

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 6, 1998

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 6, 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 441 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Amend and Approve Agenda amend the Agenda changing the location for lunch from Magnolias to the Rusty Rudder 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 442 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated September 29, 1998.

Motion Adopted: 5 Yea.

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

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Commission Meeting and Public Hearing.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Public Notice to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit. (Applicant: Harry F. Lackhove. Waterway: Broadkill River.)

SUSSEX CENTRAL FOOTBALL BOOSTERS, GEORGETOWN, DELAWARE.
RE: Card in appreciation of Councilmanic Grant.

MILLSBORO HISTORICAL SOCIETY, MILLSBORO, DELAWARE.
RE: Invitation to attend dedication ceremonies for the Godwin School.

Corre-
spondence
(con't)

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Comments on the proposed pet crematory (Conditional Use No. 1254, Bethany Beach Kennels).

DAVID W. BAIRD, TOWN MANAGER, TOWN OF GEORGETOWN, GEORGETOWN, DELAWARE.

RE: Letter requesting funding for a Live Scan System.

MICHELLE MANKINS, PRESIDENT, LOCHWOOD PROPERTY OWNERS' ASSOCIATION, INC., NASSAU, DELAWARE.

RE: Letter urging Sussex County to take action to organize community trash removal by single movers.

JEANETTE WILLIAMS, MILLSBORO, DELAWARE.

RE: Petition to establish a Sanitary Sewer District in the Oak Orchard Area.

Town of
George-
town/
Payment
in Lieu
of Taxes

Mr. Stickels, County Administrator, advised that, each year, the County's budget includes a payment in lieu of taxes to the Town of Georgetown. Anytime the County purchases property in Georgetown, the County offers a payment in lieu of taxes to offset lost revenues. A check in the amount \$5,150 was presented to Mayor Bob Ricker and Town Manager David Baird representing this year's payment. This amount reflects a three percent increase over last year's payment.

Town of
George-
town/
Request
for
Funding

Mayor Bob Ricker and Town Manager David Baird of the Town of Georgetown discussed a request for funding for the purchase of a Live Scan System. The Live Scan System is the most technologically advanced identification and criminal processing system available to law enforcement agencies throughout the United States. The purchase price for this system is \$140,000; the Town is currently \$27,000 short of this total. Federal assistance has been provided for this purchase.

M 443 98
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Rogers, to give \$500.00 from Mr. Jones' Councilmanic Account to the Town of Georgetown for a Live Scan System.

Motion Adopted: 5 Yea.

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

Zoning
Regula-
tions

Mr. Lank, Director of Planning and Zoning, and Mr. Abbott, Assistant Director of Planning and Zoning, were in attendance to discuss zoning regulations relating to off-street parking and agricultural setbacks.

Zoning
Regulations
(con't)

Chapter 115, Section 162, of the Sussex County Code stipulates off-street parking requirements for single-family and multi-family dwellings, commercial development, and other uses. Mr. Cole has expressed concern that the present requirements do not provide adequate parking for multi-family dwellings and large-scale commercial development. Mr. Cole expressed his belief that multi-family dwellings should be required to provide two exterior parking spaces per unit excluding garages and carports. Following a discussion on this proposal, Mr. Cole requested that an ordinance be drafted to amend the requirements for off-street parking for multi-family dwellings. It was noted that parking requirements for large-scale commercial development are addressed in the pending large scale commercial development ordinance. It was decided to ask the Comprehensive Plan Oversight Advisory Committee to release this pending ordinance.

Chapter 115, Section 20, of the Sussex County Code outlines permitted uses in Agricultural Residential Districts and stipulates setbacks for structures therein. Mr. Rogers expressed his belief that structures and ponds used for aquaculture farming should conform with requirements for poultry farms. Mr. Rogers requested that an ordinance be drafted stipulating that requirements for aquaculture farms be in line with those for poultry farms.

Mr. Stickels, County Administrator, advised that a complaint has been received on a livestock operation that is taking place on three acres of land. It was decided that Council members will look at the site prior to further discussion.

Adminis-
trator's
Report

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

1. County Government Closing

Sussex County government offices will be closed on Monday, October 12, 1999, to allow employees to observe the Columbus Day holiday. Offices will reopen on Tuesday, October 13, at 8:30 a.m. There will be a regularly scheduled Council meeting at 10:00 a.m.

