

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 5, 1992

Call to Order The regular meeting of the Sussex County Council was held Tuesday, May 5, 1992, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George B. Cole	Member
George J. Collins	Member
William D. Stevenson, Sr.	Member

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

Absence Mr. Dukes advised that Mr. Benson's absence was due to his being in Baltimore on business.

M 184 92 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to
Approve approve the minutes of the previous meeting dated April 28, 1992.
Minutes Motion Adopted by Voice Vote.

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

MILFORD LIBRARY TRUSTEES, MILFORD
RE: Invitation to attend the Ground Breaking Ceremony for the Milford Public Library.

MILTON PUBLIC LIBRARY, MILTON
RE: Invitation to attend the reception introducing the Library of America Series.

IA CONSTRUCTION CORPORATION, DELMAR, MARYLAND
RE: Expressing appreciation to Bob Green, Bonnie Pride, David Baker, and Robert Stickels.

GEORGE H. BUNTING, JR., STATE REPRESENTATIVE, DOVER
RE: Local government acquisition of two private water companies.

HOPE HALL, SEAFORD CHRISTIAN ACADEMY, SEAFORD
RE: Kadey book and anti-drug abuse program.

SEABREEZE PROPERTY OWNERS ASSOCIATION, INC., REHOBOTH BEACH
RE: Resolution concerning property at 204 Salisbury Street.

U. S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA
RE: Public Notice regarding Delmarva Properties, Incorporated.

Proposed Proclamation Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation designating the week of May 10-16, 1992, as "Emergency Medical Services Week". The purpose of this Proclamation is to recognize all the members of the emergency

Proposed medical services team who devote their lives to saving the lives of others. Bill Stevenson, Sussex County Paramedic Director, was present to accept the Proclamation.
Proclamation (con't)

M 185 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the Proclamation entitled "PROCLAMATION TO DESIGNATE THE WEEK OF MAY 10-16, 1992, AS 'EMERGENCY MEDICAL SERVICES WEEK'".
Adopt Proclamation

Motion Adopted: 4 Yea, 1 Absent.

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

Emergency Medical Services Week To emphasize the importance of community involvement, Emergency Medical Services personnel in Sussex County will sponsor activities with the theme "Emergency Medical Services: It Starts With You". Robert Kerns, Sussex County Paramedic, discussed the activities scheduled for Emergency Medical Services Week.

M 186 92 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to give \$250.00, \$50.00 from each Councilmanic Account, to the Sussex County Stamp Club to help fund the First Annual Stamp Exhibit.
Councilmanic Grant

Motion Adopted: 4 Yea, 1 Absent.

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

Town of Frankford Building Permit Moratorium Mr. Schrader, Assistant County Attorney, informed Council of the findings of his review regarding the imposition of a building permit moratorium for the Town of Frankford. Mr. Schrader advised that the County may impose such a moratorium. Mr. Schrader reviewed the following criteria which must be met by the Sussex County Council and the Town of Frankford so that the power to impose a moratorium may be validly used:

- o It is imposed by the County Council in good faith.
- o It is not discriminatory.
- o It is of limited duration.
- o The purpose is solely to allow the Town of Frankford the opportunity to propose and develop the comprehensive zoning plan.

- o The Town Council is to act promptly to adopt the plan.

M 187 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Town of Sussex County Council, having met in public session, imposes a Frankford building moratorium within the corporate limits of the Town of Building Frankford for new construction, additions, moving of structures Permit into the corporate limits, and moving of structures within the Morator- corporate limits to terminate on September 30, 1992, or upon the ium petition of the Town Council to be removed from the County Council's jurisdiction, whichever comes first.

Motion Adopted: 4 Yea, 1 Absent.

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

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

1. Correspondence - Roll Back Taxes

Included with this report was a copy of a letter from Michael McGrath of the Delaware Agricultural Lands Preservation Foundation. Mr. McGrath has asked that the Finance Director, David Baker, escrow all roll back taxes collected since July 8, 1991, because of a dispute that has surfaced regarding the use of school funding for agricultural lands. Mr. Stickels believes a change will be seen in the State legislation during this session.

