

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 13, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 13, 1996, at 10:00 a.m. in the Court of Chancery, 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 326 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Agenda Adopt the Agenda, as published. Motion Adopted by Voice Vote.

M 327 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Approve approve the minutes of the previous meeting dated August 6,
Minutes 1996.

Motion Adopted: 5 Yea.

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

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION III,
PHILADELPHIA, PENNSYLVANIA.

RE: Notice of a thirty day public comment period and tenta-
tively scheduled public hearing on its tentative approval of
Delaware's application to implement its Underground Storage
Tank Program.

Public Mr. Stickels, County Administrator, advised that at the August
Reading 6, 1996, Council meeting, a question was brought up by the
of public regarding the public reading of letters received by
Letters Council. Mr. Stickels spoke with the Attorney General's
Office and they are of the opinion that if letters are re-
ceived on a topic that is for discussion at another time,
Council is not compelled to read them publicly when they
are received. Council is required to acknowledge receipt
of the letters on the topic and advise that they are avail-
able for public review. Mr. Stickels advised that letters
have been received regarding the Public Hearing scheduled
for August 27th on the Proposed Moratorium; these letters
are available for public review.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115, ARTICLE XXIV, SECTION 115-172G(7) OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO THE HEIGHT LIMITATION OF AUTHORIZED STRUCTURES IN CONDITIONAL USE MOBILE HOME PARKS OR TRAILER PARKS". The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115, ARTICLE XXIV, SECTION 115-172G(7) OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO DEFINING AUTHORIZED STRUCTURES IN CONDITIONAL USE MOBILE HOME PARKS OR TRAILER PARKS". The Proposed Ordinance will be advertised for Public Hearing.

M 328 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Proclamation Adopt the Proclamation entitled "PROCLAIMING TUESDAY, AUGUST 13, 1996, AS 'SUSSEX COUNTY SAFE KIDS DAY'".

Motion Adopted: 5 Yea.

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

New Administrative Office Building Change Order Procedure Mr. Stickels, County Administrator, advised that as the construction of the new County Administrative Office Building progresses, decisions need to be made on a daily basis, some of which require change orders to the Contract. Mr. Stickels requested authorization to approve change orders to the Contract for amounts up to \$1,500, with total approvals not to exceed \$15,000. All change orders would be reported to Council at the next regular meeting.

M 329 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, that Authorize County Administrator to Approve Change Orders Up to \$1,500 the Sussex County Administrator is authorized to approve change orders to the Sussex County Administrative Office Building Contract for amounts up to \$1,500, without prior County Council approval; with total approvals not to exceed \$15,000 and with all approvals being reported to the County Council at the next regular meeting.

Motion Adopted: 5 Yea.

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

Inspection of Boilers Mr. Stickels, County Administrator, discussed a letter from the State of Delaware, Department of Public Safety, Division of Boiler Safety, advising that their Rules and Regulations require that an installer notify their office when installing

Inspection of Boilers (con't) a boiler before it is operated; however, this is not always done. The Department is asking for the County's cooperation in not issuing a Certificate of Occupancy for any place of public assembly that has a boiler until it has been inspected.

M 330 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, that Withhold the Sussex County Council, having met in public session, adopts Certificate of Occupancy until the procedure of directing the Building Code Department to withhold Certificates of Occupancy for any place of public assembly that contains a boiler system until the Department of Public Safety, Division of Boiler Safety, has inspected and approved the boiler system.

Boiler Systems Are Approved Motion Adopted: 5 Yea.

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

Surplus Vehicles Mr. Stickels, County Administrator, advised Council that there are three vehicles assigned to the Operations and Maintenance Division which should be disposed of by the County. These vehicles, a 1985 Chevrolet Van; a 1984 Dodge Van and a 1-ton Chevrolet Flatbed Truck, are no longer used.

M 331 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, that Authorize the Sussex County Council authorizes the disposition of one Disposition of Surplus Vehicles 1985 Chevrolet Van, one 1984 Dodge Van, and a one-ton Chevrolet Flatbed Truck; and be it further moved that two prices from local salvage companies be obtained.

