

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JULY 17, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, July 17, 1990 at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

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

M 332 90
Approval
of
Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Benson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

Mr. Jones, Acting County Attorney, read the following correspondence:

LINFORD P. FAUCETT, SUPERINTENDENT OF BUILDINGS & GROUNDS, DELAWARE TECH, GEORGETOWN
RE: Thanking the County Council for allowing Delaware Tech to use a generator from the County EOC Office during a power outage on June 17th.

DIVISION OF AIR & WASTE MANAGEMENT, DNREC, DOVER
RE: Order No. 90-A-3 revising Regulation No. 1 and Regulation No. 24 has been issued and is available for public inspection in the Dover Office. The revisions, required by EPA for each State, include changes to definitions, and amendments to regulations controlling gasoline dispensing facilities, bulk gasoline plants, petroleum liquid storage, surface coating operations, miscellaneous petroleum refinery sources and component leaks, and rotogravure and flexographic printing.

US ARMY CORPS OF ENGINEERS, PHILADELPHIA
RE: Public notice to solicit comments and recommendations concerning issuance of a permit for work at the Indian River Coast Guard Station, Indian River Inlet.

Paramedic
Program

Training and funding for the paramedic program was discussed. The State ad hoc committee, appointed to develop an educational plan for the Statewide Paramedic Program, recommended a program containing a 1200 hour curriculum.

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Paramedic
Program
(Con't.)

The study would be based on the Department of Transportation National Training Standard and would be taught at a site in each of the three (3) counties. The committee developed a budget which totaled \$875,000, however, the State has budgeted \$330,000 for the expenditure. To meet the budgeted amount, Dr. Wright, Director of the Division of Public Health, has proposed a different program which would involve centralized training for all Medics at the State Fire School.

Mr. Stevenson, Sussex County Paramedic Director, projected ideas and goals for the Sussex County Paramedic Program which included the initial hiring of certified paramedics that would make it possible for the County to have limited paramedic services this fall. Present indications are that training for the uncertified paramedics will not be offered until December 1990.

M 333 90
Paramedic
Training

A Motion was made by Mr. Cole, seconded by Mr. Benson, that having met in public session, the County Council wishes to reconfirm their position that the State of Delaware develop an Educational Plan for Paramedic Training for a 1,200 hour curriculum based on the Department of Transportation National Training Standards designed to be delivered at three (3) training sites - Sussex, Kent, and New Castle Counties. Motion Adopted: 5 Yea.

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

Plastics
Specialties,
Inc.

Mr. Stickels, County Administrator, reported that Plastics Specialties, Inc. had requested the termination of their lease for Lot No. 12 at the Industrial Park as of July 17, 1990.

M 334 90
Terminate
Lease with
Plastics
Specialties,
Inc.

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, based upon the recommendation of the Economic Development Department, that the Sussex County Council terminate the lease with Alfred O. Eisele and Ursula Eisele, t/a Plastics Specialties, Inc., on 4.735± acres at the Sussex County Industrial Airpark. Motion Adopted: 5 Yea.

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

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Atlantic Industrial Optics, Inc.

Mr. Stickels, County Administrator, reported that Mr. and Mrs. Robert Vanderhook, t/a Atlantic Industrial Optics, Inc., had indicated an interest in leasing 3.75± acres of land at the Sussex County Industrial Airpark to meet the current needs of their company and allow for future expansion requirements.

Mr. Stickels, County Administrator, reviewed the following rate schedule for rental as included in the proposed thirty (30) year lease:

- \$400.00/acre for years 1 through 5
- \$600.00/acre for years 6 through 10
- \$800.00/acre for years 11 through 15
- \$1,000.00/acre for years 16 through 20
- \$1,200.00/acre for years 21 through 25
- \$1,400.00/acre for years 26 through 30

The tenant shall not have an option to renew this lease, however, he may negotiate a new lease upon its expiration.

M 335 90 Lease Agreement Atlantic Industrial Optics, Inc.

