

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 29, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, April 29, 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.

M 184 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Agenda approve the Agenda, with the following amendment:

1. Strike "Community Action Month" and replace with "Community Action Week".

Motion Adopted: 5 Yea.

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

M 185 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes approve the minutes of the previous meeting, dated April 22, 1997, with the following amendment:

Page 2, Paragraph 6, Line 8 - Insert "multi-sectional" following "single-wide".

Motion Adopted: 5 Yea.

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

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

STATE OF DELAWARE, DELAWARE STATE HOUSING AUTHORITY, DOVER, DELAWARE.

RE: Notice of Public Hearings on the Draft Delaware Consolidated Plan for FY '97.

THE FRIENDS OF THE MILTON PUBLIC LIBRARY, MILTON, DELAWARE.
RE: Invitation to attend "Another Evening of Art" with Julie Baxendell at the Milton Public Library on May 9, 1997.

Corre- HUDSON HOMES OF REHOBOTH BEACH, REHOBOTH BEACH, DELAWARE.
spondence RE: Letter commending County employees involved in the building
(con't) permit process.

PHILLIP J. ANTHONY, CONSTRUCTION MANAGER, SEA COLONY DEVELOP-
MENT CORPORATION, INC., BETHANY BEACH, DELAWARE.
RE: Letter commending County employee Bud Rickards and other
County employees involved in the building permit process.

DAWN WRIGHT, DELMAR, DELAWARE.
RE: Letter in appreciation of Mr. Collins' Councilmanic Grant.

CHRISTY VANDERWENDE, WOODBRIDGE SENIOR HIGH SCHOOL, BRIDGEVILLE,
DELAWARE.
RE: Letter in appreciation of Mr. Jones' Councilmanic Grant.

BETTY SHOEMAKER, SEAFORD, DELAWARE.
RE: Letter regarding an article in the Wilmington News Journal
entitled "Savings could be considerable from trash districts."

M 186 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF APRIL
Procla- 28, 1997, THROUGH MAY 2, 1997, AS 'FAIR HOUSING WEEK' IN SUSSEX
mation/ COUNTY, DELAWARE".
Fair
Housing Motion Adopted: 5 Yea.
Week

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

M 187 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF MAY 4,
Procla- 1997, THROUGH MAY 10, 1997, AS 'COMMUNITY ACTION WEEK' IN SUSSEX
mation/ COUNTY, DELAWARE".
Com-
munity Motion Adopted: 5 Yea.
Action
Week

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

M 188 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Adopt the Proclamation entitled "PROCLAIMING FRIDAY, MAY 9,
Procla- 1997, AS A DAY TO HONOR JOHN S. LOVE".
mation/
Honoring Motion Adopted: 5 Yea.
John S.
Love

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

Proposed
Legis-
lation/
911-
Enhanced
Emergency
Number
Service

Mr. Magee, State Fire Prevention Commissioner, and Mr. Youcum, First Vice President of Sussex County Firemen's Association, were in attendance to request Council's support for legislation entitled "AN ACT TO AMEND CHAPTER 100, TITLE 16 OF THE DELAWARE CODE RELATING TO 911-ENHANCED EMERGENCY NUMBER SERVICE". This act would ensure that "911" remains as the only emergency number within the State and that no other three digit number could be assigned in the future regardless of the intended purpose. This bill would not apply to those "N11" numbers already assigned within the State or those assigned in the future under authority of the Federal Communications Commission.

M 189 97
Endorse
Legis-
lation/
911-
Enhanced
Emergency
Number
Service

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Council, having met in public session, endorses the proposed legislation establishing "911" as the only emergency number and the only three digit number in the State of Delaware.

Motion Adopted: 5 Yea.

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

Town of
Bridge-
ville/
Town of
Milton/
Requests

Mr. Stickels, County Administrator, advised Council of a request from the Town of Bridgeville and a request from the Town of Milton that Sussex County enforce building code requirements within their town limits, including all commercial, single and multi-family dwellings. The Town of Milton has asked for this service on a temporary basis, until such time as they replace their Building Inspector.

