

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 9, 1995

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, May 9, 1995, 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 201 95      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve      approve the minutes of the previous meeting dated May 2, 1995. Minutes      Motion Adopted by Voice Vote.

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

AMANDA STEEN, MAYOR, TOWN OF DAGSBORO, DAGSBORO, DELAWARE.  
RE: Letter commending Holly Webb and her constituents at the Piney Neck Wastewater Facility for an outstanding job following the recent fuel oil spill.

THE HONORABLE GEORGE H. BUNTING, JR., HOUSE OF REPRESENTATIVES, DOVER, DELAWARE.

RE: Letter in appreciation of the County's work in expediting the clean-up of the Bertrand property in Roxana.

Proposed      Mr. Stickels, County Administrator, read in its entirety a Procla-      Proposed Proclamation entitled "PROCLAIMING MAY, 1995, IN mation      RECOGNITION OF DR. FRANK SHAVLIK FOR TWENTY YEARS OF DEDICATED SERVICE TO THE RESIDENTS OF SUSSEX COUNTY AS EXECUTIVE DIRECTOR OF PEOPLE'S PLACE II".

M 202 95      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt      Adopt the Proclamation entitled "PROCLAIMING MAY, 1995, IN Procla-      RECOGNITION OF DR. FRANK SHAVLIK FOR TWENTY YEARS OF DEDICATED mation      SERVICE TO THE RESIDENTS OF SUSSEX COUNTY AS EXECUTIVE DIRECTOR Recogn-      OF PEOPLE'S PLACE II". izing

Dr.      Motion Adopted: 5 Yea.

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

Mr. Dukes presented the Proclamation to Dr. Shavlik.

Adminis-  
trator's  
Report

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

1. Division of Historical and Cultural Affairs

The Sussex County Assessment Office has been awarded a grant in the amount of \$1,900.00 from the Delaware Bureau of Archives and Records Management. This funding will be used to purchase two roll film storage cabinets. A total of 45 applications, requesting an aggregate amount of \$82,464.00, were received from 35 individual local governments. All applications were reviewed and evaluated by the Delaware Local Records Commission at its meeting on April 12. The Commission recommended awards to 32 individual local governments totalling \$38,282.00.

2. Moody's Investors Service General Obligation Bond Rating

Moody's Investors Service has recently completed a review of the Sussex County Council's 1993 General Obligation Bonds. Upon completion of the review, the Rating Committee has confirmed that the County has received an A 1 rating. The continuation of an A 1 rating is a result of the County's strong financial position at this time. Rating agencies are reviewing many county outstanding obligations as a result of Orange County, California's recent default.

3. Delaware Water Pollution Control Revolving Fund

Included with this report is the State of Delaware Department of Natural Resources and Environmental Control Project Priority List for FY '96 for Delaware Water Pollution Control funding. The first five projects listed on the statewide priority list are Sussex County projects.

4. EMS Week Activities

National Emergency Medical Services (EMS) Week is recognized this year from May 14 through May 20. This year's theme for EMS Week is "We're Here for Life". The theme recognizes that the contributions of those who provide emergency medical services are measured in lives saved and reduced suffering.

**EMS WEEK ACTIVITIES**

There will be public demonstrations of emergency medical services units at locations listed. These demonstrations

Adminis-  
trator's  
Report  
(con't)

will include paramedic units, ambulances, and the State Police helicopter.

May 12 - Jamesway, Georgetown, 12:00 noon to 4:00 p.m.

May 14 - Woolworth's Seaford, 12:00 noon to 4:00 p.m.

May 19 - Ocean Outlets, Rehoboth, 12:00 noon to 4:00 p.m.

May 20 - Milford Memorial Hospital Health Fair, held at Milford High School, 10:00 a.m. to 4:00 p.m.

May 16 - County Council EMS Week Proclamation

May 20 - Annual Sussex County EMS Awards Banquet to recognize achievement and contribution of EMS providers in Sussex County, St. Mark's Parish Hall, Millsboro.

For more information about EMS Week activities in Sussex County, contact the Sussex County EMS-Paramedic Office at 854-5050.

5. FY '96 Budget

The proposed FY '96 budget will be presented to Council on Tuesday, May 16, 1995, at 10:00 a.m. in the Council Chambers. There will be a special press briefing starting at 8:00 a.m. in the Council Chambers on the same date. The press will be given an opportunity at that time to review the entire budget. Public comments will be received on the budget at 10:30 a.m. on June 6, 1995, in Council Chambers.

Sussex  
County  
Airport  
Property  
Line

Mr. Izzo, Director of Public Works, and Mr. Kemp of Adams-Kemp Associates, Inc., discussed the boundary line between Sussex County Airport lands and lands of Ann B. Tyndall. Due to the fact that the actual boundary line is questionable, the County has negotiated a mutually acceptable boundary line with Mrs. Tyndall.

