

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 15, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, March 15, 1997, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

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

Moment of Silence A moment of silence was observed in memory of Ronald L. Matthews, an employee of the County, who passed away April 8, 1997, as a result of a heart attack.

M 160 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 161 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated April 8, 1997.

Motion Adopted: 5 Yea.

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

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

FRANK LAPORTE, MEN'S VARSITY BASKETBALL COACH, SAINT JOSEPH NOTRE DAME HIGH SCHOOL, ALAMEDA, CALIFORNIA.

RE: Letter of appreciation for Council's financial support of the Slam Dunk to the Beach Tournament.

ROBERT G. FREDERICK, MAYOR OF THE TOWN OF DEWEY BEACH AND PRESIDENT OF THE ASSOCIATION OF COASTAL TOWNS (ACT), DEWEY BEACH, DELAWARE.

RE: Letter of appreciation for Council's adoption of the Resolution voicing opposition to the proposed Federal Budget cutbacks to the National Weather Service.

W. MICHAEL MCCABE, REGIONAL ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, PHILADELPHIA, PENNSYLVANIA.

RE: Letter announcing the hiring of Shawn M. Garvin as Special Assistant to the Regional Administrator for the EPA, Region III.

Cabinet Committee on State Planning Issues/ Land Use Plan

Members of the Governor's Cabinet Committee on State Planning Issues were in attendance to discuss Sussex County's Comprehensive Land Use Plan. Members present were; Jeffrey W. Bullock, Chair and Chief of Staff; Jack F. Tarburton, Secretary, Department of Agriculture; Robert W. Coy, Jr., Director, Delaware Economic Development Office; John C. Carney, Jr., Secretary of Finance; Anne P. Canby, Secretary, Department of Transportation; Peter M. Ross, Director, Office of the Budget; Susan A. Frank, Director, Delaware State Housing Authority. Also present was David S. Hugg, III, State Planning Coordinator. Mr. Shafer of Whitman, Requardt & Associates gave a slide presentation on the Land Use Plan including Land Use Growth Management Strategies, Mobility 5-Year Priorities, Water and Wastewater Growth Management Strategies, Conservation Growth Management Strategies, Recreation and Open Space Growth Management Strategies, Housing Growth Management Strategies, Intergovernmental Coordination Implementation Strategies, Community Design Growth Management Strategies, Historic Preservation Growth Management Strategies, and Economic Development Growth Management Strategies. Throughout the presentation, Mr. Shafer addressed issues raised by the State concerning the Sussex County Comprehensive Land Use Plan. In addition, Mr. Shafer discussed supporting ordinances that have been introduced and supporting ordinances that will be submitted to the County Council for introduction in the near future. Mr. Bullock expressed the Cabinet Committee's beliefs that positive steps have been made in the development of the Land Use Plan and that the County Council should be congratulated for their work in the development of the Plan; however, there are still difficult decisions to be made as the Plan still needs some modifications. Mr. Stickels, County Administrator, noted that the Plan was submitted to the Cabinet Committee on March 31, 1997. The Cabinet Committee has sixty days to review the Plan and respond to the County Council.

M 162 97 Adopt Proclamation

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt the Proclamation entitled "PROCLAIMING APRIL 13 THROUGH APRIL 19, 1997, AS 'NATIONAL VOLUNTEER WEEK' AND PROCLAIMING APRIL 15, 1997, AS 'SENIOR COMPANION DAY' IN SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

Presentation

Mr. Dukes presented the Proclamation to Robin Fisher, Director, Senior Companion Program, and Letha Sturgis, the Program's oldest volunteer.

M 163 97 Adopt Proclamation

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the Proclamation entitled "PROCLAIMING APRIL 13 THROUGH APRIL 19, 1997, AS 'DELAWARE VOLUNTEER AND SERVICE WEEK' AND PROCLAIMING APRIL 16, 1997, AS 'RSVP DAY' IN SUSSEX COUNTY".

M 163 97 Motion Adopted: 5 Yea.
(con't)

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

Presenta- Mr. Dukes presented the Proclamation to June West, RSVP
tion Secretary. Mrs. West presented to Council a Certificate of
Appreciation for Council's support of the Retired and Senior
Volunteer Program.

M 164 97 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Adopt Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF APRIL
Procla- 13 THROUGH APRIL 19, 1997, AS 'NATIONAL LIBRARY WEEK'".
mation

Motion Adopted: 5 Yea.

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

Presenta- Mr. Dukes presented the Proclamation to Carol Fitzgerald,
tion Director of County Libraries.