M 190 97
Authorize
Building
Code
Inspect-
ions for
Towns of
Bridge-
ville
and
Milton

A Motion was made by Mr. Collins, seconded by Mr. Jones, that the Sussex County Council authorizes the Building Code Department to do inspection and plan review for single family, multi-family and commercial buildings as requested by the Town Councils of Bridgeville and Milton, effective June 1, 1997.

Motion Adopted: 5 Yea.

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

Executive
Session

Mr. Stickels, County Administrator, addressed the agenda item entitled "Request for Executive Session" advising that the matter has been resolved and an Executive Session is no longer necessary.

Presen-
tation

Mr. Dukes presented to William H. Stevenson, IV, Emergency Medical Services Director, a Certificate of Appreciation and a Medal Board in recognition of his service to the County from July, 1990 through April, 1997. Mr. Stevenson has accepted the position of Emergency Medical Services Director for the State of Delaware; his last day of employment with the County will be April 30, 1997.

Adminis-
trator's
Report

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

1. Annual Hurricane Workshop

The Sussex County Emergency Preparedness Office, in cooperation with the Delaware National Guard, will be hosting the annual Hurricane Workshop on May 21, 1997, at the National Guard facility in Bethany Beach. The theme of this year's workshop will be encouraging communication between local communities in Delaware and Maryland. This year's speakers include Paul Whitten, South Carolina Emergency Preparedness; Karen Wagley, Omslow County, North Carolina; and a representative of the fire service from Wrightsville Beach, North Carolina. Ms. Wagley was a keynote speaker at the National Hurricane Conference this year in Houston, Texas. Invitations for this conference will be sent out next week.

2. Legal Notice

The Department of Natural Resources and Environmental Control, Division of Air and Waste Management, Air Quality Management Section, will be conducting a public hearing on an application filed by Tilcon Delaware, Inc., to construct and operate a 400-ton-per-hour asphalt concrete plant in Georgetown, Delaware. The hearing will take place on Wednesday, May 7, 1997, beginning at 6:30 p.m., at Delaware Technical & Community College, Lecture Hall, Jack F. Owens Campus, Georgetown, Delaware.

3. Memorial Day Parade

Virgil Wilson VFW Post 4961; American Legion Post 6; Prattis-DeShields American Legion Post 37; Chapter 9, Disabled American Veterans; and Detachment 780, Marine Corps League will be presenting Memorial Day services this year on May 26 at 9:45 a.m., with services at the Memorial Monument in Seaford, Delaware, at 10:30 a.m.

4. Director of Emergency Operations

Please be advised that Mr. Joseph L. Thomas has been named Director of Emergency Operations for Sussex County. Mr. Thomas has been employed with the County

Adminis-
trator's
Report
(con't)

since December of 1986, starting as an Emergency Communications Specialist. In March of 1993 he was promoted to Computer-Aided Dispatch Supervisor. In December of 1993 he was promoted to Assistant Chief Dispatcher and in April 1995 was named Acting Chief Dispatcher.

Mr. Thomas graduated from Woodbridge High School and has attended Delaware Technical & Community College. His professional education includes numerous emergency medical dispatching programs, telecommunications for the deaf, quality improvements, and computer information systems.

Mr. Thomas currently serves on the State Emergency Response Committee's Hazardous Material Information Management Committee; State Office of Information Services, Office of Telecommunications Management, 800 Megahertz Project Committee; and State 911 Users Group. Mr. Thomas was honored in 1984 with two lifesaving awards from the Bridgeville Volunteer Fire Company and was named 1988 Fireman of the Year, Station 72, Bridgeville Volunteer Fire Company. He was also honored in 1988 for the most ambulance runs with Station 72, Bridgeville Volunteer Fire Company, and in 1993 as Delaware Emergency Medical Services Advisory Council Public Safety Officer of the Year.

