

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-AUGUST 7, 1990

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, August 7, 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 373 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:

DONALD F. CROSSAN, DEAN, COLLEGE OF AGRICULTURAL SCIENCES, AND RICHARD E. FOWLER, DIRECTOR, DELAWARE COOPERATIVE EXTENSION, UNIVERSITY OF DELAWARE, NEWARK

RE: Thanks for the \$76,220 grant-in-aid. The funding helps support the research and extension programs that serve Sussex County residents.

GINGER HASTINGS, PRESIDENT, SUSSEX COUNTY 4-H JUNIOR COUNCIL  
RE: Thanking the Council for their contribution that helped make their Horse Show Ad Book a success.

DELAWARE DEPARTMENT OF AGRICULTURE, DOVER  
RE: The newsletter "DELAWARE AGENDA" for August, 1990.

Agenda  
Item  
Sticken

Mr. Stickels, County Administrator, reported that Subdivision No. 89-3, Dove Knoll, had been stricken from today's Agenda. Additional time is needed to review a revised Plot Plan that was submitted.

Civil  
Action  
No. 1238  
(Webb)

Mr. Stickels, County Administrator, reviewed information concerning Civil Action No. 1238, filed by Sussex County in the Court of Chancery on February 7, 1987 alleging zoning violations against Carl F. Webb and Hilda B. Webb, his wife, and Francis B. Webb and Kathleen L. Webb, his wife. On March 6, 1987 a response was filed claiming no use of the property was in violation of the County Zoning Ordinance.

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Civil  
Action  
(Con't.)

Inspectors from the Planning and Zoning office have continued to monitor the operation and the violations have been corrected. The business existed on the property before the adoption of the Sussex County Comprehensive Land Use Plan and was grandfathered in as a nonconforming use.

Mr. Jones, Acting County Attorney, reported that he and Mr. Lank, Director of Planning and Zoning, agree that the violations that existed at the time of the action have been corrected. Mr. Jones recommended that the County Council sign the Stipulations, as agreed upon, and resolve the case. The Stipulations state that the preexisting, nonresidential, and nonconforming use of the property will be governed by the Sussex County Comprehensive Zoning Ordinance provisions for preexisting uses and the Opinion of the Board of Adjustment. The Stipulations recognize there may be increases in preexisting activities due to natural growth and prohibit new activities being commenced on the property.

M 374 90  
Stipula-  
tions to  
Resolve  
Civil  
Action  
No. 1238

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, authorizing Mr. Jones, Acting County Attorney, to sign the Stipulations as set out in Civil Action No. 1238, SUSSEX COUNTY, Petitioner v. CARL F. WEBB and HILDA B. WEBB, his wife, and FRANCIS B. WEBB and KATHLEEN L. WEBB, his wife, Respondents. Motion Adopted: 5 Yea.

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

Human  
Service  
Grant  
Informa-  
tion

Mr. Stickels, County Administrator, reviewed a letter concerning filing applications for Sussex County Human Service Grant awards for fiscal year 1991. Applications are due Friday, September 7, 1990, and the awards will be made in November. Council was asked to review the list of Human Service Providers to make sure there were no omissions.

County  
Libraries  
State  
Aid

Mr. Stickels, County Administrator, reported that the Sussex County Department of Libraries will receive an increase in State Aid of \$6,028.00. The State Division of Libraries has altered their procedure for applying for State Aid and amendment to the County Libraries' application is necessary.

M 375 90  
Amending  
State  
Aid  
Applica-  
tion

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, that the Sussex County Council authorize the amending of the application to the State of Delaware for financial aid to the libraries as follows:

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M 375 90  
(Con't.)