2. Recycling Program

Rebecca Layfield, Millsboro, Delaware, and Joann Moore of Milford, Delaware, were the recipients of the two \$50 U. S. Savings Bonds for participating in the Sussex County Council's Recycling Program during the month of April. Eight hundred fifteen people participated in the program during the month. This compares to seven hundred eighty eight for the month of March.

3. Federal Emergency Management Agency Funding

The Engineering Department has received a check in the amount of \$70,836.00. This funding is to pay for approximately 75 percent of the expenses Sussex County incurred because of the January storm. The funding request and actual funds received breakdown is as follows:

Adminis-
trator's
Report
(con't)

	<u>REQUESTED</u>	<u>FUNDED</u>
Airport	\$ 2,500.00	\$ 1,875.00
Dewey	42,861.00	32,145.75
Bethany	8,768.00	6,576.00
South Bethany	24,383.00	18,287.25
Fenwick	7,388.00	5,541.00
SCRWF	3,450.00	2,587.50
SCRWF Equipment	132.00	99.00
EOC	<u>4,966.00</u>	<u>3,724.50</u>
TOTALS	<u>\$94,448.00</u>	<u>\$70,836.00</u>

4. FY '93 Budget

Please be advised that on Tuesday, May 19, 1992, the FY '93 budget recommendations will be made to the County Council. The budget presentation will be part of the normally scheduled meeting to start at 10:00 a.m. A complete budget presentation will be made for the press starting at 8:00 a.m. that morning.

Angola
Central
Water
System

Mr. Izzo, Assistant County Engineer, discussed the Angola Central Water System and the contract with Tidewater Utilities, Inc. for a water service agreement to serve the Angola Groundwater Management Zone. The Angola Groundwater Management Zone was established in compliance with the Memorandum of Understanding between Sussex County and the Delaware Department of Natural Resources and Environmental Control, dated August 9, 1988. Mr. Izzo stated that numerous complaints have been received from residents regarding connection fees as defined by the rate schedule in the contract with Tidewater Utilities Inc., dated November 12, 1991. In light of the fact that the process has taken longer than anticipated, the County is recommending a revision to the rate schedule. Mr. Izzo reviewed the revisions to the rate schedule for the Angola Central Water System, as follows:

Connection Fees

- o Residents having installed wells prior to August 9, 1988, are not subject to a connection fee.
- o Residents having conditional permits for wells installed after August 9, 1988, shall pay a \$400.00 connection fee.
- o Residents with conditional well permits, whose wells have not been installed, shall pay a \$1,200.00 connection fee.
- o All future residents shall pay a \$1,200.00 connection fee.

M 188 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon
Angola the recommendation of the Sussex County Engineering Department,
Central that the President of the Sussex County Council be authorized to
Water execute Amendment No. 1 with Tidewater Utilities, Inc. for the
System contract to service the Angola Central Water System originally
executed November 12, 1991.

Motion Adopted: 4 Yea, 1 Absent.

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

Amend Mr. Green, Director of Utility Construction, requested permission
Agenda to amend the Agenda regarding Sussex County Project #81-04. Mr.
Green asked that the Beneficial Acceptance be changed to
Conditional Acceptance for Ocean Way Estates, Agreement No. 58,
and Pumping Station 100, Agreement No. 98. It was the consensus
of Council to permit this change upon the condition that the
Conditional Acceptances would not be authorized until insurance
is obtained.

Bethany Mr. Green, Director of Utility Construction, reviewed the
Beach Conditional Acceptance for the wastewater facilities constructed
SSD in Ocean Way Estates located in the Bethany Beach Sanitary Sewer
District.

M 189 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, based
Bethany upon the recommendation of the Inspection Engineer, KCI
Beach Technologies, Inc., for Sussex County Project No. 81-04, that
SSD the Sussex County Council grant Conditional Acceptance, effective
Ocean Way May 12, 1992, for the wastewater facilities constructed in Ocean
Estates Way Estates, located in the Bethany Beach Sanitary Sewer
District.

Motion Adopted: 4 Yea; 1 Absent.