M 203 95  
Execute  
Sussex  
County  
Airport  
Property  
Line  
Agree-  
ment

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, that the President of the Sussex County Council be authorized to execute an Agreement Line Survey Plan, as prepared by Adams-Kemp Associates, Inc., of Georgetown, Delaware, to establish a common boundary line between the Sussex County Airport and the lands now or formerly of Ann B. Tyndall.

Motion Adopted: 5 Yea.

M 203 95 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Final Approval of Airport Master Plan Mr. Izzo, Director of Public Works, discussed the final approval of the Airport Master Plan. At a presentation of the Airport Master Plan during the Council meeting on March 28, 1995, several changes were recommended including the moving of the cost of some capital expenditures from the County's responsibility to private/other's responsibility. Mr. Izzo advised that the Council's recommended changes have been incorporated into the Plan.

M 204 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the joint recommendation of the Sussex County Engineering Department and the Office of Economic Development, that the Master Plan Study for the Sussex County Airport, dated May, 1995, be approved by the Sussex County Council, contingent upon the approval of the Federal Aviation Administration and the State of Delaware, Aeronautics Administration.

Motion Adopted: 4 Yea, 1 Nay.

Motion Adopted: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Nay;  
Mr. Dukes, Yea

Table Agenda Item The agenda item entitled "West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District - Construction Package C - Bid Award" was tabled.

Sussex County Administrative Office Building Project Bid Results Mr. Archut, Director of Planning and Permits, and Mr. Clendaniel of R. Calvin Clendaniel Associates reviewed the bid results for the Sussex County Administrative Office Building Project, as follows:

	<u>BIDDER</u>	<u>BASE BID</u>
	W. B. Venables & Sons, Inc.	\$4,988,000
	J. A. Moore & Sons, Inc.	\$5,235,000
	Bancroft Construction Co.	\$5,497,000
	Richard Y. Johnson & Son, Inc.	\$5,510,000
	Corps Construction Co.	\$5,694,000

The bids will be reviewed for a recommendation. It was requested by Council that the following information be obtained for review prior to the bid award:

- o Unit prices for labor.
- o Warranty of slate shingles and terrazzo floor.

Old Business C/U No. 1105 Conditional Use No. 1105 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCKING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.42 ACRES, MORE OR LESS" filed on behalf of Donald W. O'Neal was discussed. A Public Hearing was held on this application on February 28, 1995, at which time action was deferred.

M 205 95 Adopt Ordinance No. 1024 (C/U No. 1105) A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Ordinance No. 1024 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCKING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.42 ACRES, MORE OR LESS" (Conditional Use No. 1105) filed on behalf of Donald W. O'Neal, with the following stipulations:

1. All truck tractors and trailers shall be placed near the railroad.
2. Temporary tire storage shall be behind the stockade fencing and shall be no higher than the fencing.
3. No mechanical repairs shall be performed on the site.
4. No signage shall be permitted on the site.

Motion Adopted: 3 Yea, 2 Nay.

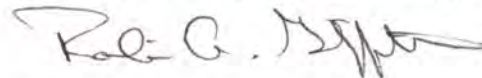
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Nay;  
Mr. Collins, Nay; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

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 substantial evidence that his business is rapidly expanding and exists to serve the local agricultural and poultry industries.
2. The applicant established by substantial evidence that the property is in an area of mixed commercial/residential uses, with substantial other truck and bus traffic. The proposed use, with five or six trailers in use on a daily or near-daily basis, will not have a significant adverse impact on the character of the neighborhood, property values therein, the environment or traffic in the area.
3. The proposed use is consistent with the purposes and goals of the Western Sussex Land Use Plan.

- Findings (con't) 4. The findings of fact and the recommendations of the Planning and Zoning Commission are incorporated herein.
- Funding Requests Mr. Stickels, County Administrator, discussed funding requests from the Alley Cats, an Amateur Softball Association team, and the Delaware Volunteer Firemen's Association. No action was taken on these requests.
- M 206 95 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$1,000.00, \$200.00 from each Councilmanic Account, to the Delaware Senior Olympics for operating expenses.
- Motion Adopted: 5 Yea.
- Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea
- Court Decision Mr. Bayard, County Attorney, reported to Council on the decision of the Court on a series of complaints filed by William S. Green regarding the sewer assessment rates in the Bethany Beach and North Bethany Beach area. Superior Court Judge Terry has upheld Sussex County's sewer assessments and the action has been dismissed.
- M 207 95 Adjourn A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to adjourn at 11:10 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council