Draft Mr. Stickels, County Administrator, discussed a Draft Ordinance
Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX
Relating COUNTY, ENTITLED 'SUBDIVISION OF LAND', TO AMEND PROVISIONS RE-
to LATING TO THE STANDARDS APPLICABLE TO THE REVIEW OF SUBDIVI-
Sub- SIONS". The Draft Ordinance provides a list of factors to be
divisions considered by the Planning & Zoning Commission when voting on
subdivision approval. Mr. Cole suggested that "Open Space Amen-
ities" be added to the list of factors identified in the Draft
Ordinance. It was the consensus of Council that changes to the
Draft Ordinance would be made through the public hearing process.

Proposed Mr. Collins introduced the Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY,
ENTITLED 'SUBDIVISION OF LAND', TO AMEND PROVISIONS RELATING
TO THE STANDARDS APPLICABLE TO THE REVIEW OF SUBDIVISIONS."
The Proposed Ordinance will be advertised for Public Hearing.

Discuss Mr. Stickels, County Administrator, discussed an amendment to
Amend- the recently enacted Ordinance No. 1131 entitled "AN ORDINANCE
ment to TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED
Ordinance 'ZONING', TO AMEND PROVISIONS RELATING TO THE PLACEMENT AND
No. 1131 REGULATION OF MOBILE HOMES AND TO PROVIDE MINIMUM STANDARDS
Relating FOR MOBILE HOMES IN CERTAIN DISTRICTS". The amendment pertains
to Age to the replacement of an existing mobile home, amending the
of requirement that the replacement mobile home must be five years
Replace- old or less. It has been suggested that a Proposed Ordinance
ment be drafted eliminating the "five years old or less" stipulation
Mobile and requiring that when a mobile home is replaced, it is
Homes replaced with a newer model. It was the consensus of Council
to proceed with the drafting of this Proposed Ordinance.

Book-
mobile
Bid
Recom-
mendation

Mr. Stickels, County Administrator, and Ms. Fitzgerald, Director of County Libraries, discussed the following Bookmobile Bids that were opened on March 31, 1997:

I.G. Burton Milford, DE	\$109,595
Matthews Specialty Vehicles North Carolina	\$ 86,619
Farber Specialty Vehicles Columbus, Ohio	\$116,140
Moroney Bookmobiles Worcester, Massachusetts	\$135,518

Following a review of the bid proposals, it was recommended by staff that the bid be awarded to Matthews Specialty Vehicles. Mr. Cole suggested that consideration be given to handicapped accessibility options.

M 165 97
Award
Book-
mobile
Bid

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the purchase of a Bookmobile from Matthews Specialty Vehicles of North Carolina, as specified, not exceeding the budgetary plan of \$105,000.

Motion Adopted: 5 Yea.

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

M 166 97
Executive
Session

A Motion was made by Mr. Collins, seconded by Mr. Jones, that Authorize the Sussex County Council authorizes an Executive Session to be held in the Sussex County Administrative Office Building, Georgetown, Delaware, on Tuesday, April 22, 1997, immediately following the regularly scheduled County Council meeting.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. Intergovernmental Agreement Workshop

On Friday, April 11, 1997, the Sussex County Council held a workshop with representatives of Bethany Beach, Blades, Dagsboro, Delmar, Dewey Beach, Ellendale, Fenwick Island,

Adminis-
trator's
Report
(con't)

Laurel, Lewes, Milford, Millsboro, Milton, Ocean View, Rehoboth Beach, Seaford, Selbyville, and South Bethany regarding the County's Land Use Plan and intergovernmental coordination. Mr. Dale Dukes, President of the Sussex County Council; Mr. George Collins; Mr. Finley Jones; Mr. Lynn Rogers; Lawrence Lank, Director of Planning and Zoning; Russell Archut, Assistant County Engineer; and I were present. The towns were informed that they will be receiving an intergovernmental agreement from the County Council setting up cooperation between the towns and the County regarding rezoning within a mile of the towns.

Discussion took place regarding annexation, and the Council's position was reinforced that the Council would support annexation if it is done in a proper manner. Rezoning for the purpose of avoiding the County zoning process or State Planning requirements would be frowned upon.

Agreements will be sent to the towns within the next month, and an additional meeting will be established at that time.

2. Change Orders - Administrative Building

Please be advised that based on County policy, I have approved Change Order Nos. 25, 26, and 27 for the Administrative Building. Change Order 25 in the amount of \$1,455.70 was needed to add to the allowance for increased work in the seating and casework for the Council benches. Change Order 26 in the amount of \$1,484.62 was for additional electrical work for adding of receptacles requested by the County. Change Order 27 in the amount of \$1,194.73 was also for additional electrical work requested by the County.

