

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-APRIL 3, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, April 3, 1990, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice-President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

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

M 171 90
Approval
of Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

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

SPYRO T. STAMAT, LINCOLN
RE: Alleging perjured testimony being given at the Public Hearing for Conditional Use No. 923 by the applicant.

Mr. Jones, Assistant County Attorney, advised Council that the perjured testimony was not possible, since applicants giving testimony at Public Hearings for zoning changes are never sworn.

Proposed
Proclama-
tion

Mr. Stickels, County Administrator, read a Proposed Proclamation in its entirety entitled "RECOGNIZING APRIL 1990 AS NATIONAL CHILD ABUSE PREVENTION MONTH".

M 172 90
Adopt
Proclama-
tion

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt the Proclamation entitled "RECOGNIZING APRIL 1990 AS NATIONAL CHILD ABUSE PREVENTION MONTH". Motion Adopted: 5 Yea.

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

April 3, 1990

Proposed
Ordinance
Sewer
Capitali-
zation
Fee

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF A SEWER CAPITALIZATION FEE AND THE POSTING OF A BOND OR LETTER OF CREDIT WITH RESPECT TO THE ESTABLISHMENT OF CENTRAL SEWER SERVICE IN THE WEST REHOBOTH SEWER MORATORIUM AREA". The Proposed Ordinance will be advertised for Public Hearing.

MOU
DNREC

Mr. Esposito, Director of the Division of Water Resources, DNREC, was present and reviewed changes in **The Memorandum of Understanding between the Sussex County Council and the State of Delaware Department of Natural Resources and Environmental Control**. The changes made clarify the portion of the West Rehoboth Expansion area that will be served within five years; defines specific areas encompassed in Phase I, II, and III; and restricts any change of zone or conditional use in subdivision approval to parcels to be connected to a **County** operated sanitary sewer system.

M 173 90
Adopt
MOU
DNREC

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to authorize the President of the Sussex County Council to execute the **MEMORANDUM OF UNDERSTANDING BETWEEN THE SUSSEX COUNTY COUNCIL AND THE STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**. Motion Adopted: 5 Yea.

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

Paramedic
Program

Mr. Stickels, County Administrator, reviewed a job description for the Paramedic Program Director. This position will be advertised in the local papers.

Proposed
Resolu-
tion

Mr. Stickels, County Administrator, read a Proposed Resolution in its entirety entitled "RESOLUTION REQUESTING THE RESCINDING OF HOUSE BILL NO. 491". House Bill 491 adopted by the 134th General Assembly directs the Delaware Solid Waste Authority to study, finance, design, develop, implement, and operate a material and energy recovery facility. This Resolution encourages members of the 135th General Assembly to rescind House Bill No. 491 and establish legislation that requires the Delaware Department of Energy and the Delaware Department of Natural Resources to develop programs to allow the citizens of the State of Delaware to participate in recycling programs.

April 3, 1990

M 174 90
Adopt
Resolu-
tion
R 014 90

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Resolution No. R 014 90 entitled "RESOLUTION REQUESTING THE RESCINDING OF HOUSE BILL NO. 491". Motion Adopted: 5 Yea.

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

M 175 90
Exec.
Session -
Distant
Horizon

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, authorizing the scheduling of an Executive Session to discuss pending litigation concerning Distant Horizon Dreams, Inc. to be held Tuesday, April 10th, at 9 a.m. in the Council Chambers. Motion Adopted: 4 Yea; 1 Abstention.

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

M 176 90
Exec.
Session -
Bayville
Shores

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, authorizing an Executive Session concerning pending litigation for Bayville Shores, to be held today, April 3rd, at 2:30 p.m. in the Council Chambers. Motion Adopted: 4 Yea; 1 Abstention.

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

Adminis-
trator's
Report

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

1. John Ounan of Millsboro and Shirley Gray of Lincoln were the winners for the Glass Recycling Recognition Program for March. March had a fourteen percent (14%) increase in the users of the Igloo Program over the month of February. February had a fifty percent (50%) increase from the previous month.
2. The next monthly meeting of the Delaware League of Local Governments will be Thursday, April 19th at the Rehoboth Beach Country Club.
3. A training seminar entitled "Retailing Inventory Control: Knowing When and How to Buy" is being conducted by the University of Delaware Small Business Development Center and the United States Small Business Administration and will take place on Tuesday, April 17th at the University of Delaware.