2. Housing Rehabilitation Loan Program

I have received notification from the Delaware State Housing Authority that they have completed the Housing Rehabilitation Loan Program audit for FY '98 for the Sussex County Community Development and Housing Division. The Housing Authority noted that all files were in proper order with the appropriate documentation.

I would like to compliment Mr. William Lecates, Director of the Sussex County Community Development and Housing Division, and his staff for the excellent audit report.

Adminis-
trator's
Report
(con't)

The Sussex County Community Development and Housing Division handles over \$1 million annually assisting residents throughout the County.

3. U. S. 13 Corridor Capacity Preservation Program

I have been notified by the Department of Transportation that as part of the Department's U. S. 13 Corridor Capacity Preservation Program, they will be conducting meetings with each of the municipalities along U.S. 13. The purpose of the meetings is to provide an update on the Program and solicit input on potential improvement options that may be applicable to the municipal areas of responsibility. The Department has scheduled the following meetings:

October 5 - Laurel Town Council, 7:00 p.m.
October 6 - Greenwood Town Council, 7:30 p.m.
October 8 - Delmar Planning & Zoning Commission, 7:00 p.m.
October 12 - Bridgeville Town Commission, 7:00 p.m.
October 27 - Seaford City Council (tentative), 7:00 p.m.

It is my understanding that after the Department has met with each of the towns, a meeting will be scheduled with the County Council.

4. Boeing Business Jets

The first Boeing Business Jet slated to be refitted with larger fuel tanks at the PATS facility at the Sussex County Airport in Georgetown will arrive on Wednesday, October 7, 1998. The estimated time of arrival is between 2:00 and 6:00 p.m. If the general public wishes to view the landing of the plane, they may do so from the current airport terminal.

PATS, Inc., has a ten-year contract with Boeing to equip Boeing Business Jets with fuel tanks, giving the capability of traveling 6,000 miles nonstop. PATS currently employs 150 people at their facility in Georgetown. After the first two planes have arrived and the facility is familiar with the refitting of the tanks, planes will be arriving in Georgetown every two weeks.

Delaware
College
Invest-
ment
Plan

Mr. Baker, Finance Director, informed Council that at the last Pension Committee meeting, it was decided to recommend that the County offer the Delaware College Investment Plan as an optional payroll deduction to Sussex County employees. This plan will allow employees to invest for a child's higher education in a way that combines the opportunity for competitive market returns with important tax advantages.

M 444 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, that Authorize the Sussex County Council authorizes an employee payroll Employee deduction for employees who elect to voluntarily participate Payroll in the Delaware College Investment Plan.

Deduc- Motion Adopted: 5 Yea.
tion/
College

Invest- Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
ment Mr. Collins, Yea; Mr. Jones, Yea;
Plan Mr. Dukes, Yea

Proposed Mr. Archut, Assistant County Engineer, discussed the Town
Ellendale of Ellendale's involvement in the Proposed Ellendale Sanitary
Sanitary Sewer District. Currently, the Town of Ellendale is included
Sewer in the proposed boundaries for the district. State Law
District specifically says that if a town is going to receive central
sewer service from the County as part of a sewer district,
the County can install the sewer lines only if the town gives
the County its consent to construct, operate and maintain them.
The Town of Ellendale must provide this consent in the form
of an ordinance. Mr. Archut presented for Council's con-
sideration the Town's Proposed Ordinance entitled "AN ORDINANCE
TO IRREVOCABLY ALLOW SUSSEX COUNTY COUNCIL, ACTING BY AND
THROUGH THE "ELLENDALE SANITARY SEWER DISTRICT" TO CONSTRUCT
AND MAINTAIN A COLLECTION AND TRANSMISSION SYSTEM FOR SANITARY
WASTEWATER SEWAGE WITHIN THE TOWN LIMITS OF THE TOWN OF ELLEN-
DALE, SUBJECT TO STATED CONTINGENCIES". This Proposed Ordinance
will be discussed at the Town's October 6, 1998 meeting. Mr.
Archut advised that Dennis Schrader, Assistant County Attorney,
has concerns with the contingencies included in the Proposed
Ordinance due to the fact that, in accordance with State Law,
the Ordinance is to be irrevocable and for this reason, there
should be no contingencies. It was the consensus of Council
that there were no objections/concerns regarding the Proposed
Ordinance to be considered by the Town of Ellendale.

