

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-AUGUST 21, 1990

Call
to Order

The regular meeting of the Sussex County Council was held on Tuesday, August 21, 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 of the Flag.

M 391 90
Approval
of Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, 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:

UNITED STATES DEPARTMENT OF AGRICULTURE, SUSSEX COUNTY AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, GEORGETOWN, DELAWARE

RE: Submitting their August 15, 1990 newsletter.

DAN KUENNEN, DIRECTOR, RURAL DEVELOPMENT CENTER, UNIVERSITY OF MARYLAND EASTERN SHORE, PRINCESS ANNE, MARYLAND

RE: Thanking Council for the Resolution passed in his honor.

ALLAN J. REDDEN, SOUTH DISTRICT ENGINEER, DELAWARE DEPARTMENT OF TRANSPORTATION, GEORGETOWN, DELAWARE

RE: Letter withdrawing the State's zoning application for a parcel of land, owned by Curtis Steen, Jr., to have been used for the creation of a borrow pit.

Paramedic
Program

Dr. Lester Wright, M.D., M.P.H., Director of the Delaware Division of Public Health, and Ruth Oates-Graham, Administrator of the State Paramedic Program, were present to address questions and concerns regarding the State Paramedic Program. Mr. Stickels presented Dr. Wright and Ms. Oates-Graham with a release dated August 1, 1990 from the Delaware Volunteer Firemen's Association which addressed three (3) recommendations submitted by the Ad Hoc Education Committee. The Committee recommended a 1,200 hour curriculum based on the Department of Transportation Training Standard. Dr. Wright assured Council that the Department of Public Health is in agreement with a 1,200 hour curriculum.

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Paramedic
Program
(Cont.)

The second recommendation by the Committee was that training sites be located in all three (3) counties for all phases of training. Dr. Wright stated there was a misconception that what was being proposed would be for students to be trained in only one location for the entire nine (9) month period. Dr. Wright reported that there are significant benefits gained in the consolidation of the classroom phase of the training. Dr. Wright stated there was also a misconception that there would be three (3) separate training programs; it has been Dr. Wright's concept to have one training program with the necessary amount of classes, not to have three (3) separate training programs. The downstate site will be housed primarily at Kent General Hospital in Dover, but Milford Memorial Hospital has agreed that it would be willing for its facilities to be used for some of the courses. Out of the nine (9) month training period, one-third of the time is classroom (didactic), one-third is clinical, and one-third is field experience. The three (3) months of classroom training would take place at either the upstate site (the Medical Center of Delaware in Christiana) or at the downstate site (Kent General/Milford Memorial), with the remaining two-thirds of the training obtained in decentralized locations to offer the most comprehensive clinical and field experience. Concern was expressed that the added burden of traveling and its effects would contribute to the failure rate of students. Ms. Oates-Graham stressed the importance of the selection process and that the most qualified students be selected to enter the training program.

The third concern raised by the Committee regards student/teacher ratios. Ms. Oates-Graham stated that for the classroom portion of the training the ratio would be 1 instructor for no more than 24 students. Clinical training would have a 4 to 1 ratio and field experience would have a 2 to 1 ratio. The New Castle County site will handle 24 students and the Kent/Milford site will handle 18 students. The first New Castle County class will begin October 15, 1990 and will have 18 students from New Castle County and 6 from Kent County. The first Kent/Milford class will commence December 3, 1990 and will have 6 students from Kent County and 12 from Sussex County. Ms. Oates-Graham stressed that it is critically important that field training not be compromised so that the students can receive the appropriate level of patient contact.

Mr. Stickels reported that he and Mr. Stevenson (Paramedic Director) will be meeting with the Sussex County Volunteer Firemen's Association and Sussex County Members of the General Assembly on Wednesday night, August 22, 1990, to discuss their questions and concerns regarding the

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Paramedic Program. Mr. Stickels stated he will report back to Council next week concerning the outcome of this meeting.

West
Rehoboth
Zoning
Moratorium

Mr. Stickels, County Administrator, reported to Council on the West Rehoboth Zoning Moratorium which expires Wednesday, August 22, 1990. The Resolution passed by the County Council stated that this Moratorium would be in effect for a period of one year unless otherwise extended by the County Council. Mr. Stickels stated that there was a question concerning the clarification of Section 8 of the Memorandum of Understanding between the County and DNREC regarding this Moratorium. Section 8 of this M.O.U. states:

"Within the area enclosed by the moratorium boundaries, Rte. 5, Rte. 9, and Rehoboth Bay and its tributaries the County shall restrict any change of zone or conditional use and subdivision approval to parcels to be connected to the sanitary sewer system."