Motion Adopted: 5 Yea.

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

Agenda Item The agenda item entitled "Center for the Inland Bays Report - Bruce Richards, Executive Director" was tabled.

CDBG Funds Allocation Mr. Stickels, County Administrator, reported that a total of \$903,300 in Community Development Block Grant (CDBG) Funds has been allocated by the Delaware State Housing Authority (DSHA) to the Sussex County Council for the following activities:

Rural Selbyville - Rehabilitation Rt. 17	\$ 36,000
- Hookups	56,000
Selbyville Rehabilitation	24,000
Rural Millsboro - Rehabilitation	67,500
Belltown - Hookups	10,000
Scattered Site Rehabilitation	266,000
Administration	83,000

CDBG	Bridgeville - Housing Rehabilitation	\$ 95,000
Funds	Greenwood - Housing Rehabilitation	55,000
(con't)	Laurel - Housing Rehabilitation	58,800
	- Demo	7,000
	Milford - Housing Rehabilitation	40,000
	Milton - Water Line	<u>105,000</u>
		\$903,300

Mr. Stickels reported that projects totalling \$250,000 were not funded. The recommendations for funding were made by an independent review panel, whose members evaluate each application's potential benefit to low-income persons, the management capacity of the applicant, and the cost-benefit of the proposed activities, including: the severity of need, impact, cost reasonableness, and feasibility. The recommendations for funding were also made in response to a limited state CDBG allocation, and therefore, not all activities requested could be funded. Consequently, housing rehabilitation activities requested for Blades, Millsboro, Milton and Ellendale, and the applications submitted on behalf of Frankford and Georgetown were not recommended for funding. Mr. Stickels reported that Seaford and Delmar submitted applications separately; they have been allocated \$202,000 and \$66,000, respectively.

Delaware State Police Drug Enforcement Program Captain Hancock and Corporal Warren of the Delaware State Police were in attendance to seek Council's assistance in a drug enforcement program whereby abandoned buildings where drug problems exist would be demolished. Corporal Warren reviewed the State Police's priority list of twelve dilapidated buildings. It is anticipated that the demolition of these buildings will reduce drug trafficking and improve the neighborhoods of the areas targeted. Sussex County will provide assistance by notifying owners that the buildings must be demolished; if this action is not successful, the County will file action in the Court of Chancery.

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

1. Designated Polling Location

The Board of Elections will be using the Courthouse first floor lobby for the upcoming elections. The Board of Elections will be using the building on Saturday, September 7, 1996, for primary elections. The general election will be Tuesday, November 5, 1996. Hours will be from 6:00 a.m. to approximately 9:00 p.m. During these days, title searchers and attorneys using the Law Library will be limited access to the building to only areas pertaining to their research.

Adminis-
trator's
Report
(con't)

2. Sheriff's Sale - Wolhar Property

Property title transferred for the property located on East Pine Street, Lots 117 and 207, known as the Wolhar property, to the County on Friday, August 9, 1996. The Engineering Department is in the process of receiving proposals for the demolition of the property. Once the property has been cleared, the parking lot design will be bid to include 54 sites for County employees.

3. Paramedic Administrative Offices Relocate

On Thursday, August 15, and Friday, August 16, 1996, the Sussex County Paramedic Administrative Offices will relocate from North Race Street to the County Administrative Building West Complex, DuPont Highway, formerly known as the Wilmington Trust building. All phone numbers for the Paramedic Administrative Offices will remain unchanged.

Public
Hearing/
Unsafe
Building
Ordinance

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE RELATING TO PROPERTY MAINTENANCE AND UNSAFE BUILDINGS". Numerous public comments were heard. The Public Hearing was closed. Action was deferred to allow time for Mr. Bayard, County Attorney, to review the material submitted.

