

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 12, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 12, 1994, at 11:00 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
William D. Stevenson, Sr.	Member

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

M 141 94 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to approve the minutes of the meeting dated March 29, 1994. Motion Adopted by Voice Vote.

M 142 94 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to approve the minutes of the previous meeting dated April 5, 1994. Motion Adopted by Voice Vote.

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

MELANIE HUDSON, LEWES, DELAWARE.

RE: The recent ruling by Lewes' Division of Parks and Recreation banning dogs from State Park beaches.

JOHN A. GUERNSEY, COLONEL, DELAWARE ARMY NATIONAL GUARD, WILMINGTON, DELAWARE.

RE: Appreciation for Council's understanding and support as SSG Ronald L. Matthews, a County employee, responded to Governor Carper's call to duty during the ice storm in February, 1994.

COLONEL CLIFFORD M. GRAVIET, SUPERINTENDENT, DELAWARE POLICE CHIEFS' COUNCIL, INC., DOVER, DELAWARE.

RE: Requesting financial assistance in the amount of \$500.00 for the annual Staff Development Seminar.

COLONEL CLIFFORD M. GRAVIET, SUPERINTENDENT, DELAWARE POLICE CHIEFS' COUNCIL, INC., DOVER, DELAWARE.

RE: Requesting financial assistance in the amount of \$500.00 for expenses to permit Mr. Martin Johnson, Local Police Coordinator, to attend a meeting of the Committee of Executive Directors at the International Association of Chiefs of Police training conference in Fargo, North Dakota.

PATRICK C. MILLER, OAK ORCHARD RIVERDALE CIVIC ASSOCIATION, MILLSBORO, DELAWARE.

RE: Sussex County participating in the cost sharing proposal/plan with the State of Delaware regarding additional State Police troopers.

M 143 94 A Motion was made by Mr. Benson, seconded by Mr. Collins, to
Council- give \$500.00, \$100.00 from each Councilmanic Account, to the
manic Delaware Police Chiefs' Council, Inc., for the annual Staff
Grant Development Seminar.

Motion Adopted: 4 Yea, 1 Absent.

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

M 144 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$500.00, \$100.00 from each Councilmanic Account, to
manic the Delaware Police Chiefs' Council, Inc., for expenses to
Grant permit Mr. Martin Johnson, Local Police Coordinator, to attend
a meeting of the Committee of Executive Directors at the
International Association of Chiefs of Police training con-
ference in Fargo, North Dakota.

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Mr. Stickels, County Administrator, read in its entirety a
Procla- Proclamation entitled "PROCLAIMING APRIL 24 THROUGH MAY 1,
mation 1994, AS 'SOIL AND WATER STEWARDSHIP WEEK'". Mr. William
Vanderwende and other representatives of the Sussex
Conservation District were present to accept the Procla-
mation.

M 145 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Adopt to Adopt the Proclamation entitled "PROCLAIMING APRIL 24
Procla- THROUGH MAY 1, 1994, AS 'SOIL AND WATER STEWARDSHIP WEEK'".
mation

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Mr. Stickels, County Administrator, read in its entirety a
Procla- Proposed Proclamation entitled "PROCLAIMING APRIL 17 THROUGH
mation APRIL 23, 1994, AS 'NATIONAL LIBRARY WEEK'". Ms. Carol
Fitzgerald, Director of Sussex County Libraries was present
to accept the Proclamation and to inform Council of activities
planned for "National Library Week".

M 146 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Adopt Proclamation to Adopt the Proclamation entitled "PROCLAIMING APRIL 17 THROUGH APRIL 23, 1994, AS 'NATIONAL LIBRARY WEEK'".

Motion Adopted: 4 Yea, 1 Absent.

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

Assignment & Assumption Agreement Professional Leasing Inc. Mr. Stickels, County Administrator, discussed a Lease and Operating Agreement, dated May 12, 1992, between Sussex County and Professional Leasing, Inc. to establish and operate a general aviation aircraft storage facility for Sussex County Airport. At the time the Agreement was entered into, Professional Leasing, Inc. consisted of three partners. The partnership is now being dissolved and the remaining partner of Professional Leasing, Inc. wishes to assign to Frank Anderson and Walter P. Messick his interest in the Airport Lease upon the terms and conditions set forth in the Assignment and Assumption Agreement.