STATE AID

<u>Library Administration</u>	As Originally Budgeted	Contract Budget
36 - Maintenance and Repair	\$ -0-	\$ 120
44 - Dues and Subscriptions	1,390	1,990
49 - Other Supplies	960	1,760
58 - Machinery and Equipment	4,570	4,187
74 - Programs and Projects	600	600
85 - Travel	985	985
<b>Total</b>	<b>\$ 8,505</b>	<b>\$ 9,642</b>
<u>Bookmobile</u>		
44 - Dues and Subscriptions	\$ 600	\$ 600
45 - Books	7,805	9,084
49 - Other Supplies	400	400
<b>Total</b>	<b>\$ 8,805</b>	<b>\$10,084</b>
<u>Bethany Beach</u>		
44 - Dues and Subscriptions	\$ 600	\$ 900
45 - Books	7,000	7,816
49 - Other Supplies	125	125
<b>Total</b>	<b>\$ 7,725</b>	<b>\$ 8,841</b>
<u>Greenwood</u>		
44 - Dues and Subscriptions	\$ 500	\$ 500
45 - Books	5,000	6,069
49 - Other Supplies	500	500
<b>Total</b>	<b>\$ 6,000</b>	<b>\$ 7,069</b>
<u>Milton</u>		
44 - Dues and Subscriptions	\$ 1,100	\$ 1,300
45 - Books	7,715	8,942
49 - Other Supplies	1,000	1,000
<b>Total</b>	<b>\$ 9,815</b>	<b>\$11,242</b>
<b>GRAND TOTAL STATE AID</b>	<b><u>\$40,850</u></b>	<b><u>\$46,878</u></b>

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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Moratorium Imposed by Resolution R 026 89

Mr. Stickels, County Administrator, reported that the moratorium imposed on any application for change of zone, conditional use, or subdivision approval within the area subject to an imposed septic system moratorium by the Department of Natural Resources and Environmental Control will expire August 22, 1990. The moratorium was put in place by Resolution No. R 026 89 for a period of one (1) year from the date and time of adoption of the Resolution on August 22, 1989. Mr. Stickels recommended that the Resolution be allowed to expire. The Department of Natural Resources and Environmental Control also recommends that the Council take no action on the Resolution. Allowing the moratorium to be lifted would encourage growth in the area where sewer will be available by January 1, 1994.

Councilman Cole questioned if there was a map available that addressed the areas outside of the State's septic system moratorium area, but within the boundaries of the West Rehoboth Expansion area as addressed in the Memorandum of Understanding between the Sussex County Council and the State of Delaware Department of Natural Resources and Environmental Control. A map will be available outlining this area at the August 21, 1990 meeting.

Administrator's Report

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

1. The Delaware Small Business Development Center will be conducting a training seminar entitled "Starting Out In Business". The seminar will be held on Tuesday, August 14, 1990 from 6:30 to 9:30 p.m. at the University of Delaware, Milford Center, 15 Southwest Front Street, Milford.
2. New signs have been placed at each of the Transfer Stations announcing the Sussex County Council's glass, aluminum, and plastic recycling program.
3. A petition has been received from residents in the Frankford area asking that County Roads 402 and 402B be renamed Blueberry Lane and Berry Road. Consideration and study will be given the request.

Proposed Resolutions

Mr. Jones, Acting County Attorney, reviewed two (2) Proposed Resolutions entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE SUSSEX

August 7, 1990

Proposed  
Resolu-  
tions  
(Con't.)

TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL" and "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

M 376 90  
Adopt  
Two (2)  
Resolu-  
tions  
R 026 90  
and  
R 027 90

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to Adopt Resolution No. R 026 90 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE SUSSEX TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL" and Resolution No. R 027 90 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF W. D. STEVENSON, SR., PRESIDENT; R. JAMES MARINER, VICE PRESIDENT; OR G. F. PURPUR, JR., FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".  
Motion Adopted: 5 Yea.

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

Fenwick  
Island  
Water  
District

Mr. Wood, County Engineer, reviewed the steps followed by the Engineering Department in establishing the Fenwick Island Water District. The referendum for the proposed district was held on Saturday, October 21, 1989 at the Fenwick Island Town Hall and was approved. Resolution No. R 031 89 was adopted on October 24, 1989 establishing the district and authorizing the County Engineer and County Attorney to proceed in accordance with Delaware Code Annotated, Chapter 65, Section 6507(b).