Mr. Stickels reported that he had met with Lawrence Lank, Peter Jones, and Gerard Esposito, after which all were in agreement that each zoning application submitted for the bordering areas of the West Rehoboth extension of the Dewey Beach Sanitary Sewer District would be scrutinized extensively by all parties concerned. The applicant, the Planning and Zoning Commission, County Council, and DNREC will all be advised upon zoning applications being filed which are located in this restricted area. Correspondence alerting DNREC will be addressed directly to Mr. Gerard L. Esposito, Director of the Division of Water Resources.

Proposed
Resolution

Mr. Stickels, County Administrator, read in its entirety a Proposed Resolution entitled "DECLARING WEEK OF AUGUST 19 THROUGH AUGUST 25, 1990 AS SUSSEX BIG LEAGUE ALL-STAR WEEK".

M 392 90
Adopt
Resolution
No. R 028 90

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 028 90 entitled "DECLARING WEEK OF AUGUST 19 THROUGH AUGUST 25, 1990 AS SUSSEX BIG LEAGUE ALL-STAR WEEK". Motion Adopted: 5 Yea.

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

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Fenwick
Island
Water
District

Mr. Stickels, County Administrator, reported to Council on the July 31, 1990 Court of Chancery decision which invalidated the 1989 Fenwick Island Water District Referendum. The Court of Chancery decision confirmed that the County has the authority to provide for absentee balloting in water and sewer district referendums. The decision stated that absentee balloting procedures, both with respect to water and sewer district referendums, must be created by Ordinance. In addition, the Court's decision concludes that the balloting Ordinance should not be limited only to absentee balloting. This Ordinance should also govern general voting procedures associated with the creation of a water or sewer district. A final conclusion to be drawn from the Court's decision is that the County needs to make sure that any of its actions, which have the force and affect of law, are done by Ordinance. After a meeting with Russell Archut, it is the recommendation of Mr. Jones, Acting County Attorney, that the first step to be taken is the creation of a comprehensive Ordinance to govern water and sewer district referendums. This proposed Ordinance will be brought before Council within two (2) weeks for Council's review and introduction. Mr. Archut will meet with Fenwick Island Town Officials to ascertain their interest in again supporting the creation of a Fenwick Island Water District.

Office of
State
Budget
Director

Mr. Stickels, County Administrator, presented Council with copies of a memorandum from the State of Delaware's Office of Budget Director. This memorandum outlines State projects which have applied for Federal funding.

DNREC/
Wetlands &
Aquatic
Branch

Mr. Stickels, County Administrator, submitted Council with a memorandum from the Department of Natural Resources and Environmental Control, Wetlands & Aquatic Protection Branch, which outlines pending applications for subaqueous and/or wetlands projects.

Glass
Recycling

Mr. Stickels, County Administrator, informed Council that Brown Igloos have been added to the Delaware Igloo locations in Kent and Sussex County. In the past, only clear and green glass was acceptable. In addition, 850,000 pounds of glass has been collected to date.

Delaware
Inland
Bays
Estuary
Program

Mr. Stickels, County Administrator, reported to Council that the Delaware Inland Bays Estuary Program will be holding a Public Information Meeting on Wednesday, August 22, 1990, at 7:30 p.m., Delaware Room, Delaware Technical & Community College, Route 18, Georgetown. The

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Public Information Meeting is entitled "Poultry Manure Management -- Research Results of the Non-Point Source Demonstration Project in the Nanticoke River Basin". Poultry producers and crop farmers, as well as the general public, are encouraged to attend.

University
of Delaware
Newsletters

Mr. Stickels, County Administrator, presented Council with copies of two (2) Newsletters from the University of Delaware, College of Marine Studies and Sea Grant College Program, regarding lightning safety tips available from Delaware Sea Grant, and also regarding the 1990 Coast Day Crab Cake Cook-Off.