M 147 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, Authorize Assignment & Assumption Agreement Professional Leasing Inc. to authorize the Sussex County Council President to execute the Assignment and Assumption Agreement between Professional Leasing, Inc. and Frank Anderson and Walter Messick.

Motion Adopted: 4 Yea, 1 Absent.

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

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

1. South Coastal Library Dedication

A reminder that the Sussex County Council will be dedicating the South Coastal Library on Sunday, April 17, 1994, at 2:00 p.m. The library is located at 41 Kent Avenue, Bethany Beach, Delaware. The public is encouraged to visit the South Coastal Library that was made possible through the cooperation of private citizens and State, local and County governments.

Adminis-
trator's
Report
(con't)

2. Salt Pond Subdivision

The United States District Court, after carefully and thoroughly reviewing the proposed agreement and comments submitted in response to the agreement, has ruled that it feels the agreement is fair, reasonable, and consistent with the requirements of the Clean Water Act and the Rivers and Harbors Act. Based on this consideration, the Court has ruled that the United States Army Corps of Engineers can issue Salt Pond's crossing for the Loop Canal. It is anticipated that this work will start immediately. This will allow for the completion of the infrastructure to serve the Salt Pond Project, as well as the Cedar Landing Project. Eventually, this service line could serve the entire Cedar Neck area.

\$19
Million
Waste-
water
Revenue
Bonds

Mr. Baker, Finance Director, and Mr. Gefaell, Financial Advisor, R. W. Corby & Co., Inc., discussed the \$19 Million Sussex County, Delaware, Wastewater Revenue Bonds (West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District). The bonds were priced on April 5, 1994, and an interest rate of 6.48% was set. This rate was set based on the market at that time. Closing on the Bonds is scheduled for April 26, 1994. Mr. Baker noted that the Project will realize an annual savings as a result of an agreement that was worked out on April 5th on investments for the Debt Service Reserve Fund. In addition, the annual cost of maintaining the Debt Service Reserve Fund will be \$2,000, considerably lower than the \$33,000 which was projected. Another savings for the project will result from the bond issue amount being \$19 Million instead of the \$22 Million which was projected. It was noted that this is the first revenue issue for the County.

Update
Archaeo-
logical
Work
West
Rehoboth
--
GM&B
Contract

Mr. Wood, County Engineer, and Mr. Bozick, George, Miles & Buhr, provided an update on the progress of the archaeological work at the treatment plant site for West Rehoboth. The findings of the progress report submitted to George, Miles & Buhr as prepared by MAAR Associates, Inc. was reviewed. MAAR Associates, Inc. is an Archaeological Recovery Specialty Company. Completion of the Phase I Archaeological Survey resulted in the location of six archaeological sites. Results of the Phase II field investigations estimate that three areas be studied further. Recovery work (Phase III) for these three areas is estimated to cost \$138,936.05; however, work is contingent on RDA/FmHA approval.

M 148 94
Authorize
GM&B
Contract

A Motion was made by Mr. Collins, seconded by Mr. Benson, based on the recommendation of the Consulting Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorize

M 148 94 George, Miles & Buhr to award the contract for Phase 3
(con't) archaeological recovery work at the treatment plant site
for West Rehoboth to their subcontractor MAAR Associates,
Inc. for a not to exceed proposal of \$138,936.05 pending
the approval of RDA/FmHA.

Motion Adopted: 4 Yea, 1 Absent.

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

Agenda Item Tabled The agenda item entitled "Year-end Report - Paramedic
Program" was tabled until the next meeting scheduled for
April 19, 1994.

M 149 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$500.00 from Mr. Stevenson's Councilmanic Account
manic to the Woodbridge Business Professionals of America for the
Grant Annual State Leadership Conference in Wilmington.

Motion Adopted: 4 Yea, 1 Absent.

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

M 150 94 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Council- to give \$200.00 from Mr. Collins' Councilmanic Account to
manic the Millsboro Little League, Inc. for operating expenses.
Grant

Motion Adopted: 4 Yea, 1 Absent.

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

M 151 94 A Motion was made by Mr. Benson, seconded by Mr. Collins,
Council- to give \$250.00 from Mr. Dukes' Councilmanic Account to the
manic Laurel Wrestling Club for expenses associated with attending
Grant the East Coast Regional Tournament in New Jersey.

Motion Adopted: 4 Yea, 1 Absent.