A Motion was made by Mr. Dukes, seconded by Mr. Mariner, based upon the recommendation of the Economic Development Department, that the Sussex County Council enter into a lease agreement with Robert P. Vanderhook and Eleanor L. Vanderhook, t/a Atlantic Industrial Optics, Inc., for approximately 3.75± acres of industrial land located on Cedar Creek Avenue, Sussex County Industrial Airpark. Motion Adopted: 5 Yea.

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

Bids for Bond Sale

Mr. Stickels, County Administrator, reviewed the following bids as received for the sale of Sussex County, Delaware General Obligation Bonds, Series 1990:

1990 Bond Sale

<u>Bidder</u>	<u>Rate</u>	<u>Premium</u>
Janney, Montgomery, Scott, Inc.	7.074601%	0
Merrill Lynch Capital Markets	7.0328%	0
Northern Trust Company	7.03%	0
Dean Witter	6.9823%	\$271.05

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Bonds
Sold

The Bonds were sold to the low bidder, Dean Witter, and their Georgetown Office will be selling the state and federally tax-exempt bonds in \$5,000.00 increments to interested investors.

Sediment
and
Stormwater
Management

Mr. Stickels, County Administrator, reviewed information from the Secretary of DNREC concerning Senate Bill No. 359, relating to sediment control and stormwater management. The legislation establishes a regulatory advisory committee to assist DNREC in the development and revision of regulations for sediment control and stormwater management. The County was asked to participate by appointing a delegate to participate on the regulatory review committee.

M 336 90
Sediment
and
Stormwater
Management
Advisory
Committee

A Motion was made by Mr. Cole, seconded by Mr. Mariner, that the Sussex County Council appoint Oscar Perez to serve on the State of Delaware Sediment and Stormwater Management Advisory Committee. Motion Adopted: 5 Yea.

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

Peninsula
United
Methodist
Homes,
Inc.
Request

Mr. Stickels, County Administrator, reported receipt of a letter from Carol A. Berster, Director of Business Administration of Peninsula United Methodist Homes, Inc., the owner and operator of Methodist Manor House, a 185 unit continuing care retirement community located in Seaford, Delaware. The letter, which requests that Sussex County issue tax-exempt revenue bonds in an aggregate principal amount not to exceed \$5,000,000 to finance renovation and expansion of the Methodist Manor House (the "Project"), was read into the record.

M 337 90
Support
for United
Methodist
Homes,
Inc.
Project

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, that the County Council express its support for the "Project", issuing tax-exempt revenue bonds in an aggregate principal amount not to exceed \$5,000,000 to finance renovation and expansion of the Methodist Manor House, and express its present intent to approve issuing tax-exempt revenue bonds to finance the "Project" on behalf of Peninsula United Methodist Homes, Inc., including the use of the proceeds of said revenue bonds to replace interim taxable financing to be undertaken by Peninsula United Methodist Homes, Inc. to finance the "Project" prior to issuance of the bonds, provided that the bonds shall not constitute any indebtedness

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M 337 90
(Con't.)
United
Methodist
Homes,
Inc.

or a charge against the general credit or taxing powers of the County within the meaning of any constitutional provision or statutory limitation and shall never constitute or give rise to any pecuniary liability of the County, and provided further that such expression of intent by the County Council does not constitute a binding obligation on the part of the County to issue the bonds, such commitment to be made only upon the adoption of an Ordinance by the County Council authorizing the bonds and the satisfaction of the terms and conditions to be expressed therein and in the bond purchase agreement relating to the bonds. Motion Adopted: 5 Yea.

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

Administra-
tor's
Report

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

1. The State of Delaware Department of Transportation has awarded the County a \$25,000 grant that will be used towards our Master Plan update of the Sussex County Airport.
2. The Milton Library reported an increase in the circulation of library materials (6,411) over Fiscal Year 1989. Fiscal Year 1990 also had an increase of 3,409 patron visits.
3. A letter from Henry J. Nowak, Chairman of the Subcommittee on Water Resources, Committee on Public Works and Transportation, One Hundred First Congress, U.S. House of Representatives, acknowledges receipt of County Council's letter requesting federal funding for the Chesapeake and Delaware Canal.