Fair
Housing
Amendments
Act of
1988/
Multi-
Family
Housing

Mr. Calvin C. O'Day, Sussex County Housing Official, appeared before Council concerning "The Fair Housing Amendments Act of 1988". Mr. O'Day reported that this Housing Act was signed in September 1988 by then President Reagan and became effective January 13, 1990. This Act requires that multi-family housing (4 or more units) has to be accessible/adaptable to the handicapped (townhouses are exempt). On May 23, 1989, Council passed a similar Ordinance, Ordinance No. 586, covering commercial establishments. H.U.D. has proposed guidelines, which offer three (3) options, for public comment. These comments must be received by September 13, 1990. H.U.D. and the Paralyzed Veterans Association have each submitted their own Options to be considered. After September 13, 1990, H.U.D. will finalize the guidelines and decide which Option to implement. Until that time, Option One, which is ANSI A17.1 1986, will be used to meet H.U.D. requirements for multi-family housing. Mr. O'Day informed Council that Option One, ANSI, is the most stringent. Mr. O'Day has requested and is still awaiting a copy of this Act, at which time he will make a copy available to Mr. Jones for his review. Mr. O'Day informed Council that he also plans to respond to H.U.D. by September 13, 1990 to allow the County to go on record as to which Option it supports.

Single
Family
Housing
Code
Workshop

Mr. Stickels, County Administrator, informed Council that the County will hold a workshop on Monday, September 10, 1990, from 10:00 a.m. to 2:00 p.m., at the Emergency Operations Center, for the purpose of reviewing the Single Family Housing Code. Attendance at the workshop will be limited to ten (10) builders.

Long
Neck
Sewer
District

Mr. Wood, County Engineer, requested that action be deferred on the award of contracts for the Long Neck Sanitary Sewer District (Contracts 1, 2 and 3) due to a delay in obtaining documentation from several contractors.

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Radio
Communica-
tions Towers

Mr. Wood, County Engineer, presented Council with a brief summary of Sussex County Project No. 89-06, Radio Communications Towers. This contract between the County and Motorola Communications and Electronics, Inc. was for the construction of four (4) towers for the Intracommunication Monitoring System to be used for maintenance and emergency sewer services. As reported at the Council meeting of August 14, 1990, the towers at Long Neck and Anderson Crossroads have been completed. At the present time, there is a contract balance of \$22,367. Since last week's Council meeting, the Engineering Department and Mr. Jones, Acting County Attorney, have discussed what options are available to the County and have two (2) options to submit to the Council: (1) Erect one of the two remaining remote site towers, and (2) close out the contract at the present value and rent tower space for two remote locations (the first year cost is estimated at \$2,900/each of the two tower sites, with a subsequent annual cost of \$2,100/year for each of the two tower sites).

M 393 90
Motorola
Communica-
tion Towers
Contract/
Change
Order

A Motion was made by Mr. Cole, seconded by Mr. Benson, based on the recommendation of the Engineering Department, to authorize the Council President to issue a Change Order to suspend the Motorola Communications Towers Contract at the reduced amount of \$54,058.00, a reduction of \$22,367.00. Motion Adopted: 5 Yea.

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

Public
Hearing/
Peninsula
United
Methodist
Homes, Inc.

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY BY SUSSEX COUNTY OF ITS REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000, IN ORDER TO LEND THE PROCEEDS THEREOF TO PENINSULA UNITED METHODIST HOMES, INC., A DELAWARE NON-PROFIT CORPORATION, FOR THE PURPOSE OF FINANCING THE RENOVATION, REHABILITATION AND EXPANSION OF METHODIST MANOR HOUSE, A CONTINUING CARE FACILITY LOCATED WITHIN SUSSEX COUNTY; TO PROVIDE THAT THE REVENUE BONDS AND THE INTEREST ON THEM SHALL BE PAYABLE SOLELY FROM REVENUES RECEIVED IN CONNECTION WITH THE FINANCING OR REFINANCING OF THE FACILITY AND FROM ANY OTHER MONEYS MADE AVAILABLE TO SUSSEX COUNTY FOR SUCH PURPOSE AND THAT NEITHER THE REVENUE BONDS NOR THE INTEREST ON THEM SHALL EVER CONSTITUTE AN INDEBTEDNESS OR A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF SUSSEX COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION AND NEITHER SHALL EVER CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF SUSSEX COUNTY;