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

M 152 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$220.00 from Mr. Dukes' Councilmanic Account to the
manic Bethel Police Department to help organize a "Kid Care Photo
Grant ID" event.

Motion Adopted: 4 Yea, 1 Absent.

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

Corre- Mr. Stickels, County Administrator, discussed correspondence,
spondence and more specifically a letter from Mr. Bell, received by
Council members regarding the Board of Adjustment's recent
decision to approve an asphalt plant on Route 113. Mr.
Schrader, Assistant County Attorney, will respond to Mr.
Bell's letter.

Recess At 12:20 p.m., a Motion was made by Mr. Stevenson, seconded
by Mr. Benson, to recess until 1:30 p.m. Motion Adopted by
Voice Vote.

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

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRCRAFT
No. 1069 LANDING STRIP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 70.60
ACRES, MORE OR LESS" (Conditional Use No. 1069) filed on be-
half of Ronald B. and Linda Tower Pevey. The Public Hearing
was closed and action was deferred.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR
C/U GENERAL RESIDENTIAL DISTRICT FOR A PRIVATE CLUB/COMMUNITY
No. 1070 ACTIVITY CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY,
CONTAINING 17,500 SQUARE FEET, MORE OR LESS" (Conditional Use
No. 1070) filed on behalf of West Side New Beginnings, Inc.
The Public Hearing was closed.

M 153 94 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,
Adopt to Adopt Ordinance No. 961 entitled "AN ORDINANCE TO GRANT
Ordinance A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DIS-
No. 961 TRICT FOR A PRIVATE CLUB/COMMUNITY ACTIVITY CENTER TO BE
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING
17,500 SQUARE FEET, MORE OR LESS" (Conditional Use No.
1070) filed on behalf of West Side New Beginnings, Inc.,
with the following stipulation:

- M 153 94 (con't) 1. The site plan is subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings of Fact The Council found that the Conditional Use was appropriate legislative action based upon the following findings of fact:

1. The Council found that the Conditional Use is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing C/U No. 1071 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RADIO STATION AND BROADCAST STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.10 ACRES, MORE OR LESS" (Conditional Use No. 1071) filed on behalf of Prettyman Broadcasting Co. The Public Hearing was closed.

M 154 94 Adopt Ordinance No. 962 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 962 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RADIO STATION AND BROADCAST STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.10 ACRES, MORE OR LESS" (Conditional Use No. 1071) filed on behalf of Prettyman Broadcasting Co., with the following stipulations:

1. The site plan is subject to review and approval of the Planning and Zoning Commission.
2. One 40' x 60' ranch-style dwelling shall be permitted.
3. One tower, not to exceed 150' in height, shall be permitted.
4. The applicant shall submit a planted buffer plan to the Planning and Zoning Commission for review and approval.
5. The tower is subject to FCC approval.

Motion Adopted: 4 Yea, 1 Absent.

M 154 94 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings The Council found that the Conditional Use was appropriate
of Fact legislative action based upon the following findings of fact:

1. The Council found that the Conditional Use is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing C/Z No. 1222 A Public Hearing was held on the 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.14 ACRES, MORE OR LESS" (Change of Zone No. 1222) filed on behalf of Daniel W. and Ellen M. Magee. On April 12, 1994, the Planning and Zoning Commission continued their Public Hearing on this application due to the fact that a quorum did not exist. Council decided to hold their Public Hearing. The Public Hearing was closed and action was deferred. The record was left open to accept the recommendation of the Planning and Zoning Commission.

Public Hearing C/Z No. 1223 A Public Hearing was held on the 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.29 ACRES, MORE OR LESS" (Change of Zone No. 1223) filed on behalf of Everett J. Kimmey. The Public Hearing was closed.

M 155 94 Adopt Ordinance No. 963 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Ordinance No. 963 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.29 ACRES, MORE OR LESS" (Change of Zone No. 1223) filed on behalf of Everett J. Kimmey.

Motion Adopted: 4 Yea, 1 Absent.

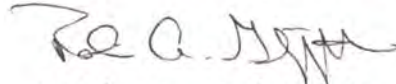
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings of Fact The Council found that the Change of Zone was appropriate legislative action based upon the following findings of fact:

1. The Change of Zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 156 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Adjourn adjourn at 3:38 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council