

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 26, 1994

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, April 26, 1994, 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 164 94      A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Approve      approve the minutes of the previous meeting dated April 19, 1994. Minutes      Motion Adopted by Voice Vote.

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

PAT S. CANZANO, DELAWARE SOLID WASTE AUTHORITY, DOVER, DELAWARE.  
RE: Delaware Solid Waste Authority notice urging all persons using the disposal facilities to take care to cover or secure waste materials being transported.

SHARON ADAMS AND ILEANA SMITH, DELAWARE TECHNICAL & COMMUNITY COLLEGE, GEORGETOWN, DELAWARE.  
RE: Appreciation for Council's contribution to the Second Annual Sussex County Science Fair.

M 165 94      A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Executive      that the Sussex County Council authorizes an Executive Session Session      to be held in Council Chambers immediately following the regularly scheduled Council meeting of April 26, 1994, to discuss personnel matters.

Motion Adopted: 5 Yea.

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

Sussex      Ellen Magee and Ralph Jefferson were present to acquaint County      Council with the Sussex County Volunteer Firemen's Association Volunteer      Public Safety Program. Delaware is the only state which has a Firemen's      comprehensive fire prevention program for children in kindergarten Association-      through eighth grade. The new program will target pre-school children; the first such program in the State. The Sussex Public      County Volunteer Firemen's Association Ladies Auxiliary is Safety      spearheading this program. Appreciation was expressed to Program      Council for the funding which makes these programs possible.

Request for Funding Ms. Judy Diogo, Executive Director, Chamber of Commerce for Greater Milford, was in attendance to request funding for the 16th Annual World Championship Weakfish Tournament to be held May 31 through June 4, 1994.

M 166 94 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$900.00 (\$300.00 from Mr. Benson's, Mr. Stevenson's and Mr. Dukes' Councilmanic Accounts) to the Chamber of Commerce for Greater Milford for the 16th Annual World Championship Weakfish Tournament.

Motion Adopted: 5 Yea.

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

South Coastal Library, Inc. Mr. Stickels, County Administrator, discussed the Agreement between the Friends of the South Coastal Library, Inc. and the Sussex County Council. In accordance with the Agreement, the Friends of the South Coastal Library have granted and conveyed the completed library building to the County. Mr. Stickels advised that under the Agreement, the County is required to pay the Friends the sum of \$1.00 (one dollar) for good consideration. Mr. Dukes presented to Betsy Baxter, President of the Friends of the South Coastal Library, Inc., \$1.00 (one dollar).

Legislative Request Mr. Stickels, County Administrator, discussed four pieces of legislation which he requested permission to lobby for, as follows:

1. AN ACT TO AMEND CHAPTER 70 OF TITLE 9 OF THE DELAWARE CODE RELATING TO THE LIMITATION ON SUSSEX COUNTY IN THE PROCUREMENT OF SERVICES AND SUPPLIES

This Act permits the Director of Finance for Sussex County to procure services or supplies up to \$10,000.00 without the necessity for public bidding and publication.

2. AN ACT TO AMEND SUBCHAPTER I, CHAPTER 69 OF TITLE 29 OF THE DELAWARE CODE RELATING TO THE RENTAL AND PURCHASE OF MOTOR VEHICLES AND EXCEPTIONS THERETO

This Act exempts from the public bid requirements the acquisition of motor vehicles for Sussex County.

3. AN ACT TO AMEND CHAPTER 86 OF TITLE 9 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES AND PROVIDING FOR AN ADDITIONAL PENALTY OF 5 PERCENT ON THE TAXES DUE FOR THE CURRENT YEAR TO BE ASSESSED BY SUSSEX COUNTY

Legis-  
lative  
Request  
(con't)

This Act authorizes the Director of Finance of Sussex County to charge an additional 5 percent penalty for county taxes not paid by September 30 of the current tax year.

4. AN ACT TO AMEND CHAPTER 87 OF TITLE 9 OF THE DELAWARE CODE RELATING TO COLLECTION OF DELINQUENT TAXES AND PROVIDING FOR ATTORNEY FEES INCURRED BY SUSSEX COUNTY TO BE TAXED IN ALL PROCEEDINGS UNDER SUBCHAPTER II THEREOF

This Act authorizes Sussex County to collect attorney's fees incurred by the County in connection with monition sales.

It was the consensus of Council that Mr. Stickels lobby for numbers 1, 2 and 4, as listed above.

Adminis-  
trator's  
Report

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

1. NACo Legislative Bulletin

Mr. Stickels received notification from the National Association of Counties that the U. S. House of Representatives passed the Crime Bill by a vote of 285 to 141 on Thursday, April 21, 1994. Mr. Stickels had received notification from NACo prior to the vote that there was an attempt to delete the \$6.9 billion prevention package from this legislation. This funding is where the County and the State are attempting to get funds to help pay for additional police in Sussex County. Mr. Stickels notified Congressman Castle that the County supports the \$6.9 billion funding.

