

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-APRIL 24, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, April 24, 1990 at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	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.

President Stevenson announced that Councilman Mariner was absent due to a death in his immediate family.

M 206 90
Approval
of Minutes

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

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

SUSSEX SHORES WATER COMPANY, BETHANY BEACH
RE: Scheduled activities at their plant on May 12th in observance of National Drinking Water Week.

KAREN E. HORSMAN, TOWN MANAGER, DELMAR
RE: Supporting the Mayor and Council of Laurel regarding possible alternatives to an incinerator for disposal of solid waste.

Proposed
Proclama-
tion

Mr. Stickels, County Administrator, read a Proposed Proclamation in its entirety entitled "PROCLAIMING WEEK OF APRIL 23 - APRIL 30, 1990 AS FAIR HOUSING WEEK IN SUSSEX COUNTY".

M 207 90
Adopt
Proclama-
tion

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING WEEK OF APRIL 23 - APRIL 30, 1990 AS FAIR HOUSING WEEK IN SUSSEX COUNTY". Motion Adopted: 4 Yea; 1 Absent.

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

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Proposed
Proclama-
tion

Mr. Stickels, County Administrator, read in its entirety a Proposed Resolution entitled "PROCLAIMING APRIL 25, 1990 AS RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) DAY".

M 208 90
Adopt
Proclama-
tion

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to Adopt the Proclamation entitled "PROCLAIMING APRIL 25, 1990 AS RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) DAY". Motion Adopted: 4 Yea; 1 Absent.

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

Peninsula
General
Hospital
Medical
Center
Plans

Mr. Fulton P. Jeffers, Chairman of the Board of Trustees, and Louis H. Himes, M.D., Consultant Medical Affairs, Peninsula General Hospital Medical Center, reviewed plans for the hospital's Critical Response Campaign. Their specific goals for the campaign include more critical care beds, a larger, redesigned emergency/trauma center, a new cardiology department and centralization of all beds. The broader goal is to prepare the Center for the future by allowing flexibility to meet challenges. A video giving a brief history of the facility and plans for the future building program, with emphasis being placed on the Critical Response Campaign was shown. Additional information included statistical data revealing that 50% of the deaths in Sussex County are cardiovascular related. Also, of interest was the fact that approximately 23,000 inpatients and 13,000 outpatients from Sussex County used the facilities offered by the Center last year.

Mr. Jeffers invited the Council to join in supporting the Critical Response Campaign by pledging \$20,000.00 per year for the next five (5) years, a total contribution of \$100,000.00. Action on the request was delayed.

Purple
Martin
Project

Mr. Scott Burd, representing the Purple Martin Conservation Association, explained the benefits of the Purple Martin. It is a song bird whose diet includes flying insects, such as mosquitoes and flies. Martins are totally dependent upon man for their habitat and their population is on a decline in our area. To change this, the Association is asking each Sussex County town to raise funds, through a joint effort with organizations, and establish nesting homes for the Martin birds. The total cost for each unit will be \$350.00, and will include a plaque listing the name of each donor.

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M 209 90
Purple
Martin
Project
Funded

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council support the Purple Martin Conservation Association Program by contributing \$50.00 to each town that establishes a Purple Martin Home; the total funding for the project not to exceed \$1,000.00. Motion Adopted: 4 Yea; 1 Absent.

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

Paper
Recycling
Plan

Mr. Stickels, County Administrator, reviewed a paper recycling plan for the Sussex County Courthouse. This will include all waste stationery, white paper, and computer paper. The program will be in place in the Courthouse by Tuesday, May 15, 1990.