Bethany
Beach
Sanitary
Sewer
District

Mr. Wood, County Engineer, reviewed the background information, as set out in the minutes of July 10, 1990, concerning the establishment of revised boundaries for the Bethany Beach Sanitary Sewer District to encompass the private lands referred to as the Salt Pond Residential Planned Community. As a result of the request of adjacent landowners who asked that their properties be included in the revised boundaries at the Public Hearing held July 10, 1990, the Engineering Department has informally agreed to do an in-house feasibility study considering costs and plans.

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Proposed
Resolution

Mr. Jones, Acting County Attorney, reviewed the Proposed Resolution entitled "REVISION OF THE BOUNDARIES OF THE BETHANY BEACH SANITARY SEWER DISTRICT TO ENCOMPASS THE PRIVATE LANDS REFERRED TO AS THE SALT POND RESIDENTIAL PLANNED COMMUNITY".

M 338 90
Adopt
Resolution
R 024 90
Bethany
Beach
Sanitary
Sewer
District

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Resolution No. R 024 90 entitled "REVISION OF THE BOUNDARIES OF THE BETHANY BEACH SANITARY SEWER DISTRICT TO ENCOMPASS THE PRIVATE LANDS REFERRED TO AS THE SALT POND RESIDENTIAL PLANNED COMMUNITY". Motion Adopted: 5 Yea.

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

Change
Order
No. 1
for
Project
90-04

Mr. Wood County Engineer, requested authorization of Change Order No. 1 for Sussex County Project No. 90-04, a maintenance contract for flowmeters and chlorinators. The bids for the original project as recorded in the Minutes of May 15, 1990 showed the monthly costs of Fischer & Porter Company being considerably less than the competitive bid. At the time of the bid, the Engineering Department agreed to make a survey of all meters and will continue conducting this survey on a regular basis. It was also agreed that at any time the number of meters increased by twenty-five percent (25%) a change order would be requested to cover the increased monthly charge. At the time of the last survey there were sixty-three (63) meters and the present survey revealed one hundred and four (104) meters being used.

M 339 90
Authorizing
Change
Order
No. 1 for
Project
90-04

A Motion was made by Mr. Dukes, seconded by Mr. Mariner, based upon the recommendation of the Engineering Department, authorizing the President of the Sussex County Council to issue Change Order No. 1, for Sussex County Project No. 90-04, to Fischer and Porter Company for flowmeters and chlorinators Maintenance Contract at a cost of \$934.62 per month. Motion Adopted: 5 Yea.

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

C/Z #986

Change of Zone No. 986, filed on behalf of David S. Brittingham, was discussed. Public Hearing was held on April 4, 1989 and action was deferred.

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M 340 90
Adopt
Ordinance
No. 700
C/Z #986

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 700 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.24 ACRES, MORE OR LESS" (C/Z #986) filed on behalf of David S. Brittingham. Motion Adopted: 3 Yea; 2 Nay.

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

Findings
of Facts
C/Z #986

The findings of facts and recommendations of the Planning and Zoning Commission were incorporated into the Council's findings of facts. The Council found that the proposed change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council found that there are other commercially used parcels in the immediate area.

C/U #939

Conditional Use No. 939, filed on behalf of Atlantic Coastal Aerial Advertising, was discussed. Public Hearing was held July 10, 1990 and action was deferred.

M 341 90
Adopt
Ordinance
No. 701
with
Stipula-
tions

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Ordinance No. 701, entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRSTRIP FOR A BANNER TOWING SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 9.86 ACRES, MORE OR LESS" (C/U #939) filed on behalf of Atlantic Coastal Aerial Advertising, with the following stipulations:

1. Hours of operation shall be from 10:00 a.m. to 3:30 p.m., May 15 through September 15.
2. No aircraft shall be stored on site.
3. No aircraft shall utilize the airstrip other than the three (3) aircraft being used for the private business.
4. There shall be a five (5) year limit to the use of the property as an airstrip.
5. Toilet facilities shall be located on site.