April 3, 1990

Adminis-
trator's
Report
(Con't.)

4. The first meeting of the committee to review ordinances and regulations relating to parks and campgrounds will be held at 10:00 a.m. on Wednesday, April 4, 1990 in the County Council Chambers. The committee members are: Robert Stickels, County Administrator; Michael Moore, Planning and Zoning; Danny Quillen, Delaware Association of Campgrounds; C. F. Sturgis, Delaware Association of Campgrounds; R. A. Raley, Campground Owner; D.N.R.E.C., Parks and Recreation; Frank Calio, Sussex County resident; Richard Drummond, camper; and Kay Anderson, Bethany Chamber of Commerce.
5. The semiannual meeting of the Delmarva Advisory Council will be held Thursday, April 5th, at the Sussex Pines Country Club.
6. A list of applications that have been filed with the Wetlands and Aquatic Protection Branch, DNREC, for subaqueous (S) and/or wetlands (W) construction projects was received by the Planning and Zoning Office on April 2, 1990. Public Hearing will be held **only** if a meritorious request for such a hearing is received within twenty (20) days of publication of the notice by DNREC.

Insurance
Bids

Mr. Purpur, Finance Director, opened bids for Property and Liability Insurance. The following bids were reviewed:

THE INSURANCE PROFESSIONALS, INC.

Real and Personal Property

Deductibles	Premium
\$1,000 per occurrence	\$58,315
\$2,500 per occurrence	\$56,630
\$5,000 per occurrence	\$55,617

Scheduled Property Floater

Deductibles	Premium	
\$ 500 per occurrence	Replacement cost coverage would not apply	\$3,985
\$1,000 per occurrence		\$3,587

Deductibles - (Option #8)

\$ 500 per occurrence	\$5,395
\$1,000 per occurrence	\$3,587

April 3, 1990

Insurance
Bids
(Con't.)

Combined Boiler & Machinery and Time Element

Deductibles	Premium
\$ 500 per occurrence	\$3,958
\$1,000 per occurrence	\$3,760

Electronic Data Processing Equipment,
Data, Media and Extra Expense

Deductibles	Premium
\$1,000 per occurrence	\$2,386

Inland Transit

Flat Charge	\$ 200
-------------	--------

Valuable Papers and Records

\$50,000 blanket limit	\$ 69
------------------------	-------

Fine Arts

Deductibles	Premium
\$ 100 per occurrence	\$330 Flat Charge
\$ 250 per occurrence	\$300 Flat Charge
\$ 500 per occurrence	\$250 Flat Charge

Public Employees Faithful Performance Blanket Bond

	Premium
Limit - \$175,000	\$1,733
\$200,000	\$1,770

Crime

Theft, disappearance and destruction	Premium: \$6,916
--------------------------------------	------------------

<u>Extra Expense</u>	Premium: \$2,234
----------------------	------------------

<u>Loss of Rents - Business Income</u>	Premium: \$ 641
----------------------------------------	-----------------

<u>Workers Compensation</u>	Annual Deposit Premium: \$40,850
-----------------------------	----------------------------------

General Liability

Commercial Form

\$1,000,000 occurrence	Premium: \$93,658
\$2,000,000 aggregate	

April 3, 1990

Insurance
Bids
(Con't.)

Business Auto Liability and Physical Damage

Deductibles	Premium
\$ 50 comprehensive	\$10,709
250 collision	
\$ 100 comprehensive	\$9,184
\$ 250 collision	
Liability, UM and PIP	\$24,080

Law Enforcement Professional Liability

Deductible	Premium
Other	\$10,000
Limit - \$500,000 per person/ \$1,000,000 per occurrence	Premium: \$3,976

WILGUS ASSOCIATES, INC.