Proposed
FY-91
Bond
Project

Mr. Stickels, County Administrator, reviewed the following information to be considered in the Proposed FY-91 Bond Project:

ESTIMATED COSTS OF FORTHCOMING CAPITAL PROJECTS

Laurel Landfill Study	\$ 700,000
Cover and Concrete Pads for Six (6) Transfer Stations	1,029,000
Water Systems at Three (3) Landfill Sites	1,700,000
Computer with Accounting Program	100,000
Geographic Information System	65,000
Computerized Emergency Dispatch System and Integrated Encoder	100,000
Bond Issue Costs	<u>71,000</u>
<u>ESTIMATED BOND AMOUNT</u>	<u>\$3,765,000</u>

Additional information concerning the above projects was presented as follows:

Laurel Landfill Study - The Landfill is on the EPA's superfund list. Notice was received in February that DNREC will be the lead agency and serve as a liaison between the County and EPA. The \$700,000 will cover the cost of a Remedial Investigative Study. The County will have to do this or EPA will have it done at a much higher rate.

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Proposed
FY-91
Bond
Project
(Con't.)

Cover and Concrete Pads for Six (6) Transfer Stations - The State Amended Regulations, effective March 8, 1990, allows operators six months to bring their facilities in compliance. To continue providing the services offered by the Transfer Stations this must be done. Since this service is not used by many of the residents of Sussex County, Councilman Cole made the suggestion that user fees be studied.

Water Systems at Three (3) Landfill Sites - The three (3) sites are Laurel, Walker's Mill, and Angola. This is another area in which the County has no choice; it is our obligation to supply safe water to the residents since County Landfills were operated in each area.

Computer with Accounting Program - Ms. O'Day, Director of Data Processing, and Mr. Baker, Director of Accounting, reviewed their proposal for this new equipment. The present system purchased in 1983 is still in good working order, however, the County has outgrown the system. The plan is to keep the present system and add the proposed unit, thereby greatly expanding the capabilities of the department.

Geographic Information System - Mr. Carmean, Director of Assessments, and Mr. Norwood, Draftsman, explained the proposal as a long-range planning tool which would enhance the mapping procedure; making it possible to have an automated system that would keep the maps updated with the growth. User fees for maps could be increased to recapture a portion of the initial cost.

Computerized Emergency Dispatch System and Integrated Encoder - This system was explained by Mr. Carey, Director of Emergency Preparedness. The system would allow dispatchers to have almost instantaneous access to information that presently has to be researched manually. The Integrated Tone Encoder will replace two encoders presently being used for sounding fire sirens and alerting home alarms and pagers. This system will allow for one (1) button activation for fire sirens and home alarm pagers as opposed to the eight (8) and four (4) button procedures used today.

Mr. Stickels, County Administrator, will discuss these proposed projects for the FY-91 Bond Project with Bond Counsel and report his findings to the Council at a later date.

Administra-
tor's
Report

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

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Administra-
tor's
Report
(Con't.)

1. The next meeting of the Nanticoke Watershed Study Advisory Committee will be held on Monday, May 7, 1990 in the basement meeting room of the Seaford Police Department.
2. The 70th Annual Dinner Meeting of the Delaware Safety Council will be held Wednesday, May 9, 1990 at the du Pont Country Club commencing at seven o'clock.
3. DNREC will sponsor Recycling Awareness Day with a series of public forums. In Sussex County, the forum will take place this evening at 7:00 p.m. in the Commissioners' meeting room of Rehoboth Beach Convention Hall.

Public
Hearing
Proposed
Ordinance -
Authorizing
Line of
Credit

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING A FIFTY MILLION DOLLAR (\$50,000,000) LINE OF CREDIT, IN ANTICIPATION OF ISSUING BONDS, FOR THE CONSTRUCTION OF AND/OR IMPROVEMENTS TO VARIOUS SEWER AND/OR WATER SYSTEMS SERVING SUSSEX COUNTY, DELAWARE AND THE PAYMENT OF COSTS ASSOCIATED THEREWITH, AUTHORIZING THE ISSUANCE OF SUSSEX COUNTY, DELAWARE PROMISSORY NOTES FOR AMOUNTS BORROWED PURSUANT TO SUCH LINE OF CREDIT, AUTHORIZING A PLEDGE OF THE COUNTY'S FULL FAITH AND CREDIT AND TAXING POWER THEREFOR, AND AUTHORIZING ALL OTHER ACTION NECESSARY OR DESIRABLE IN CONNECTION THEREWITH".

