

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 21, 1998

Executive Session An Executive Session of the Sussex County Council was held Tuesday, July 21, 1998, at 9:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, for the purpose of discussing personnel and land acquisition.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 21, 1998, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
George J. Collins	Member
Lynn J. Rogers	Member

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

M 324 98 Amend and Approve Agenda A Motion was made by Mr. Rogers, seconded by Mr. Jones, to amend the Agenda to include "Appointment - Assistant County Attorney" and to approve the Agenda, as amended.
Motion Adopted: 5 Yea.

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

M 325 98 Amend and Approve Minutes A Motion was made by Mr. Rogers, seconded by Mr. Jones, to amend the minutes of the previous meeting, dated July 14, 1998, Pages 10 and 11, Sections entitled "Motion Adopted" and "Vote by Roll Call", to delete the "Yea" vote of Mr. Jones and to record that Mr. Jones was absent; and to approve the minutes, as amended.

Motion Adopted: 5 Yea.

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

Correspondence Mr. Bayard, County Attorney, read the following correspondence:
NORMA LEWIS AND GARLAND POTTER.
RE: Letters commending County employees Loretta Benson and Bob Chaffinch.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY TO REMOVE THE TIME OF SERVICE WITH THE STATE OF DELAWARE AS TIME CREDITED TOWARD THE PENSION OF COVERED EMPLOYEES AND TO CLARIFY EXISTING LANGUAGE". The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 1999 TO REFLECT INCREASED REVENUES FROM REALTY TRANSFER TAXES AND ALLOCATION OF FUNDS REALIZED". The Proposed Ordinance will be advertised for Public Hearing.

Transfer Tax Revenue Mr. Stickels, County Administrator, discussed proposed projects to be funded by additional Transfer Tax revenue, an analysis of estimated County contributions to Sussex towns, and an analysis of revenue sharing for sanitary sewer districts. The proposed breakdown for the additional Transfer Tax revenues is as follows: Revenue Sharing - 14 percent; Capital Projects - 18 percent; Debt Reduction - 7%; Public Safety - 19 percent; Public Works - 42 percent.

Assistant County Attorney Appointment Mr. Stickels, County Administrator, reported that Peter B. Jones, Assistant County Attorney, will be sworn in on Friday, July 24, 1998, as an Associate Judge of the Family Court of the State of Delaware. Mr. Stickels advised that Mr. Jones will no longer be able to serve the County as Assistant County Attorney and another Assistant County Attorney needs to be appointed.

M 326 98 Appointment A Motion was made by Mr. Jones, seconded by Mr. Rogers, to appoint Richard E. Berl, Jr. as Assistant County Attorney.

Motion Adopted: 5 Yea.

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

Vacation of Portion of Road 370 Mr. Stickels, County Administrator, advised that he has been notified by David W. Matsen, Engineering Program Manager, Delaware Department of Transportation, that Blackwater Fellowship Church has petitioned DelDOT to abandon and vacate that portion of County Road 370 which has ceased to be of necessity to the highway system, which is bordered by lands of the church on the north, and a permanent easement held by DelDOT on the south. DelDOT reports that the road is unused and unnecessary by virtue of the realignment of the old Road 370, and a new alignment of present Road 370 by Contract #1371 in 1955. DelDOT has passed a "RESOLUTION FOR THE VACATION OF A PORTION OF SUSSEX COUNTY ROAD 370, BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE." It was the consensus of Council that there is no objection to the proposed road vacation.

Special-
ized
Transportation
Funding

Mr. Stickels, County Administrator, discussed recommended funding of the Specialized Transportation Service for the elderly and handicapped in Sussex County for FY '99, as follows:

	FY '98 Funding	FY '99 Request	FY '99 Recommended
Cape Henlopen Senior Center	\$ 30,660	\$ 35,600	\$ 31,709
Easter Seal Rehabilitation Center	33,591	37,691	34,699
Indian River Senior Center	2,205	2,100	2,100
Laurel Senior Center	48,825	63,916	50,237
Nanticoke Senior Center	23,000	30,599	23,896
Lewes Senior Center	16,905	15,500	15,500
Sussex County Senior Services	<u>377,820</u>	<u>400,353</u>	<u>385,859</u>
	\$533,006	\$585,759	\$544,000

Contracts will be distributed to each agency for review and execution; these contracts will be presented to Council for approval within the next two weeks.