On November 20, 1989 court proceedings were brought against the County alleging that the use of absentee ballots was illegal and the referendum vote was not valid. A Motion to dismiss the litigation was filed on November 30, 1989.

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Fenwick  
Island  
Water  
District  
(Con't.)

Several property owners and the Town Council of Fenwick requested the use of absentee ballots. It was determined, by the County Attorney, that the use of absentee ballots for all referendums regarding Sussex County wastewater and sewer utilities was a legal procedure and the Council approved their use by Motion No. M 356 89 on July 11, 1989.

A decision ruling against the County was made by the Court on July 31, 1990. The referendum was declared null and void. The Court ruling says the County can use absentee ballots once the procedure has been established by the public hearing process and the adoption of an Ordinance establishing the procedure.

Mr. Jones, Acting County Attorney, will review the complete file on the Fenwick Island Water District and prepare a recommendation for Council's consideration in the next two (2) weeks.

Option  
Agreement  
Dagsboro-  
Frankford  
Sanitary  
Sewer  
District

Mr. Archut, Chief of Planning and Permits, reviewed an Option Agreement between the County and Delmarva Power & Light Company for 20± acres to be used in conjunction with the Steen property for the Dagsboro-Frankford Sanitary Sewer District wastewater treatment facility site. The cost for the six month option is ten dollars (\$10.00). The Option Agreement will provide ingress, egress and regress and will allow testing to be done on the site. The purchase price will be the average per acre price of two independent appraisals, but not less than \$3,615 per acre. To be eligible for funding, land appraisals are required by EPA.

M 377 90  
Execute  
Option  
Agreement  
Dagsboro-  
Frankford  
Sanitary  
Sewer  
District

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, that the President of the Sussex County Council be authorized to execute an Option Agreement with Delmarva Power and Light Company to purchase twenty plus-minus (20±) acres of land to be used in conjunction with the Steen property for the Dagsboro-Frankford Sanitary Sewer District wastewater treatment facility site; the purchase price to be the average per acre price of two independent appraisals (one by Delmarva Power and one by Sussex County), but not less than \$3,615.00 per acre times the number of acres to be sold. Motion Adopted: 5 Yea.

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M 377 90  
(Con't.)

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

Bay View  
Park

Mr. Izzo, Assistant County Engineer, discussed the Bay View Park Suburban Community Improvements for Phases I and II.

M 378 90  
Change  
Order  
No. 1  
Project  
87-07-B  
Bay View

A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Assistant County Engineer, that Change Order No. 1, a balancing change order for Sussex County Project No. 87-07-B, Bay View Park Suburban Community Improvements, Phase II - Road Paving, be approved in the amount of \$8,628.52, increasing the total contract price from \$155,548.29 to \$164,176.81. As a result, the project is now substantially complete and the retainage may be released. Motion Adopted: 5 Yea.

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

M 379 90  
Change  
Order  
Nos. 1 & 2  
Project  
87-07-A  
Bay View

A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Assistant County Engineer, that Change Order Nos. 1 and 2 for Sussex County Project No. 87-07-A, Bay View Park Suburban Community Improvements, Phase I - Bulkhead Improvements, be approved in the amounts of \$2,300.00 and \$3,968.00 respectively, increasing the total contract price from \$55,000.00 to \$61,268.00. Motion Adopted: 5 Yea.

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

Paramedic  
Training  
Issue

Mr. Stevenson, County Paramedic Director, discussed the ongoing paramedic training issue. Dr. Michael R. Ganon, State Medical Paramedic Director for Sussex County and Sussex County Paramedic Advisory Board Member, Mr. William E. Gordy and Mr. Walton A. Johnson, Jr., representatives from the Sussex County Volunteer Firemen's Association and members of the Sussex County Paramedic Advisory Board, joined the discussion and reviewed the Sussex County Paramedic Advisory Board's recommendations based upon the program for paramedic training as was, in their opinion, established at the time of the legislation.