These change orders bring the total contract for the Administrative Building to \$5,294,484.68. To date, the percentage of change orders for the contract is 3.8 percent.

3. Delaware State Police Troop 4 Status Report

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, Delaware, during the month of March 1997:

Total Hours on Duty	3,807.50
Hours Assisted Other Agencies	39
Total Traffic Arrests	989
Total DUI Arrests	36

Adminis- trator's Report (con't)	Accident Reports: Property Damage	49
	Personal Injury	<u>18</u>
	Total Accident Reports	67
	Criminal Arrests: Felony	25
	Misdemeanor	<u>127</u>
	Total Criminal Arrests	152
	Total 10-29 P's (wanted persons)	54
	Total Number of Complaints	709

4. Ronald L. Matthews

It is with great sadness that I inform the Council of the passing of Mr. Ronald L. Matthews. Mr. Matthews passed away on Tuesday, April 8, 1997, as a result of a heart attack. Mr. Matthews had been employed with the County since September 12, 1977, most recently as a Project Coordinator for the Engineering Department. Ron was very instrumental in securing the necessary easements for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

The County Council and County employees extend their sincere sympathy to Mr. Matthews' wife, Mary, and their family.

Agri-
cultural
Leases/
Davidson

Ms. Sheridan, Director of Operations, discussed a proposal to enter into two agricultural leases with Norman and Benita Banks Davidson. Under one lease, Sussex County will lease the farming rights to 74 acres of a spray irrigation site to Mr. and Mrs. Davidson. Mr. and Mrs. Davidson will farm the site at their expense; no rent will be charged. Under the other lease, Mr. and Mrs. Davidson will lease to Sussex County 19 acres of farmland for the purpose of applying treated wastewater through a spray irrigation system. It was recommended by Council that the County have the option of first right of refusal on the 63 acre parcel leased from Mr. and Mrs. Davidson. (The 19 acres is a part of the 63 acre parcel.)

M 167 97
Authorize
Agri-
cultural
Leases/
Davidson

A Motion was made by Mr. Collins, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the President of the Sussex County Council be authorized to execute two agricultural leases with Norman E. Davidson, Jr. and Benita Banks Davidson for the Piney Neck Wastewater Treatment Facilities, whereby under Agreement No. 1 Sussex County leases the farming rights to 74 acres of the Spray Irrigation Site to Mr. and Mrs. Davidson; and further that under Agreement No. 2, Mr. and Mrs. Davidson lease to Sussex County 19 acres of farmland contained upon Parcel 2-33-6-123 for the purpose of receiving treated wastewater through a spray irrigation system; under a right of first

M 167 97 refusal on the entire 63 acre parcel granted by Mr. and Mrs. Davidson to the County, the County would have thirty days from receipt of a signed contract between Mr. and Mrs. Davidson and a third party to act on that contract, otherwise the County's right of first refusal would expire.
(con't)

Motion Adopted: 5 Yea.

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

Proposed Mr. Cole introduced the Proposed Ordinance entitled "AN Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL BAKERY AND PRODUCE STAND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20.48 ACRES, MORE OR LESS" (Conditional Use No. 1183) filed on behalf of Cynthia Wolfe-Larsen. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Dukes introduced the Proposed Ordinance entitled "AN Ordinance 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, CONTAINING 10.85 ACRES, MORE OR LESS" (Change of Zone No. 1303) filed on behalf of Donald L. and Jean S. Lankford and Ronald Eugene Lankford and Mary Burt. The Proposed Ordinance will be advertised for Public Hearing.

M 168 97 A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give Council- \$400.00 from Mr. Cole's Councilmanic Account to the City of Grant Rehoboth Beach for the "Let Freedom Ring" performance.

Motion Adopted: 5 Yea.

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

M 169 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Council- give \$250.00 from Mr. Cole's Councilmanic Account to Klassical Grant Kids Ballet, a division of Kids, Inc., for operating expenses.

Motion Adopted: 5 Yea.

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

M 170 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Collins, to give \$500.00 from Mr. Jones' Councilmanic Account to Greenwood Cheer Mature Lifestyle Center for activities and craft projects.

Motion Adopted: 5 Yea.

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

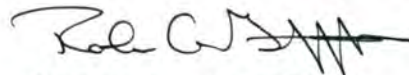
M 171 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$200.00 from Mr. Jones' Councilmanic Account to Woodbridge Pop Warner for expenses associated with Leslie Schapp's trip to California for the 37th Annual Pop Warner Awards Dinner.

Motion Adopted: 5 Yea.

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

M 172 97 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Jones, to adjourn at 12:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council