Mr. Thomas currently lives in Laurel with his wife Brenda and four children.

5. Extended Hours

A reminder that effective May 7, 1997, County offices will have extended hours on Wednesdays. Offices will open at 7:30 a.m. and close at 7:30 p.m. Offices that will be available to the public include Building Code, Assessment, Planning and Zoning, Utility Billing Division, Treasury Division, Clerk of the Peace, and Recorder of Deeds. The services those departments provide, including building permits, will be available. In addition to the regularly scheduled hours, and as has always been the practice, the County Administrator, Finance Director, and County Engineer are available upon appointment.

Lease
Agree-
ment/
Para-
medic
Station

Mr. Stevenson, Emergency Medical Services Director, presented for Council's approval a Lease Agreement between Sussex County and Lincoln Community Hall, Inc. for Paramedic Station 101. The term of the lease is July 1, 1997 through June 30, 1998. Mr. Stevenson noted that this is a renewal of an existing lease and the terms remain the same.

M 191 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, that Authorize the Sussex County Council authorizes a Lease Agreement between Lease Sussex County and Lincoln Community Hall, Inc. for Paramedic Agree- Station 101.

ment/
Para- Motion Adopted: 5 Yea.

medic Station 101 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Walker Mr. Izzo, County Engineer, discussed a balancing change order Mill to close out the contract with Tidewater Utilities for Sussex County Project No. 89-12, Walker Mill Central Water System.

M 192 97 A Motion was made by Mr. Cole, seconded by Mr. Collins, based Approve upon the recommendation of the Sussex County Engineering Depart- Balancing ment, that a balancing change order for Sussex County Project Change Order/ No. 89-12, Walker Mill Central Water System, be approved, which Walker Mill alters the contract quantities but not the contract amount, and Central further that the final invoice be processed for payment as all Water System contractual requirements have been met.

System Motion Adopted: 5 Yea.

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

Laurel Mr. McCabe, Project Engineer, discussed a balancing change Landfill order for and Substantial Completion of Sussex County Project No. 96-11, Laurel Landfill Site Care.

M 193 97 A Motion was made by Mr. Collins, seconded by Mr. Cole, based Approve upon the recommendation of the Sussex County Engineering Depart- Balancing ment, that Change Order No. 1 be accepted in the amount of Change \$11,847.50, changing the contract price to \$86,776.38, and fur- Order/ ther; that Substantial Completion be granted to the contractor, Grant Edward J. Kaye Construction, Inc., effective March 28, 1997, for Sub- Sussex county Project No. 96-11, Laurel Landfill Site Care.

stantial Motion Adopted: 5 Yea.

Comple- tion/
Laurel Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Landfill Mr. Jones, Yea; Mr. Collins, Yea;
Site Care Mr. Dukes, Yea

Bid Mr. McCabe, Project Engineer, reported that a bid opening was Recom- held on April 25, 1997, for Sussex County Project No. 96-10, mendation Sussex County Parking Facility No. 2. Bid results were as follows:

Bid Recommendation for Parking Facility No. 2 (con't)	Contractor	Bid Amount
	A. P. Croll and Sons, Inc. Georgetown, Delaware	\$ 83,159.00
	P & A Engineering, Inc. Delmar, Delaware	\$ 86,040.00
	Melvin Joseph Construction Co., Inc. Georgetown, Delaware	\$ 96,301.00
	Sparr Associates, Inc. Salisbury, Maryland	\$100,610.00

Mr. McCabe advised that the Engineering Department recommends awarding the contract to A. P. Croll and Sons, Inc., at a cost of \$83,159.00.

M 194 97 Award Contract/ Parking Facility No. 2
 A Motion was made by Mr. Jones, seconded by Mr. Collins, based on the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 96-10, Sussex County Parking Facility No. 2, be awarded to A. P. Croll and Sons, Inc. at a cost of \$83,159.00.