M 210 90
Adopt
Ordinance
No. 676 -
Authorizing
Line of
Credit

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to Adopt Ordinance No. 676 entitled "AN ORDINANCE AUTHORIZING A FIFTY MILLION DOLLAR (\$50,000,000) LINE OF CREDIT, IN ANTICIPATION OF ISSUING BONDS, FOR THE CONSTRUCTION OF AND/OR IMPROVEMENTS TO VARIOUS SEWER AND/OR WATER SYSTEMS SERVING SUSSEX COUNTY, DELAWARE AND THE PAYMENT OF COSTS ASSOCIATED THEREWITH, AUTHORIZING THE ISSUANCE OF SUSSEX COUNTY, DELAWARE PROMISSORY NOTES FOR AMOUNTS BORROWED PURSUANT TO SUCH LINE OF CREDIT, AUTHORIZING A PLEDGE OF THE COUNTY'S FULL FAITH AND CREDIT AND TAXING POWER THEREFOR, AND AUTHORIZING ALL OTHER ACTION NECESSARY OR DESIRABLE IN CONNECTION THEREWITH." Motion Adopted: 4 Yea; 1 Absent.

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

Proposed
Resolution

Mr. Jones, Assistant County Attorney read in its entirety a Proposed Resolution entitled "RESOLUTION AUTHORIZING A \$425,000 LINE OF CREDIT WITH THE BANK OF DELAWARE AND THE ISSUANCE OF A SUSSEX COUNTY, DELAWARE PROMISSORY NOTE TO THE BANK OF DELAWARE IN AN AMOUNT NOT TO EXCEED \$425,000

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Proposed
Resolution
(Con't.)

FOR FINANCING FOR THE COUNTY'S SHARE OF EXPENSES INCURRED BY THE STATE OF DELAWARE FOR REPLENISHING THE COASTAL BEACHES WITHIN THE COUNTY, AND TO PAY FOR ADDITIONAL EXPENSES IN CONNECTION WITH SUCH REPLENISHMENT, AND COSTS ASSOCIATED THEREWITH, AND AUTHORIZING ALL OTHER ACTION NECESSARY OR DESIRABLE IN CONNECTION THEREWITH."

M 211 90
Adopt
Resolution
R 16 90
Line of
Credit

A Motion was made by Mr. Cole, seconded by Mr. Dukes to Adopt Resolution No. R 016 90 entitled "RESOLUTION AUTHORIZING A \$425,000 LINE OF CREDIT WITH THE BANK OF DELAWARE AND THE ISSUANCE OF A SUSSEX COUNTY, DELAWARE PROMISSORY NOTE TO THE BANK OF DELAWARE IN AN AMOUNT NOT TO EXCEED \$425,000 FOR FINANCING FOR THE COUNTY'S SHARE OF EXPENSES INCURRED BY THE STATE OF DELAWARE FOR REPLENISHING THE COASTAL BEACHES WITHIN THE COUNTY, AND TO PAY FOR ADDITIONAL EXPENSES IN CONNECTION WITH SUCH REPLENISHMENT, AND COSTS ASSOCIATED THEREWITH, AND AUTHORIZING ALL OTHER ACTION NECESSARY OR DESIRABLE IN CONNECTION THEREWITH". Motion Adopted: 4 Yea; 1 Absent.

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

Long
Neck
Contract

Mr. Wood, County Engineer, and Mr. Neimeyer, Kidde Consultants, discussed the reasons for Amendment No. 3 to the Contract for the Design of the Long Neck Sanitary Sewer District Wastewater Collection Transmission Treatment and Disposal Facilities.

M 212 90
Contract
Amendment
No. 3 -
Long Neck
Sewer

A Motion was made by Mr. Cole, seconded by Mr. Benson, accepting the Kidde Consultants, Inc. Contract Amendment No. 3 for the Long Neck Sanitary Sewer District, based on the increased scope of work and extended time, and the President of the Sussex County Council be authorized to sign the amendment in the amount of \$98,600.00, bringing the total contract for this portion of the work to \$1,990,319.30. Motion Adopted: 4 Yea; 1 Absent.

