

Bridgeville 157,000 Housing Rehab

Application No. 5:

Georgetown 48,000 Housing Rehab

Application No. 6:

Milton 20,000 Housing Rehab
120,000 Infrastructure

Application No. 7:

Laurel 95,000 Housing Rehab/Demo.

Application No. 8:

Frankford 76,000 Housing Rehab/Hookups

Application No. 9:

Millsboro 48,000 Housing Rehab

Application No. 10:

Selbyville 60,000 Housing Rehab

M 135 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Adopt Resolution No. R 013 96 entitled "ENDORING PROJECTS
Resolu- TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR
tion FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOP-
No. MENT AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR,
R 013 96 TO SUBMIT APPLICATIONS"

Motion Adopted: 5 Yea.

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

Adminis- Mr. Stickels, County Administrator, reviewed the following
trator's information in the County Administrator's Report:
Report

Adminis-
trator's
Report
(con't)

1. Federal Immigration Legislation

Last week, the United States House of Representatives sent H.R. 2202 to the United States Senate. This legislation takes steps towards cracking down on illegal immigrants. The legislation allows states to make the decision if they wish to provide educational opportunities to children of illegal immigrants. Additionally, the legislation calls for 5,000 border guards to be added over the next five years, broadening the federal wiretap authority, and establishing an 800 number for employers to verify the legality of job applicants. The bill also calls for stricter penalties on smugglers of aliens, document forgers, and illegal aliens who overstay temporary visas. H.R. 2202 contained a provision requiring English proficiency on the part of those applying for residency in the United States who are not being sponsored by their family; however, this section was deleted from the provisions being sent to the Senate.

Mr. Stickels has had several conversations with staff members of Senator Joseph R. Biden regarding the County's concerns over the lack of an Immigration and Naturalization Service (INS) in Sussex County. Senator Biden has spoken directly with the INS office and is attempting to establish a meeting with representatives from the INS office, the Senator, and Mr. Stickels. The Senate is expected to act on immigration legislation after the Easter recess.

2. 1990 Census

By unanimous vote, the United States Supreme Court ruled on Wednesday, March 20, 1996, that the federal government need not adjust census figures for the 1990 census. A suit had been brought against the United States Census Bureau stating that the census had undercounted blacks, Hispanics, and other minority groups.

According to an article in the Washington Post, the United States Conference of Mayors immediately criticized this decision. It is important that an accurate count of minorities is recorded, as these figures are used as the basis for distributing federal aid.

An adjustment of the 1990 census would have allowed Sussex County to get a better understanding of how many immigrants are in the County. Mr. Stickels feels that the 1990 census is not accurate, since it shows there are only 1,221 persons of Hispanic origin in Sussex County.

Adminis-
trator's
Report
(con't)

3. Council Meeting Schedule

The Sussex County Council will not meet until 10:30 a.m. on Tuesday, April 2, 1996. The change in starting time is to allow County Council members to attend the ceremony recognizing Sussex Technical High School as a National Blue Ribbon School of Excellence.

Proposed
Resolu-
tion

Mr. Baker, Finance Director, reviewed a Proposed Resolution entitled "A RESOLUTION APPROVING THE GENERAL TERMS OF UP TO \$1,000,000 GENERAL OBLIGATION BONDS OF THE COUNTY PURSUANT TO ORDINANCE NO. 1083".

M 136 96
Adopt
Resolu-
tion
No.

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 012 96 entitled "A RESOLUTION APPROVING THE GENERAL TERMS OF UP TO \$1,000,000 GENERAL OBLIGATION BONDS OF THE COUNTY PURSUANT TO ORDINANCE NO. 1083".

R 012 96

Motion Adopted: 5 Yea.

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

Service
Agree-
ment/
Alliance
PPO, Inc.
and
MAPSI

Mr. Baker, Finance Director, and Mr. Smith of Farnell & Smith discussed a proposal whereby Sussex County Council would enter into a Service Agreement with Alliance PPO, Inc. and Mid-Atlantic Psychiatric Services, Inc. (MAPSI) to provide a Preferred Provider Arrangement as an addendum to the County's Group Hospital Plan. This Agreement would allow the County to take advantage of discounts offered to members of the Alliance Network (various doctors, laboratories, and hospitals). When employees use a PPA provider, the provider will file the claim with Alliance or MAPSI with no payment due at the time of service; Alliance or MAPSI will apply the discount and forward the discounted bill to Farnell & Smith for payment; employees will be notified of their balance due, if any. This program will be voluntary to Sussex County employees; employees will still be free to choose the doctor/hospital of their choice.