Adminis-
trator's
Report

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

1. Troop 4 Status Report - Month of June 1998

The following hours of duty and enforcement were compiled by the uniformed patrol officers of the Delaware State Police at Troop 4, Georgetown, during the month of June 1998:

Total Hours on Duty	4,154.50
Hours Assisted Other Agencies	48.0
Total Traffic Arrests	908
Total DUI Arrests	32
Accident Reports:	
Property Damage	51
Personal Injury	<u>17</u>
Total Accident Reports	68
Criminal Arrests:	
Felony	19
Misdemeanor	<u>77</u>
Total Criminal Arrests	96
Total 10-29 P's (wanted persons)	85
Total Number of Complaints	763

2. Sussex County Paramedics Honored

The Veterans of Foreign Wars Mason Dixon Post 7234 presented certificates on Thursday, July 16, 1998, to ten paramedics for their skill in handling emergencies last

Adminis-
trator's
Report
(con't)

year in Sussex County. The paramedics that were honored, along with George Torbert, Director of Sussex County Emergency Medical Services, included Sean Gilligan, Jay Myers, Eric Harris, Lars Grandholm, Eric Huovinenen, Ronnie Johnson, Kim Lecates, Robert Murray, Robert Magee, and Brandon Donaway. The presentation of certificates was made by Commander Lou Kubicki and Post Community Services Chairman Harry Hinkle.

Old
Business
C/Z
No. 1338

Change of Zone No. 1338 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.98 ACRES, MORE OR LESS" filed on behalf of Kings Creek Associates, Inc. was discussed. A Public Hearing was held on this Proposed Ordinance on June 30, 1998, at which time action was deferred.

M 327 98
Adopt
Ordinance
No. 1250
(C/Z
No. 1338)

A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Ordinance No. 1250 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.98 ACRES, MORE OR LESS" (Change of Zone No. 1338) filed on behalf of Kings Creek Associates, Inc.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, 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 the proposed use will serve a growing demand for additional multi-family housing without adverse impact of any sort upon neighboring communities or roadways.
2. The change of zone is consistent with the purposes and goals of the Comprehensive Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Old
Business
C/U
No. 1247

Conditional Use No. 1247 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (16 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN

Old Business C/U No. 1247 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.98 ACRES, MORE OR LESS" filed on behalf of Kings Creek Associates, Inc. A Public Hearing was held on this Proposed Ordinance on June 30, 1998, at which time action was deferred.

M 328 98 Adopt Ordinance No. 1251 (C/U No. 1247) A Motion was made by Mr. Cole, seconded by Mr. Rogers, to Adopt Ordinance No. 1251 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (16 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.98 ACRES, MORE OR LESS" (Conditional Use No. 1247) filed on behalf of Kings Creek Associates, Inc., with the following conditions:

1. The maximum number of units shall not exceed eight (8).
2. A 50' wide buffer shall be provided from the property line with the Rehoboth Golf Park, as approved by the Planning and Zoning Commission.
3. A 30' wide buffer shall be provided from Patriots Way, as approved by the Planning and Zoning Commission.
4. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

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 serve a growing demand for additional multi-family housing without adverse impact of any sort upon neighboring communities or roadways.
2. The proposed use is consistent with the purposes and goals of the Comprehensive Plan.
3. The use is located in an area of transition between commercial, recreational, and residential uses.
4. The proposed density is appropriate to the density suggested in the Comprehensive Plan for areas served by public sewer.
5. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Attorney Mr. Schrader, Assistant County Attorney, joined the meeting and Mr. Bayard, County Attorney, left the meeting.

Change Order/ Project No. 98-03 Mr. Perez, Director of Public Works, discussed Change Order No. 1 (Balancing Change Order) for Sussex County Project No. 98-03, "Sussex County Industrial Park Taxiway Overlay, Phase II." Less hot mix was used for the project resulting in a balancing change order for the credit amount of \$4,238.01.

M 329 98 Approve Change Order/ Project No. 98-03 A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Sussex County Project No. 98-03, entitled "Sussex County Industrial Park Taxiway Overlay - Phase II" be approved which provides a credit of \$4,238.01 and decreases the contract total from \$31,630.00 to \$27,391.99.

Motion Adopted: 5 Yea.

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

M 330 98 Grant Substantial Completion/ Project No. 98-03 A Motion was made by Mr. Rogers, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that Jerry's Inc. be granted Substantial Completion, effective June 30, 1998, for Sussex County Project No. 98-03 entitled "Sussex County Industrial Park Taxiway Overlay, Phase II."

Motion Adopted: 5 Yea.

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

Public Hearing/ Sewer Capitalization Fee A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO THE SEWER CAPITALIZATION FEE". There were no public comments. Mr. Archut, Assistant County Attorney, provided a summary of the Proposed Ordinance including: purpose, area covered, proposed fees, fees due, credits, exemptions, Utility Relief Program, and effective date. The Public Hearing was closed.

M 331 98 Adopt Ordinance No. 1252 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1252 entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO THE SEWER CAPITALIZATION FEE".

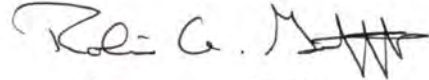
Motion Adopted: 5 Yea.

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M 331 98 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 332 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Adjourn adjourn at 11:35 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council

Public
Work-
shop

At 1:30 p.m., the Sussex County Council attended a Public Workshop which was held in the Chambers of the Sussex County Council. The Public Workshop was sponsored by Delaware Health and Social Services for the purpose of updating members of the County Council and key medical personnel on environmental and human health surveillance, reporting, and follow-up systems for pfiesteria in Sussex County.