Business Automobile

Limit of Liability: \$1,000,000	\$15,844
Option: 2,000,000	\$19,285
Other PIP - Limit \$30,000	\$ 361

Uninsured/Underinsured Motorists

Limit: \$ 50,000	Premium: \$ 425
Limit: \$1,000,000	Premium: \$2,306
Limit: \$2,000,000	Premium: \$2,946

Physical Damage Coverage

Comprehensive Deductible:	
\$250 on vehicles #1-17, 43-52, 54-63, 66-72	Premium: \$5,503

Collision Deductible

\$500 on vehicles #4, 7, 10-16, 43-46, 48, 50-52 54-63, 66-72	Premium: included with Comp. Prem.
------------------------------------------------------------------	------------------------------------

<u>Comments, Special Conditions, Exclusions</u>	Premium: \$ 250
-------------------------------------------------	-----------------

April 3, 1990

Insurance
Bids
(Con't.)

Business Auto Liability and Physical Damage

Deductibles	Premium
\$ 50 comprehensive	\$250 Comp. Ded.
\$250 collision	\$5,503
\$100 comprehensive	\$500 Coll. Ded.
\$250 collision	
Liability, UM and PIP	
\$1,000,000, 50,000, 30,000	\$16,880
\$2,000,000, 50,000, 30,000	\$20,321

PRATT INSURANCE, INC.

Combined Boiler & Machinery and Time Element

Deductibles	Premium
\$1,000 per occurrence	\$6,500

Public Officials and Employees Liability

Limits	Premium
\$1,000,000 Deductible \$25,000	\$35,072
\$2,000,000 Deductible \$25,000	\$63,130
\$3,000,000 Deductible \$25,000	\$82,420

ALEXANDER & ALEXANDER, INC.

Pipeline Floater

Deductibles	Premium
\$10,000 per occurrence	\$41,000
\$15,000 per occurrence	\$39,200
\$25,000 per occurrence	\$35,700

All bids will be reviewed by the County's Insurance Consultant and a recommendation for bid award will be brought back at a later time.

C/Z #818
C & C
Engineering

Change of Zone No. 818, filed on behalf of C & C Engineering, Inc. was discussed. Public Hearing was held June 30, 1987 and action was deferred.

April 3, 1990

M 177 90
Adopt
Ordinance
No. 672
C/Z #818

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Ordinance No. 672 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 45.63 ACRES, MORE OR LESS" (C/Z #818) filed on behalf of C & C Engineering, Inc., subject to the following stipulations:

1. There shall be no commercial areas within the development;
2. There shall be no multifamily attached housing units within the development;
3. There shall be no marina facilities within the development;
4. There shall be no individual lot boardwalks or boat slips accessing the ditch/stream within the development;
5. No dwelling shall be constructed within twenty (20) feet of any State wetlands, and no dwelling shall be constructed on 404 Wetlands; and
6. The developer shall be required to pay for the cost of installation of an appropriate pedestrian traffic crossing control device or pedestrian crossover.

Motion Adopted: 4 Yea; 1 Nay; 1 Abstention.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Nay;
Mr. Dukes, Abstained; Mr. Mariner, Yea;
Mr. Stevenson, Yea

Findings
of Facts
C/Z #818

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County.
2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County.

April 3, 1990

Update
on Pro-
posed
Ordinance -
Buffer
Zone

Mr. Lank, Director, Planning and Zoning, reviewed the findings of the Commission's Special Meeting on March 29th to discuss Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 90, AS AMENDED, SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE 7, SECTION 2, TO IMPOSE A BUFFER ZONE BETWEEN RESIDENTIAL SUBDIVISIONS AND AGRICULTURAL OPERATIONS". Ms. Willis, Forester and Mr. Donnelly, Planner, attended the meeting for the State Department of Agriculture and submitted Sussex County agricultural statistics, concerns of the Department, and recommendations for buffer widths and spacing. Members of other agricultural groups were present, as well as several individuals, and contributed their concerns and recommendations. The Commission is still seeking additional information from neighboring states on their policies on buffer zones and asked the Council to allow additional time (beyond the usual forty-five (45) days allowed) for their recommendation. It was the consensus of the Council that Planning and Zoning should continue the study process of the Proposed Ordinance and report their findings as they are completed.

Proposed
Ordinance

Discussion was held on Proposed Ordinance entitled "AN ORDINANCE AMENDING ORDINANCE NO. 39, ARTICLE III BY STRIKING ARTICLE III IN ITS ENTIRETY AND CREATING A REVISED ARTICLE III PROVIDING FOR ANNUAL ASSESSMENT FEES, PLANT CONNECTION CHARGES AND TRANSMISSION CONNECTION CHARGES". Public Hearing was held June 27, 1989 and action was deferred.

