

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 9, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 9, 1996, 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 273 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Agenda Adopt the Agenda, as presented. Motion Adopted by Voice Vote.

M 274 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Approve approve the minutes of the previous meeting dated June 25,
Minutes 1996. Motion Adopted by Voice Vote.

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

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Notice of Public Hearing concerning a proposed amendment to Regulation No. 26, MOTOR VEHICLE EMISSION INSPECTION PROGRAM.

CARMEN R. NAZARIO, SECRETARY, DELAWARE HEALTH AND SOCIAL SERVICES, DOVER, DELAWARE.

RE: Letter in response to Mr. Stickels' request for information outlining the number of Hispanic clients served in Sussex County during calendar year 1994.

ANNE P. CANBY, SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, STATE OF DELAWARE, DOVER, DELAWARE.

RE: Letter in response to Mr. Stickels' letter regarding Mr. Vernon Grice's interest in providing additional private transportation services in Sussex County.

ROY F. NICHOLS, JR., PRESIDENT, SUSSEX COUNTY STAMP CLUB, SEAFORD, DELAWARE.

RE: Letter requesting financial assistance for the 5th Annual Stamp Exhibition and Bourse.

WILLIAM V. ROTH, JR., UNITED STATES SENATOR, WASHINGTON, D.C.

RE: Notification of his letter to Martha Farnsworth Riche, Director of the Bureau of Census regarding the process used during the 1990 Census.

Corre-
spondence
(con't) RAMONA ANDERSON, PRESIDENT, UNITED METHODIST WOMEN OF CAREY'S
UNITED METHODIST CHURCH, GEORGETOWN, DELAWARE.
RE: Resolution on Harness Racing and Gambling Apparatus in
Sussex County.

BARBARA A. ELSER, FRANKFORD, DELAWARE.
RE: Letter regarding the effect a harness racing track with
slot machines will have on the community.

GEORGE ROACH, NEWS REPORTER FOR THE DAILY TIMES.
RE: Postcard from the Bosnia and Herzegovina area.

PETER B. JONES, ASSISTANT COUNTY ATTORNEY FOR SUSSEX COUNTY,
GEORGETOWN, DELAWARE.
RE: Letter regarding the Mr. Von Baumgart and Ms. Haase house
in Warwick Park.

Von
Baumgart/
Warwick
Park Mr. Dukes recognized the large number of people present who
wanted to address Council at the end of the meeting under
"Any Additional Business Brought Before Council". The group
was in attendance to discuss the matter involving the Von
Baumgart house in Warwick Park. The residents of Warwick
Park are concerned about the condition of the dwelling located
at 37 Comanche Circle, which was damaged by fire in September
of 1993. The residents are asking that the County take action
against the property. Mr. Jones, Assistant County Attorney,
has given his opinion that he is not aware of any violation
of Sussex County law that applies to this property; and further,
if residents of Warwick Park wish to enforce their private deed
restrictions, they are going to need to contact private counsel
to do so. Mr. Stickels stated that he would arrange a meeting
with Delmarva Power & Light, Department of Natural Resources &
Environmental Control, First State Inspection Agency, Inc.,
State Fire Marshall's Office, and Sussex County Building Code
Department. A full report will be provided to Council at the
July 23, 1996 Council meeting.

Certifi-
cate A Certificate of Appreciation was presented to Alice M. Bruce
"For Devotion, Loyalty, and Excellence in Serving Sussex County
from August 1, 1976 to June 30, 1996".

Certifi-
cate A Certificate of Appreciation was presented to Estella Marie
Joseph "For Devotion, Loyalty, and Excellence in Serving Sussex
County from June 1, 1969 to July 15, 1996".

Sub-
division
Appeal/
William
Tower Mr. William Tower and Mr. George Hassett were in attendance
regarding the appeal of a decision of the Planning & Zoning
Commission on the subdivision request of William M. and Betty
Jane Tower (Subdivision #96-3). Council was advised that
three lots exist and that five additional lots are proposed
for the manufactured homes currently on the site. Council

Sub-
division
Appeal
(con't)

heard testimony from Mr. Tower and Mr. Hassett. Mr. Bayard reminded Council that the appeal can only be based on information provided to the Planning & Zoning Commission; that Council must consider if the evidence provided was sufficient to justify the decision that the Planning & Zoning Commission reached. It was the consensus of Council that additional information is needed and that the matter is to be deferred for two weeks. Mr. Schrader, Assistant County Attorney, will be asked to provide a summary of what has occurred, and minutes of the meeting of the Planning & Zoning Commission will be provided to Council for review.

Adminis-
trator's
Report

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

1. Sussex County Specialized Transportation Fund

As permitted by policy, Mr. Stickels advised that he has approved a transfer of \$14,285 for Sussex County Senior Services' Specialized Transportation Fund. Funds were transferred from Volunteer Transportation, Fuel and Oil, Wages and Benefits, Staff Salaries and Benefits, and Insurance to Vehicle Maintenance. These transfers were necessary to cover expenses incurred in maintenance of the Sussex County Senior Services' vehicle fleet. Under County policy, funds are allowed to be transferred between accounts as long as CHEER does not exceed their total grant for FY' 96.