Para-
medic
Station
Leases

Mr. Stevenson, Paramedic Director, discussed two leases for paramedic stations, as follows:

o Paramedic Station 105

Renewal of a Lease Agreement with Lawrence Kelly for a building located on 1 acre +/- on DE Rt. 17, 1/3 mile south of CR 353 on the west side of DE Rt. 17, Frankford.

o Paramedic Station 104

A Lease Agreement with Colonial East, Ltd. for a portion of a lot located adjacent to Route 1, north of Route 24, west of Route 1, in Rehoboth Beach. A mobile office building will be obtained from Mr. Class at the rate of \$365.00 monthly.

M 332 96
Renew
Lease
Agree-
ment/
Paramedic
Station

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the President of the Sussex County Council be authorized to renew a Lease Agreement with Lawrence Kelly for Paramedic Station 105.

Station
105

Motion Adopted: 5 Yea.

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

M 333 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Execute execute a Lease Agreement and an Agreement to obtain a mobile
Lease office building with Colonial East, Ltd. for Paramedic Station
Agree- 104.
ment/
Paramedic Motion Adopted: 5 Yea.
Station
104

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

Agenda The agenda item entitled "Rainbow Cove - Conditional Acceptance"
Item was tabled.

M 334 96 At 12:25 p.m., a Motion was made by Mr. Benson, seconded by
Recess Mr. Collins, to recess until 1:30 p.m.

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

Location The afternoon session was held in the Council Chambers.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
C/Z COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A GR
No. 1282 GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND
LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAIN-
ING 14.9 ACRES, MORE OR LESS" (Change of Zone No. 1282) filed
on behalf of Donald J. McCann. The Public Hearing was closed.

M 335 96 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to
Adopt Adopt Ordinance No. 1100 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM
No. 1100 DENSITY RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DIS-
(C/Z TRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE
No. 1282) HUNDRED, SUSSEX COUNTY, CONTAINING 14.9 ACRES, MORE OR LESS"
(Change of Zone No. 1282) filed on behalf of Donald J. McCann.

Motion Adopted: 5 Yea.

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

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

1. The applicant established by substantial evidence that the site is a long-existing medium density residential subdivision. By the change of zone, the subdivision remains intact, with only the housing types being changed.
2. The change of zone will have no adverse impact on the character of the community, property values therein, traffic or the environment in the area.

Findings
of Fact
(con't)

3. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 336 96
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500.00 from Mr. Stevenson's Councilmanic Account to Bridgeville Merchants Softball for expenses associated with the Brickyard Motors Modified Softball Team's trip to Atlanta, Georgia, for the National Men's Modified Softball Tournament.

Motion Adopted: 5 Yea.

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

M 337 96
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500.00 from Mr. Stevenson's Councilmanic Account to the Town of Greenwood for the 20th Annual Greenwood Day Celebration.

Motion Adopted: 5 Yea.

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

M 338 96
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500.00 from Mr. Stevenson's Councilmanic Account to the Town of Bridgeville for the 5th Annual Apple-Scrapple Festival.

Motion Adopted: 5 Yea.

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

M 339 96
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$500.00 from Mr. Stevenson's Councilmanic Account to the Grand Slam Softball Team for expenses associated with their trip to Scotsdale, Georgia, for the Mens National Modified Tournament.

Motion Adopted: 5 Yea.

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

M 340 96 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$250.00 from Mr. Collins' Councilmanic Account to the Nanticoke Rotary Club for Bridget Moore who will be travelling to Japan as an exchange student.

Motion Adopted: 5 Yea.

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

M 341 96 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$300.00, \$150.00 from Mr. Collins' Councilmanic Account and \$150.00 from Mr. Dukes' Councilmanic Account, to Laurel Youth Sports, Inc. for operating expenses for the fall season.

Motion Adopted: 5 Yea.

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

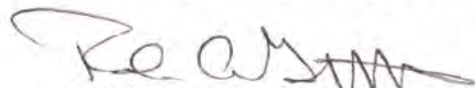
M 342 96 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$500.00 from Mr. Cole's Councilmanic Account to Delaware Celebration of Jazz, Inc. for the Rehoboth Beach Jazz Festival.

Motion Adopted: 5 Yea.

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

M 343 96 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 1:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council