M 178 90
Adopt
Ordinance
No. 673 -
Amending
Ordinance
No. 39

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt Ordinance No. 673 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 39, ARTICLE III BY STRIKING ARTICLE III IN ITS ENTIRETY AND CREATING A REVISED ARTICLE III PROVIDING FOR ANNUAL ASSESSMENT FEES, PLANT CONNECTION CHARGES AND TRANSMISSION CONNECTION CHARGES"; further, the Sussex County Council agrees that each lot plotted prior to the Adoption of this Ordinance change will be credited with one (1.0) EDU for connection charge purposes and this policy will remain in effect for a three (3) year period until July 1, 1993, when all new connections will pay the connection charge in direct relation to the number of assessable EDUs. Motion Adopted: 5 Yea.

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

Fieldwood
Street
Lighting

Mr. Archut, Engineering Department, reviewed the results of the successful referendum held on March 28, 1990 for the Proposed Fieldwood Addition Street Lighting District.

April 3, 1990

M 179 90
Adopt
Resolution
R 015 90
Fieldwood
Street
Lighting

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Resolution No. R 015 90 entitled "A RESOLUTION ESTABLISHING THE FIELDWOOD ADDITION TO TRU-VALE ACRES STREET LIGHTING DISTRICT". Motion Adopted: 5 Yea.

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

Proposed
Ordinance

Mr. Izzo, Assistant County Engineer, discussed Proposed Ordinance entitled "AN ORDINANCE REQUIRING DRY SANITARY SEWER COLLECTION SYSTEMS IN NEW DEVELOPMENT OR EXPANSION OF EXISTING DEVELOPMENT IN THE SOUTH COASTAL AREA". Public Hearing was held March 27, 1990 and action was tabled. Recommendations for concerns addressed at the March 27th meeting included:

1. Developers with projects on line and all previously recorded subdivisions must obtain "Notice to Proceed" from the Planning and Zoning Office prior to January 1, 1995 to be exempt from the provisions of the Proposed Ordinance; and
2. The Engineering Department and Assistant County Attorney will include language in the Proposed Ordinance that will include a list of the types of subdivisions that would be exempt; for example, a two lot subdivision would not be feasible for this system.

M 180 90
Proposed
Ordinance
Withdrawn

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt Proposed Ordinance entitled "AN ORDINANCE REQUIRING DRY SANITARY SEWER COLLECTION SYSTEMS IN NEW DEVELOPMENT OR EXPANSION OF EXISTING DEVELOPMENT IN THE SOUTH COASTAL AREA". Motion and second were withdrawn until the revised Proposed Ordinance is complete.

M 181 90
Adopt
Plat
Plan
No. 89-12

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt the Plat Plan for Subdivision No. 89-12, Fairway Villas. Motion Adopted: 5 Yea.

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

M 182 90
Council-
manic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Cole, to give \$1,000.00, \$200.00 from each of the five (5) Councilmanic Accounts, to the Sussex County Chapter, National

April 3, 1990

M 182 90
Grant
(Con't.)

Federation of the Blind of Delaware, to help send delegates to the annual NFB convention. Motion Adopted: 5 Yea.

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

M 183 90
Recess

A Motion was made by Mr. Cole, seconded by Mr. Benson, to recess at 12:35 p.m. Motion Adopted by Voice Vote.

Reconvene

President Stevenson called the Council back into session at 2:00 p.m.

Public
Hearing -
Amend
Ordinance
No. 97

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 97, AS AMENDED, SUSSEX COUNTY COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE 4, TO REMOVE CERTAIN GOVERNMENTAL EXEMPTIONS FROM THE PROVISIONS OF THE ORDINANCE".

M 184 90
Adopt
Ordinance
No. 674
Amends
Ordinance
No. 97

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to Adopt Ordinance No. 674 entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 97, AS AMENDED, SUSSEX COUNTY COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE 4, TO REMOVE CERTAIN GOVERNMENTAL EXEMPTIONS FROM THE PROVISIONS OF THE ORDINANCE". Motion Adopted: 5 Yea.

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

M 185 90
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 2:25 p.m. for an Executive Session. Motion Adopted by Voice Vote.

Respectfully submitted,

Doris E. Rogers

Doris E. Rogers
Clerk of the County Council