2. Rehoboth Bike Paramedic Project

During selected summer weekend days, the Sussex County Paramedic Office will be utilizing a Bike Medic in Rehoboth Beach. This program will provide a fast response of an Advanced Life Support provider in a congested area with limited vehicle access, demonstrate the usefulness of this type of response for special events, lay the ground work for possible future joint funding projects with Rehoboth for improved summer coverage, provide a public presence and image during peak times, and provide a safety message on safe bike use and helmet wear.

The Bike Medic will be a single individual with first response paramedic equipment. His care will be limited to lifesaving steps and minor care. His response area will be limited to the downtown Rehoboth Beach area.

The proposed schedule will be 10:00 a.m. to 5:00 p.m., July 4, 5, 6, 13, 20, 27; August 3, 10, 17, 24, 31; and September 1.

Adminis-
trator's
Report
(con't)

Mr. Stickels believes that the enhanced coverage for Rehoboth Beach during these critical load periods will benefit patient care. Based on the results of this pilot program, other areas will be considered for future coverage, such as Bethany Beach, Fenwick Island, and Long Neck.

3. Public Workshop - DelDOT

The Department of Transportation will be holding a Public Workshop for the extension of U.S. Truck Route 9, from South Bedford Street to U.S. 9 on Wednesday, July 24, 1996. The workshop will be held at Delaware Technical and Community College, Jack F. Owens Campus, Georgetown, Delaware, in the Theater Lobby from 4:00 to 8:00 p.m.

4. Outdoor Burning Violation

On June 24, 1996, Mr. Frank Vasilikos was cited for burning in the Burning Ban District. Construction debris was being burned for a project at the entrance to Rehoboth and Rehoboth Avenue Extended. Mr. Vasilikos appeared in Justice of the Peace Court 3 on June 26, 1996, and was fined \$10.00 for the violation. County Ordinance allows for the levying of a fine of up to \$100 for the violation. In addition to his \$10.00 fine, he also had to pay \$30.00 in Court costs and a \$1.80 charge to the Victim Compensation Fund.

Delaware National Bank Agreement Mr. Baker, Finance Director, reviewed a Depository Pledge and Security Agreement with the Delaware National Bank which specifies terms for the collateralization of Sussex County Council deposits at Delaware National Bank.

M 275 96 Approve Delaware National Bank Agreement A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council approves the Depository Pledge and Security Agreement with Delaware National Bank.

Motion Adopted: 5 Yea.

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

New Bank Accounts Mr. Baker, Finance Director, proposed that two new accounts be opened at Delaware National Bank. The opening of the new accounts is necessary to accommodate funds related to the CDBG Program.

M 276 96 Adopt Resolution A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Resolution No. R 018 96 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT

M 276 96 WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF
Adopt ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE
Resolu- PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE
tion No. MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK
R 018 96 OR WITHDRAWAL".
(con't)

Motion Adopted: 5 Yea.

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

Petition Mr. Archut, Director of Planning and Permits, advised Council
for of a Petition for sewer service received by the Engineering
Sewer Department on June 4, 1996, from Rays Acres, a subdivision
Service/ in Cedar Neck. Mr. Archut stated that an application has
Rays been submitted to FHA for the financing of sewer service for
Acres/ the entire Cedar Neck area. As of this date, a response has
Cedar not been received. Mr. Archut further stated that sewer service
Neck in the Cedar Neck area is on DNREC's priority list; therefore,
funds are expected to be available from the Revolving Fund Loan.
Mr. Archut recommended that this request be deferred until the
Fall when a response is expected from the FHA. It was the
consensus of Council to defer the matter, as recommended by Mr.
Archut.

Change Mr. Green, Director of Utility Construction, discussed several
Orders change orders related to the West Rehoboth Expansion of the
WREDBSSD Dewey Beach Sanitary Sewer District.

M 277 96 A Motion was made by Mr. Benson, seconded by Mr. Collins,
Approve based on the recommendation of the Inspection Engineer, George,
Change Miles & Buhr, and the Sussex County Engineering Department,
Order that the Sussex County Council authorizes the President of
No. 12, the Sussex County Council to issue Change Order No. 12, for
Contract the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer
B, District, Contract B, Design Areas 4, 10, 11, 12 and 13, to
West R. E. Pierson Construction Company, for a credit amount of
Rehoboth \$1,600.00, for correction to the line item quantity adjust-
ments approved in Change Order No. 11, with an unrevised
substantial completion date of December 19, 1995, and de-
creasing this contract amount to \$8,204,165.27, contingent
on the approval of Rural Economic and Community Development.

Motion Adopted: 5 Yea.

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

M 278 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 6, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract C, Design Areas 5 and 19, to Lisbon Contractors, Inc., for a credit amount of \$25,390.00, for the deletion of fencing and landscaping as originally bid, with an unrevised substantial completion date of December 29, 1995, and decreasing this contract amount to \$3,012,861.26, contingent on the approval of Rural Economic and Community Development and Department of Natural Resources and Environmental Control.