Motion Adopted: 5 Yea.

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

M 195 97 Councilmanic Grant
 A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$400.00 from Mr. Collins' Councilmanic Account to the Greater Millsboro Chamber of Commerce for the annual Big Thursday Festival and Car Show.

Motion Adopted: 5 Yea.

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

M 196 97 Councilmanic Grant
 A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$750.00, \$500.00 from Mr. Dukes' Councilmanic Account and \$250.00 from Mr. Collins' Councilmanic Account, to the Laurel Chamber of Commerce for the 3rd Annual Independence Day Celebration.

Motion Adopted: 5 Yea.

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

M 197 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Collins, to give \$500.00 from Mr. Dukes' Councilmanic Account to the Christian Fellowship Softball League 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 198 97 Councilmanic Grant A Motion was made by Mr. Jones, seconded by Mr. Collins, to give \$100.00 from Mr. Dukes' Councilmanic Account to the Town of Laurel for the annual 4th of July fireworks display.

Motion Adopted: 5 Yea.

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

M 199 97 Recess At 11:15 a.m., a Motion was made by Mr. Jones, seconded by Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:33 p.m.

Public Hearing (C/U No. 1177) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES NOT EXCEEDING 25 UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.08 ACRES, MORE OR LESS" (Conditional Use No. 1177) filed on behalf of Bertie E. Dawson, c/o Col. Richard A. Dawson. Public comments were heard in support of and in opposition to this application. The Public Hearing was closed; however, the record will remain open until May 29, 1997, for written comments. Action was deferred for the purpose of obtaining additional information.

Public Hearing (C/Z No. 1294) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20,000 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1294) filed on behalf of Robert J. Ames. There were no public comments in support of or in opposition to this application. The Public Hearing was closed.

M 200 97 Adopt Ordinance No. 1132 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1132 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR

M 200 97 (con't) A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20,000 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1294) filed on behalf of Robert J. Ames.

Motion Adopted: 5 Yea.

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

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

1. The applicant established by substantial evidence that he intends to change the use of the site from general commercial to general residential to permit him to place new housing units in an area that needs new or renovated housing.
2. The applicant demonstrated that the change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (Minimum Lot Size) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO INCREASE IN CERTAIN ZONING DISTRICTS THE MINIMUM LOT SIZE TO ONE (1) ACRES WHERE A CENTRAL SEWER SYSTEM IS NOT PRESENT". There were no public comments in support of or in opposition to the Proposed Ordinance. The Public Hearing was closed.

M 201 97 Adopt Proposed Ordinance (Denied) A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO INCREASE IN CERTAIN ZONING DISTRICTS THE MINIMUM LOT SIZE TO ONE (1) ACRES WHERE A CENTRAL SEWER SYSTEM IS NOT PRESENT."

Motion Denied: 4 Nay, 1 Yea.

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

Public Hearing (Sun-setting) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED 'SUBDIVISION OF LAND', TO ADD PROVISIONS RELATING TO THE SUNSETTING OF SUBDIVISION APPROVAL". Mr. Stickels, County Administrator, noted that amendments to the body of the Proposed

Public Hearing (con't) Ordinance have been made since its introduction. There were no public comments in support of or in opposition to the Proposed Ordinance. The Public Hearing was closed.

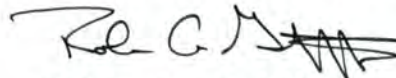
M 202 97 Adopt Ordinance No. 1133 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1133 entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED 'SUBDIVISION OF LAND', TO ADD PROVISIONS RELATING TO THE SUNSETTING OF SUB-DIVISION APPROVAL", as amended.

Motion Adopted: 5 Yea.

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

M 203 97 Adjourn A Motion was made by Mr. Jones, seconded by Mr. Collins, to adjourn at 4:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council