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing/ "AN ORDINANCE CREATING THE SUSSEX COUNTY VOLUNTEER FIREMEN'S
Fire- ENHANCEMENT FUNDING PROGRAM, PROVIDING FOR THE ADMINISTRATION
men's OF GRANTS AND CREATING FUNDING THEREFOR". This ordinance
Enhance- establishes the Volunteer Firemen's Enhancement Funding Program;
ment establishes the procedure for the award of grants under the
Funding program; sets a surcharge on building permit fees not less than
Program .25% nor more than .5%, and authorizes the Director of Finance
to administer the program and to make regulations governing the
grants, if necessary.

Mr. Stickels, County Administrator, noted that this ordinance
was introduced for the purpose of continuing adequate funding
to the fire service. Without volunteer fire and ambulance
service in Delaware, taxpayers would have to contribute
\$87,604,703 annually. The absence of volunteer fire and
ambulance service in Delaware would result in a net property

Public
Hearing
(con't)

tax increase of \$5.87 per \$1,000 of assessed value. If Sussex County homeowners had to pay for fire service based on \$5.87 per \$1,000 of assessed value, in FY '99 the average single-family homeowner would pay an additional \$107.71 annually. This compares to \$81.65 that they currently are paying for all County services.

Mr. Ray Stevens, First Vice President of the Sussex County Volunteer Firemen's Association addressed Council as the spokesman representing the 21 volunteer fire companies in Sussex County. Mr. Stevens' presentation in support of the Enhancement Funding Program addressed pertinent issues relative to the overall operational needs of the volunteer fire service in Sussex County, including (1) growth within Sussex County resulting in an increase in fire and EMS calls, (2) aging of apparatus, (3) equipment costs, (4) cost of protective gear, and (5) insufficient funding received from fundraisers and campaign donations.

It was noted that each fire department was represented at the Public Hearing. Twelve letters were read into the record in support of the Proposed Ordinance. Mr. Frederick, President, Association of Coastal Towns, spoke on behalf of the Association in support of the Proposed Ordinance. Mrs. Roach spoke with concerns and questions relating to the Proposed Ordinance. The Public Hearing was closed.

M 445 98 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Adopt Ordinance No. 1264 entitled "AN ORDINANCE CREATING THE
Ordinance SUSSEX COUNTY VOLUNTEER FIREMEN'S ENHANCEMENT FUNDING PROGRAM,
No. 1264 PROVIDING FOR THE ADMINISTRATION OF GRANTS AND CREATING FUND-
ING THEREFOR".

Motion Adopted: 5 Yea.

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

M 446 98 A Motion was made by Mr. Collins, seconded by Mr. Rogers, that
Adopt the Sussex County Council adopts a premium rate on building
Rate and permits for the balance of FY '99 of .25 percent; and be it
Method further moved that the method of distribution will be at a
of base rate of \$800,000 on an annual basis, calculated on the
Distri- balance of FY '99 on a 5/12 ratio, with Carlisle receiving
bution/ 1/2 share and Sussex Post No. 8 and Mid-Sussex receiving
Enhance- \$10,000 per 5/12 ratio, with funding exceeding the base rate
ment to be distributed to the fire companies on a percentage basis
Funding after exceeding the base rate.
Program

Motion Adopted: 5 Yea.

M 446 98 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 447 98 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Council- give \$500.00, \$250.00 each from Mr. Cole's and Mr. Rogers'
manic Councilmanic Accounts, to the Rehoboth Beach Wrestling Club
Grant for operating expenses.

Motion Adopted: 5 Yea.

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

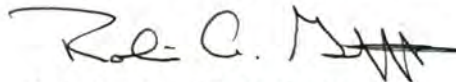
M 448 98 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to
Council- give \$250.00 from Mr. Cole's Councilmanic Account to the
manic Glade Property Owners Association, Inc. to purchase equip-
Grant ment for their neighborhood watch group.

Motion Adopted: 5 Yea.

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

M 449 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adjourn adjourn at 12:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council