Motion Adopted: 5 Yea.

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

M 279 96 A Motion was made by Mr. Benson, seconded by Mr. Cole, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 7, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract D, Design Areas 14, 15, 16, 17, and 18, to Lisbon Contractors, Inc., for a credit amount of \$1,561.60, for various items including casting place manhole channels, A Lok gaskets, two (2) year bonded guarantee, and four (4) ductile iron fittings, with an unrevised substantial completion date of December 29, 1995, and decreasing this contract amount to \$5,825,292.77, contingent on the approval of Rural Economic and Community Development.

Motion Adopted: 5 Yea.

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

M 280 96 A Motion was made by Mr. Benson, seconded by Mr. Collins, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 3, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Construction Package F, to Lisbon Contractors, Inc., for a credit amount of \$27,029.95, for the deletion of fencing and landscaping

M 280 96 as originally bid, installation of culvert piping at
(con't) Pump Station No. 224, and the re-channeling of manhole
at Lift Station No. 801, with an unrevised substantial
completion date of December 29, 1995, decreasing this
contract amount to \$1,727,759.57, contingent on the
approval of the Department of Natural Resources and
Environmental Control and Rural Economic and Community
Development.

Motion Adopted: 5 Yea.

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

Agree- Mr. Green, Director of Utility Construction, discussed
ments/ the execution of a Construction Administration and Con-
Rainbow struction Inspection Agreement between Sussex County
Cove Council and Highway One Limited Partnership for water
facilities constructed at Rainbow Cove, located in the
Dewey Beach Water District.

M 281 96 A Motion was made by Mr. Benson, seconded by Mr. Cole,
Execute based upon the recommendation of the Sussex County Engineer-
Agree- ing Department, for Sussex County Project No. 81-04, that
ments/ the Sussex County Council execute a Construction Adminis-
Rainbow tration and Construction Inspection Agreement between Sussex
Cove County Council and Highway One Limited Partnership, for water
facilities to be constructed at Rainbow Cove, located in the
Dewey Beach Water District.

Motion Adopted: 5 Yea.

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

Engineer- Mr. Wood, County Engineer, submitted to Council for infor-
ing mational purposes the Sussex County Engineering Department
Report Annual Summary Report for Fiscal Year 1996.

M 282 96 At 12:10 p.m., a Motion was made by Mr. Benson, seconded by
Recess Mr. Cole to recess until 1:30 p.m. Motion Adopted by Voice
Vote.

Reconvene Mr. Collins called Council back into session at 1:30 p.m.

Absence Mr. Dukes was absent for the afternoon session.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO AN EXISTING

Public Hearing C/U No. 1158 (con't) AUTO BODY REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS" (Conditional Use No. 1158) filed on behalf of Scott Bland. There were no public comments and the Public Hearing was closed.

M 283 96 Adopt Ordinance No. 1095 (C/U No. 1158) A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 1095 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO AN EXISTING AUTO BODY REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS" (Conditional Use No. 1158) filed on behalf of Scott Bland, with the following conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. The paint shop shall comply with DNREC regulations.
3. The fencing shall be indicated on the site plan.
4. Not more than 25 vehicles shall be stored outside on-site at any time.
5. One unlit sign, not exceeding 32 square feet per side or facing is permitted.

Motion Adopted: 4 Yea, 1 Absent.

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

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

1. The applicant established by substantial evidence that the proposed use will enable the applicant to enlarge his long-standing auto repair business.
2. The proposed use 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.

M 284 96 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$150.00 from Mr. Cole's Councilmanic Account to the Rehoboth Beach Patrol for the 1996 United States Lifesaving Association's Mid-Atlantic Regional Championships.

M 284 96 Motion Adopted: 4 Yea, 1 Absent.
(con't)

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

M 285 96 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$600.00, \$400.00 from Mr. Dukes' Councilmanic Account
manic and \$200.00 from Mr. Stevenson's Councilmanic Account, to
Grant the Greater Seaford Chamber of Commerce for Project 13.

Motion Adopted: 4 Yea, 1 Absent.

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

M 286 96 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Council- to give \$600.00 from Mr. Benson's Councilmanic Account to
manic the Ellendale Fire Company, Inc. to help defray the cost of
Grant suction hose.

Motion Adopted: 4 Yea, 1 Absent.

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

Proposed Ordinance Mr. Stevenson introduced the 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING
2.17 ACRES, MORE OR LESS" (Change of Zone No. 1285) filed on
behalf of Lynn C. and Shirley M. Baynum. The Proposed Ordinance
will be advertised for Public Hearing.

Agenda Item Mr. Collins requested that the following item be placed on the
agenda in the near future: "Availability of Airplane Hangars at
Sussex County Airport".

Agenda Item Mr. Cole requested that the following item be placed on the
agenda in the near future: "Status of C-2 Zoning".

M 287 96 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Adjourn to adjourn at 2:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council