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Paramedic  
Training  
Issue  
(Con't.)

Dr. Wright, Director of the Division of Public Health, asked Delaware Technical & Community College to investigate the feasibility of the College's conducting paramedic training. The College asked a representative group of emergency physicians to serve on a committee to plan and design a program for paramedic training statewide. At no time during the research of this Ad Hoc Committee, were any guidelines placed upon the committee or any funding problems mentioned. After two (2) months of research, the committee recommended a twelve hundred (1,200) hour curriculum based on the Department of Transportation training standard, training sites in all three counties for all phases of training, and student/faculty ratios of 4:1 for clinical training and 2:1 for field training. Proposed training costs were estimated by the committee at \$13,000 per paramedic. Delaware Technical and Community College, Southern Division, is willing to participate in this program. The State's twenty (20) member Paramedic Advisory Council supports this plan.

Dr. Wright, Director of the State Division of Public Health, has decided now that only two (2) training centers will be needed. It is his position that Sussex County trainees can travel to either New Castle or Kent County for training. This position has been affirmed by Secretary of Health and Social Services, Thomas Eichler. This decision appears to be in reaction to a State budget shortfall.

The Sussex County Paramedic Advisory Board disagrees with this training approach for the following reasons:

1. It is in direct conflict with the intent of the legislation;
2. This position can only lead to increased expense for the taxpayers of Sussex County since the County will be expected to pay the expense of travel and in some instances lodging for trainees forced to leave the County; and
3. It will delay implementation of the full program while Sussex students wait for training.

The County Paramedic Advisory Board requests the County Council to support their position concerning the needs of a Paramedic Training Center in Sussex County; to delay the hiring of trainees until this issue is resolved; and to draft a letter to the Sussex legislative delegation asking for their support.

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M 380 90  
Support  
Paramedic  
Advisory  
Committee

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council support the position of the Sussex County Paramedic Advisory Committee in regards to the necessity for a Paramedic Training Center in Sussex County and will delay the hiring of paramedic trainees until this issue has been resolved; and, further, the Sussex County Council will send a written transmission to all Sussex legislators asking for their support in this position. Motion Adopted: 5 Yea.

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

Paramedic  
Conflict

Councilman Cole requested that a representative from the Governor's Office be asked to address the Council concerning this conflict. Also, he would like for a representative from Delaware Technical and Community College, Southern Division, to be present at the meeting to indicate their willingness to offer the paramedic training at their site.

M 381 90  
Council-  
manic  
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to give \$500.00, from Mr. Stevenson's Councilmanic Account, to the Starboard Restaurant Softball Team of the Georgetown League to help with traveling to participate in the national championship. Motion Adopted: 5 Yea.

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

Rehoboth  
Shores

Mr. Ron Beideman, President of the Sussex County Mobile Home Tenants Association, addressed concerns on behalf of the Rehoboth Shores Tenants Association. Points raised included development without an approved and/or updated plot plan; mobile homes being placed without adequate setbacks or within property lines; and numerous other violations. The Tenants Association is asking that the Council work to resolve the situation.

Mr. Lank, Director of Planning and Zoning, reported that a new survey had been asked for by his office and he believes it is complete. He will check on this and the matter will be placed on the Agenda next week.

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M 382 90  
Council-  
manic  
Grant

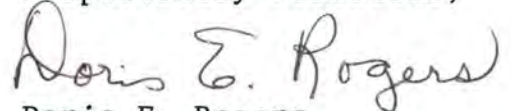
A Motion was made by Mr. Cole, seconded by Mr. Dukes, to give \$500.00, from Mr. Cole's Councilmanic Account, to Millville Volunteer Fire Company, Inc. to help the scuba team in continuing to update equipment, conduct drills, and train new members. Motion Adopted: 5 Yea.

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

Adjourn

President Stevenson declared the meeting adjourned at 11:45 a.m.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council