Mr. Baker advised that the County will realize approximately \$137,000 in savings per year under this Agreement; Jefferson Pilot will be increasing the cost of insurance coverage by \$87,000 unless the County joins the Preferred Provider Arrangement; in addition, approximately \$50,000 in savings will be realized as a result of the discounts received. It was noted that there will be a cost to the County of \$5.40 per month per coverage under the Service Agreement with Alliance PPO, Inc. and Mid-Atlantic Psychiatric Services, Inc. The County has been guaranteed that the discounts received will exceed the fees.

M 137 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council approves entering into a Service Agreement with Alliance PPO, Inc. and Mid-Atlantic Psychiatric Services, Inc. to provide a Preferred Provider Arrangement as an addendum to the County's Group Hospital Plan, subject to final approval by the County Attorney.

Approve Service Agreement/
Alliance PPO, Inc. and MAPSI

Motion Adopted: 5 Yea.

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

Declaration of Restriction/
Laurel Landfill

Mr. Izzo, Director of Public Works, reviewed a Declaration of Restriction for Sussex County Landfill No. 5, Laurel; a requirement of the Notice of Conciliation with the State of Delaware. The Declaration of Restriction includes three conditions to be attached to the deed to the Laurel Landfill property, as follows:

1. This land has been used as a solid waste disposal site.
2. The use of this land is restricted under Delaware Department of Natural Resources and Environmental Control Regulations Governing Solid Waste.
3. This property described herein shall not be developed for commercial or residential use nor shall said property be inhabited or occupied by any person at any time hereafter.

M 138 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, based on the recommendation of the Sussex County Engineering Department, that the Declaration of Restriction for Sussex County Landfill No. 5, Laurel, be approved for recordation in the Sussex County Recorder of Deeds.

Approve Declaration of Restriction/
Laurel Landfill

Motion Adopted: 5 Yea.

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

1995 Annual Paramedic Program Report

Mr. Stevenson, Paramedic Director, presented to Council the 1995 Annual Paramedic Program Report. The report showed a total of 9,375 responses for the five Paramedic units located across the County; a 5.5 percent increase over 1994. In 1995, all five response units were in service 24 hours a day. Medic 101- Lincoln, Medic 102 - Blades, Medic 103 - Stockley, Medic 104 - Lewes, and Medic 105 - Millville are each staffed with two Paramedics. Staffing was at full strength in 1995 and

Report
(con't)

each unit was equipped with dual sets of equipment allowing medics to split up and handle additional emergencies when required. Mr. Stickels noted that the program is far exceeding the County's expectations; original projections of 2,500 calls have increased by 270 percent.

Presenta-
tion

Mr. Dukes presented to Deputy Director Harris a plaque recognizing his devotion, loyalty and excellence in serving Sussex County in the EMS Program. Mr. Harris has resigned his position as Deputy Director to become the EMS Program Manager for the City of Ventura, California.

Old
Business
(C/Z
No. 1272)

Change of Zone No. 1272 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 57.99 ACRES, MORE OR LESS" filed on behalf of Sussex Land Co. was discussed. A Public Hearing on this application was held on February 13, 1996, at which time action was deferred.

M 139 96
Adopt
Proposed
Ordinance
(C/Z
No. 1272)

A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 57.99 ACRES, MORE OR LESS" (Change of Zone No. 1272) filed on behalf of Sussex Land Co.

Motion Denied: 5 Nay.

Vote by Roll Call: Mr. Benson, Nay; Mr. Cole, Nay;
Mr. Collins, Nay; 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.
2. The applicant failed to establish a need for the change of zone.
3. The proposed change of zone would adversely affect wetlands in the area.
4. The applicant failed to establish available access to Road 226, a private road.
5. The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record.

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Proposed Ordinance Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN 18 CAMPSITE ADDITION TO AN EXISTING CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 38,204 SQUARE FEET OF 24.15 ACRES, MORE OR LESS" (Conditional Use No. 1156) filed on behalf of 3 Seasons Camping Resort, Inc. The Proposed Ordinance will be advertised for Public Hearing.

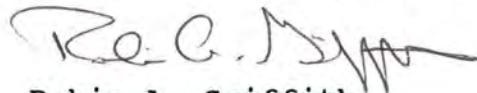
M 140 96 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$400.00, \$200.00 each from Mr. Stevenson's and Mr. Benson's Councilmanic Accounts to the Milford Rotary Club for the MMS Awards Program, a program sponsoring motivational trips and other awards for deserving Milford Middle School students.

Motion Adopted: 5 Yea.

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

M 141 96 Adjourn A Motion was made by Mr. Benson, seconded by Mr. Collins to adjourn at 12:22 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council