Action now shifts to a House-Senate conference. The bill that passed the House of Representatives and the Senate version will have to be compromised. Mr. Stickels will continue to monitor this important Federal legislation.

2. Delaware Development Grant

Mr. Stickels received notification from Frank Calio, Director of Economic Development and Industrial Park Operations, that the State of Delaware has awarded the Sussex County Industrial Park \$172,000. Ninety thousand dollars of the grant will be used towards the purchase of a generator at the Park. The County will contribute an additional \$30,000 for the project. The County Council had approved the County's portion in the FY '94 budget.

The remaining \$82,000 will be used to replace 28 fire hydrants in the Industrial Park area. The proposed

Adminis-  
trator's  
Report  
(con't)

FY '95 budget will contain a contribution of \$26,500 to upgrade the fire water pumps. Mr. Stickels has been informed that the 28 hydrants that were purchased over 25 years ago were already discontinued models when the County purchased them. The County has been unable to obtain parts for needed repairs.

The \$172,000 that has been awarded at this time complements the \$150,000 the County had received previously to upgrade the water system.

3. Road Naming Workshop

There will be a public workshop for the Roads Renaming Project on Thursday, May 5, 1994, at 7:00 p.m. at the Delmar Fire Department. This meeting will be to receive public input on the adoption of road names for rural Sussex County in the Delmar Fire District area.

4. David Brian Eskridge

I regret to inform Council of the passing of Paramedic Brian Eskridge. He died on Monday in Fairfax, Virginia, following a short battle with cancer.

David Brian Eskridge, age 32, came to Sussex County in October 1993. Brian was an active member of the Greater Manassas Volunteer Rescue Squad in Manassas, Virginia, for eight years. During that period, he held the positions of Crew Leader and Lieutenant. He was active in the training of junior members. He was a Cardiac Technician (CT) Advanced Life Support provider for six years and was upgraded to Nationally Registered Paramedic through George Washington University in 1992.

Prior to his employment with Sussex County, Brian was an Emergency Room Technician at Prince William Hospital in Manassas. He resided in the City of Manassas with his family for most of his life.

Open  
Bank  
Account

Mr. Baker, Finance Director, recommended to Council that an account entitled "West Rehoboth Sewer Construction Account" be established with Wilmington Trust Company. This account would be used to pay project costs for the West Rehoboth sewer project after proceeds from the revenue bonds are spent. Funds will be deposited to this account from the SRF loan, the RDA loan and the line of credit.

M 167 94  
Adopt  
Resolu-  
tion No.  
R 016 94

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 016 94 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESI-

M 167 94 DENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY  
(con't) BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR  
WITHDRAWAL".

Motion Adopted: 5 Yea.

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

Contract #1 Mr. Green, Director of Utility Construction, discussed  
Change Order No. 2, for the West Rehoboth Expansion of the  
Dewey Beach Sanitary Sewer District, Contract No. 1, to Teal  
Order #2 Construction, Inc. This change order is necessary to avoid  
West a conflict with DelDOT's proposed paving schedule. Mr. Green  
Rehoboth noted that Change Order No. 1 is still pending.

M 168 94 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,  
Issue based on the recommendation of the Inspection Engineer, George,  
Change Miles & Buhr, and the Sussex County Engineering Department,  
Order #2 that the Sussex County Council authorizes the President of the  
Contract Sussex County Council to issue Change Order No. 2, for the  
#1 West Rehoboth Expansion of the Dewey Beach Sanitary Sewer  
District, Contract No. 1, to Teal Construction, Inc., for  
Rehoboth mobilization cost as a result of installing an 8" gravity  
sanitary sewer between Manhole 414 and 919 under Contract No.  
1 (previously proposed for Contract No. 9) to avoid a conflict  
with DelDOT's proposed paving schedule, for an amount of  
\$15,000.00, increasing this contract amount to \$701,300.75.

Motion Adopted: 5 Yea.

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

C/U Conditional Use No. 1069 entitled "AN ORDINANCE TO GRANT A  
#1069 CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL  
DISTRICT FOR A PRIVATE AIRCRAFT LANDING STRIP TO BE LOCATED  
ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUN-  
DRED, SUSSEX COUNTY, CONTAINING 70.60 ACRES, MORE OR LESS",  
filed on behalf of Ronald B. and Linda Tower Pevey, was  
discussed. A Public Hearing was held on this application  
on April 12, 1994, at which time action was deferred.