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

Dagsboro-
Frankford
Sewer
Contract

Mr. Wood, County Engineer, discussed the need for an Amendment to the Contract with George, Miles and Buhr for the Design of the Wastewater Collection Facilities for the Dagsboro-Frankford Sanitary Sewer District.

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Dagsboro-Frankford Sanitary Sewer District (Con't.)

The court decision on litigation, as brought by civil action against the County by the Sandy Beach Property Owners, Assn., et al., prevents the wastewater from the Dagsboro-Frankford Sanitary Sewer District being sprayed on the site that was studied and accepted for use in the Design Contract. Evaluation of other lands must now be done to determine a suitable site. These additional services require an amendment to the present contract. Negotiating land prices and obtaining options for purchase before the actual feasibility studies are begun was discussed. The issue was tabled for discussion at a later time.

Recess

President Stevenson declared a recess at 12:40 p.m.

Reconvene

President Stevenson called the Council back into Session at 1:50 p.m.

Public Hearing
C/U #930

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HUNTING AND FISHING EQUIPMENT DISCOUNT RETAIL STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS" (C/U #930) filed on behalf of Daniel G. McMunn.

M 213 90
Adopt Ordinance
No. 677
(C/U #930)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 677 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HUNTING AND FISHING EQUIPMENT DISCOUNT RETAIL STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS" (C/U #930) filed on behalf of Daniel G. McMunn with the following stipulations:

1. No discharging of firearms allowed on site or in proximity of the site;
2. Site plan shall require review and approval of the Planning and Zoning Commission and appropriate governmental agencies; and
3. There will be no Sunday hours.

Motion Adopted: 4 Yea; 1 Absent.

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

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Findings
of Facts
C/U #930

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been 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.

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

Public
Hearing
C/U #931

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXTENSION TO A MOBILE HOME PARK (LAUREL VILLAGE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 37.95 ACRES, MORE OR LESS" (C/U #931) filed on behalf of Chaski Associates, L.P. The Public Hearing was closed with the understanding that a copy of one (1) letter discussed by the applicant's attorney, concerning water, would be accepted as an exhibit in the record. Action was deferred.

Recess

President Stevenson declared a five (5) minute recess at 3:45 p.m.

Reconvene

Council was called back into session at 3:50 p.m.

Public
Hearing
C/U #932

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF AN EXISTING CERAMIC AND GIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.14 ACRES, MORE OR LESS" (C/U #932) filed on behalf of Louis A. and Sandra L. Rietzow.

M 214 90
Adopt
Ordinance
No. 678
(C/U #932)

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Ordinance No. 678 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF AN EXISTING CERAMIC AND GIFT

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M 214 90
Adopt
Ordinance
No. 678
(C/U #932)
(Con't.)

SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.14 ACRES, MORE OR LESS" (C/U #932) filed on behalf of Louis A. and Sandra L. Rietzow with the following stipulation:

1. The Conditional Use applies to the two (2) present shops as identified on the site plan, as well as the 36 x 64 proposed addition to be added.

Motion Adopted: 4 Yea; 1 Absent.

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

Findings
of Facts
C/U #932

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been 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.

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

Public
Hearing
C/Z #1062

A Public Hearing was held on 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 1.01 ACRES, MORE OR LESS" (C/Z #1062) filed on behalf of James L. Moses.

M 215 90
Adopt
Ordinance
No. 679
(C/Z #1062)

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to Adopt Ordinance No. 679 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 1.01 ACRES, MORE OR LESS" (C/Z #1062) filed on behalf of James L. Moses.
Motion Adopted: 3 Yea; 1 Nay; 1 Absent.

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

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Findings
of Facts
C/Z #1062

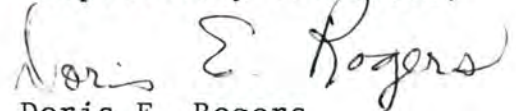
The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings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

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County and the proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County. There are other commercially-zoned parcels in the immediate area.

M 216 90
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to adjourn at 4:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council