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TO AUTHORIZE THE COUNTY ADMINISTRATOR OF SUSSEX COUNTY, BY ORDER OR OTHERWISE, TO SPECIFY, PRESCRIBE, DETERMINE, PROVIDE FOR AND APPROVE ALL MATTERS, DETAILS, FORMS, DOCUMENTS OR PROCEDURES NECESSARY OR APPROPRIATE TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY OR PAYMENT OF OR FOR THE REVENUE BONDS; AND GENERALLY TO PROVIDE FOR AND DETERMINE VARIOUS MATTERS IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND DELIVERY OF THE REVENUE BONDS". Steven R. Director, Esquire, Counsel for Peninsula United Methodist Homes, Inc., and Jeffrey L. Herron, Esquire, Bond Counsel for the proposed issuance of the Revenue Bonds, were present to review the Ordinance with Council and to also answer questions. In attendance also was Mrs. Linda Souder, Executive Director of the Methodist Manor House, Seaford, Delaware. The Public Hearing was closed.

M 394 90
Adopt
Ordinance
No. 712/
Peninsula
United
Methodist
Homes/
Revenue
Bonds

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to adopt Ordinance No. 712 entitled "AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY BY SUSSEX COUNTY OF ITS REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000, IN ORDER TO LEND THE PROCEEDS THEREOF TO PENINSULA UNITED METHODIST HOMES, INC., A DELAWARE NON-PROFIT CORPORATION, FOR THE PURPOSE OF FINANCING THE RENOVATION, REHABILITATION AND EXPANSION OF METHODIST MANOR HOUSE, A CONTINUING CARE FACILITY LOCATED WITHIN SUSSEX COUNTY; TO PROVIDE THAT THE REVENUE BONDS AND THE INTEREST ON THEM SHALL BE PAYABLE SOLELY FROM REVENUES RECEIVED IN CONNECTION WITH THE FINANCING OR REFINANCING OF THE FACILITY AND FROM ANY OTHER MONEYS MADE AVAILABLE TO SUSSEX COUNTY FOR SUCH PURPOSE AND THAT NEITHER THE REVENUE BONDS NOR THE INTEREST ON THEM SHALL EVER CONSTITUTE AN INDEBTEDNESS OR A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF SUSSEX COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION AND NEITHER SHALL EVER CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF SUSSEX COUNTY; TO AUTHORIZE THE COUNTY ADMINISTRATOR OF SUSSEX COUNTY, BY ORDER OR OTHERWISE, TO SPECIFY, PRESCRIBE, DETERMINE, PROVIDE FOR AND APPROVE ALL MATTERS, DETAILS, FORMS, DOCUMENTS OR PROCEDURES NECESSARY OR APPROPRIATE TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY OR PAYMENT OF OR FOR THE REVENUE BONDS; AND GENERALLY TO PROVIDE FOR AND DETERMINE VARIOUS MATTERS IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND DELIVERY OF THE REVENUE BONDS". Motion Adopted: 4 Yea; 1 Abstention.

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

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Proposed
Ordinance
C/U #952

Mr. Benson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LAWN SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.3 ACRES, MORE OR LESS" (C/U #952) filed on behalf of Ed Fleming. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed
Ordinance
C/U #953

Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN 11.13 ACRE BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 16.93 ACRES, MORE OR LESS" (C/U #953) filed on behalf of Gerald Hickman. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed
Ordinance
C/Z #1094

Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN UR URBAN RESIDENTIAL DISTRICT TO AN UB URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN THE TOWN OF MILLVILLE, BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.88 ACRES, MORE OR LESS" (C/Z #1094) filed on behalf of Elizabeth Lawrence. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed
Ordinance
C/Z #1095

Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9,600 SQUARE FEET, MORE OR LESS" (C/Z #1095) filed on behalf of Hugh F. and Cecilia Higgins. This Proposed Ordinance will be advertised for a Public Hearing.

Proposed
Ordinance
C/Z #1096

Mr. Benson introduced a 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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 18.60 ACRES, MORE OR LESS" (C/Z #1096) filed on behalf of W. Nelson Hall. This Proposed Ordinance will be advertised for a Public Hearing.

M 395 90
Roxana Cheer
Center/
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to grant \$500.00 from Mr. Cole's Councilmanic Account to the Roxana Cheer Senior Center to be used in purchasing a new piano for the Center. Motion Adopted: 5 Yea.

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(Cont.)

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

M 396 90
Adjournment

At 12:01 p.m., a Motion was made by Mr. Cole, seconded
by Mr. Stevenson, to adjourn. Motion Adopted by Voice
Vote.

Respectfully submitted,

Nancy Cordrey

Nancy J. Cordrey
Acting Clerk of the County Council