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M 341 90
(Con't.)
Ordinance
No. 701

6. No advertising signs may be located on site.
7. One 8' x 10' building shall be permitted on site.
8. All aircraft shall be baffled.
9. There shall be no adverse impact on poultry operations.

Motion Adopted: 4 Yea; 1 Nay.

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

Findings
of Facts
C/U #939

The findings of facts and recommendations of the Planning and Zoning Commission were incorporated into the Council's findings of facts. The Council found that the proposed conditional use was generally of a public or semi-public character and is essential and desirable for the general convenience and welfare. The Council found the new airport site would result in less air time per trip for the applicant, and would result in trips which affected a fewer number of residents due to the shorter distance. The Council found that there was no showing that the conditional use would have a negative affect on surrounding properties. The Council approved the conditional use with stipulations as set out.

M 342 90
Council-
manic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$180.00 from Mr. Benson's Councilmanic Account, \$180.00 from Mr. Cole's Councilmanic Account, \$180.00 from Mr. Mariner's Councilmanic Account, and \$180.00 from Mr. Stevenson's Councilmanic Account, to Sussex Central Pop Warner Football to help with expenses for the 1990 football season. Motion Adopted: 5 Yea.

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

M 343 90
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to give \$1,000.00, \$200.00 from each of the five (5) Councilmanic Accounts, to the Christian Fellowship Softball League to help with expenditures for operating their two playing fields. Motion Adopted: 5 Yea.

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

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M 344 90
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to give \$300.00, from Mr. Cole's Councilmanic Account, to Indian River High School Marching Band to help with purchasing uniforms. Motion Adopted: 5 Yea.

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

Concern -
Delay in
issuance
of checks

Councilman Benson, reported having been contacted by members of the Planning and Zoning Commission concerning the delay in their regularly scheduled salary checks. Members of the Commission received their checks for the month of May in July. Other Councilmen have had similar inquiries. Mr. Purpur, Finance Director, will be asked to respond to this.

M 345 90
Recess

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to recess at 11:40 a.m. until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

President Stevenson called the Council back into session at 1:30 p.m.

C/Z #1078

A Public Hearing was scheduled on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 9.0 ACRES, MORE OR LESS" (C/Z #1078) filed on behalf of Bridgeville Auto Center, Inc. The applicant or his representative was not present for the hearing. The hearing was placed last on the Agenda allowing time for the applicant to arrive.

Public
Hearing
C/Z #1079

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.62 ACRES, MORE OR LESS" (C/Z #1079) filed on behalf of Melvin Joseph.

M 346 90
Adopt
Ordinance
No. 702
C/Z #1079

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Ordinance No. 702 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL

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M 346 90
(Con't.)
Adopt
Ordinance
No. 702

DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.62 ACRES, MORE OR LESS" (C/Z #1079) filed on behalf of Melvin Joseph.
Motion Adopted: 5 Yea.

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

Findings
of Facts
C/Z #1079

The findings of facts and recommendations of the Planning and Zoning Commission were incorporated into the Council's findings of facts. The Council found that the proposed change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County. The Council found that GR zoning is in character with the numerous manufactured homes located in the area.

C/Z #1078

Council referred back to Change of Zone No. 1078, filed on behalf of Bridgeville Auto Center, Inc. The Public Hearing was not held due to failure of the applicant, or agent on behalf of the applicant, to appear.

M 347 90
Require
Applicant
for C/Z #
1078 to
Reapply
for
Zoning
Request


A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the applicant for Change of Zone No. 1078, Bridgeville Auto Center, Inc., be required to reapply for their zoning request and pay a full filing fee for the readvertising and scheduling of a new hearing due to Council policy which states the applicant, or agent on behalf of the applicant, must appear at all hearings regarding the zoning request. Motion Adopted: 4 Yea; 1 Absent.

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

M 348 90
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to adjourn at 1:48 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,


Doris E. Rogers
Clerk of the County Council