M 169 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
Adopt to Adopt Ordinance No. 965 entitled "AN ORDINANCE TO GRANT  
Ordinance A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL  
No. 965 DISTRICT FOR A PRIVATE AIRCRAFT LANDING STRIP TO BE LOCATED  
ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUN-  
DRED, SUSSEX COUNTY, CONTAINING 70.60 ACRES, MORE OR LESS",  
(Conditional Use No. 1069) filed on behalf of Ronald B. and  
Linda Tower Pevey, subject to the following stipulations:

M 169 94  
(con't)

1. The owner shall obtain such approvals from the FAA as are required prior to commencement of the use.
2. The use shall be limited to a private VFR daylight landing strip for aerial spraying and the personal use of the owner.
3. There shall be no more than three aircraft on site at any time.
4. Fuel may only be utilized for the spraying operation or personal use of the owner.
5. Only maintenance of the owners' aircraft shall be permitted.
6. Chemical storage, preparation and washing of aircraft shall comply with the regulations of EPA, the Department of Agriculture, the State DNREC, and Office of the State Fire Marshal, including 40 CFR, Part 165, when implemented. The owner shall construct a pesticide containment structure (rinse pad) in accordance with standards contained in 40 CFR, Part 165, Standards for Pesticide Containers and Containment.
7. No aerial advertising or banner operations shall be permitted.
8. The area to be considered for the Conditional Use shall be reduced to an area including the lot containing the dwelling house, garage, and hangar building, and an acre 275 feet wide along the northerly portion of the acreage.
9. The site plan shall be subject to review and approval of the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Abstention.

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

Mr. Cole abstained due to the fact that he was not present during the Public Hearing.

Findings  
of Fact

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

1. The applicant established by clear and convincing evidence that the proposed use is necessary to meet the continuing needs of Western Sussex County's agricultural activities.

Findings  
of Fact  
(con't)

2. The proposed use, with stipulations and conditions imposed by Council, will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.

C/Z  
#1222

Change of Zone No. 1222 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", filed on behalf of Daniel W. and Ellen M. Magee, was discussed. A Public Hearing was held on this application on April 12, 1994, at which time action was deferred.

M 170 94  
Adopt  
Ordinance  
No. 966

A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt Ordinance No. 966 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.

Motion Adopted: 4 Yea, 1 Abstention.

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

Mr. Cole abstained due to the fact that he was not present during the Public Hearing.

Findings  
of Fact

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

1. The applicant established by substantial evidence that the proposed change of zone involves a site historically devoted to commercial and warehousing activity and the change of zone will bring the property into zoning conformity. Its new classification will be consistent with neighboring properties and will have no adverse impact whatsoever.
2. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Proposed Ordinance Mr. Dukes introduced a 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.80 ACRES, MORE OR LESS" (Change of Zone No. 1231) filed on behalf of David A. Shevock. The Proposed Ordinance will be advertised for Public Hearing.

M 171 94 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$200.00 from Mr. Cole's Councilmanic Account to the City of Rehoboth Beach for the Hospitality Seminar.

Motion Adopted: 5 Yea.

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

M 172 94 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$600.00, \$400.00 from Mr. Dukes' Councilmanic Account and \$200.00 from Mr. Stevenson's Councilmanic Account to the Greater Seaford Chamber of Commerce for Project 13.

Motion Adopted: 5 Yea.

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

M 173 94 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$500.00 from Mr. Benson's Councilmanic Account to the Lewes Fire Department, Inc. to help offset the cost of the 65th Annual Delmarva Firemen's Association Convention.

Motion Adopted: 5 Yea.

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

M 174 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$300.00, \$150.00 from Mr. Collins' Councilmanic Account and \$150.00 from Mr. Dukes' Councilmanic Account, to the Laurel Alumni Association, Inc. for scholarship awards.

Motion Adopted: 5 Yea.

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

M 175 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Council- to give \$350.00 from Mr. Collins' Councilmanic Account to the manic Frankford Public Library to help pay for work that needs to Grant be done to correct a drainage problem.

Motion Adopted: 5 Yea.

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

M 176 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Council- to give \$300.00 from Mr. Dukes' Councilmanic Account to the manic Seaford School District for three students attending the NASC Grant National Conference (\$100.00 for each student).

Motion Adopted: 5 Yea.

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

M 177 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Council- give \$1,000.00 from Mr. Dukes' Councilmanic Account to the manic Nanticoke Little League for 1994 operating expenses. Grant

Motion Adopted: 5 Yea.

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

M 178 94 A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adjourn adjourn at 11:25 a.m. Motion Adopted by Voice Vote.

Executive An Executive Session was held immediately following the regular Session meeting for the purpose of discussing personnel matters.

Respectfully submitted.



Robin A. Griffith  
Clerk of the County Council