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

Bethany Mr. Green, Director of Utility Construction, reviewed the
Beach Conditional Acceptance for the wastewater facilities constructed
SSD in Pumping Station 100 located in the Bethany Beach Sanitary
Sewer District.

M 190 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, based on
Bethany the recommendation of the Inspection Engineer, KCI Technologies,
Beach Inc. for Sussex County Project No. 81-04, that the Sussex County
SSD Council grant Conditional Acceptance, effective May 12, 1992,
Pumping for the wastewater facilities constructed in "Pumping Station
Station 100", located in the Bethany Beach Sanitary Sewer District.
100

Motion Adopted: 4 Yea, 1 Absent.

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

C/Z Change of Zone No. 1147, filed on behalf of Glenn M. Gray, Executor
#1147 of the Estate of Madison M. Gray, was discussed. A Public Hearing
was held before the Council on January 7, 1992, at which time
action was deferred.

M 191 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt
Adopt Ordinance No. 826 entitled "AN ORDINANCE TO AMEND THE COMPREHEN-
Ordinance SIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL
No. 826 RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A
C/Z CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,
#1147 SUSSEX COUNTY, CONTAINING 3.95 ACRES, MORE OR LESS" (C/Z #1147)
filed on behalf of Glenn M. Gray, Executor of the Estate of
Madison M. Gray.

Motion Adopted: 4 Yea, 1 Absent.

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

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

1. The applicant established by substantial evidence that the site is surrounded by commercial activity and that the proposed change of zone will not adversely affect the neighborhood, property values therein, traffic or the environment in the area.
2. The proposed change is consistent with the Coastal Land Use Plan and the site is designated as a commercial center therein.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Bid
Opening
Taxiway
16-34

Mr. Stickels, County Administrator, advised Council of the Bid Opening held at 8:30 a.m. on May 5, 1992, for the overlay of Taxiway 16-34 and culvert repair. The funding for this project has been made available by the Delaware Department of Transportation and the Delaware Development Office in the amount of \$225,000. The Engineer's estimate for this project is \$207,000. As a result of the Bid Opening, the apparent low bidder is A. P. Croll of Georgetown in the amount of \$162,000. Bids will be reviewed for a recommendation to Council on May 12, 1992.

Proposed
Ordinance

Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 20,075.19 SQUARE FEET, MORE OR LESS" (C/Z #1164) filed on behalf of Bennie Smith Funeral Home. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Stevenson introduced 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.80 ACRES, MORE OR LESS" (C/Z #1165) filed on behalf of T. S. Smith & Sons, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Collins introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FOURTEEN LOT ADDITION TO AN EXISTING MANUFACTURED HOME PARK (FISH HOOK) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.18 ACRES, MORE OR LESS" (C/U #1006) filed on behalf of Briggs Enterprises, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Stevenson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CRAB POT FLOATS, CRAFTS, AND TWO MULTI-FAMILY DWELLING UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.93 ACRES, MORE OR LESS (C/U #1007) filed on behalf of Hugh and Tina McBride. The Proposed Ordinance will be advertised for Public Hearing.

M 192 92
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$1,000.00, \$200.00 from each Councilmanic Account, to the National Federation of the Blind of Delaware, Sussex Chapter, to help fund attendance at the Annual NFB Convention.

M 192 92 Motion Adopted: 4 Yea, 1 Absent.
(con't)

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

M 193 92 A Motion was made by Mr. Collins, seconded by Mr. Cole, to give
Council- \$250.00 from Mr. Collins' Councilmanic Account to the Town of
manic Frankford to help fund the building of a new pavilion in the
Grant Town Park.

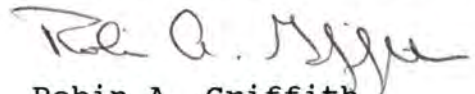
Motion Adopted: 4 Yea, 1 Absent.

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

Citizen Ms. Shirley Wilson appeared before Council concerning the lack
Concern of available space for used manufactured homes.

M 194 92 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to
Adjourn adjourn at 11:35 a.m.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council