

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 13, 1992

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 13, 1992, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	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 430 92 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated October 6, 1992. Motion Adopted by Voice Vote.

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

THOMAS J. FORD, REGISTERED LANDSCAPE ARCHITECT, LANDDESIGN, OCEAN VIEW
RE: Council's decision to reject a State Grant for consultation with Randall Arendt on Land Use Planning.

Proposed Mr. Stickels, County Administrator, read in its entirety a Procla- Proposed Proclamation entitled "PROCLAIMING THE WEEK OF OCTOBER mation 18 THROUGH 24, 1992, AS 'NATIONAL BUSINESS WOMEN'S WEEK' IN SUSSEX COUNTY". Anita Smith, President of The Sussex County Business & Professional Women's Club, was present to accept the Proclamation.

M 431 92 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF OCTOBER Procla- 18 THROUGH 24, 1992, AS 'NATIONAL BUSINESS WOMEN'S WEEK' IN mation SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

Grant Mr. Stickels, County Administrator, discussed a request from Request the Sussex County Interagency Council for a grant in the amount Sussex of \$450.00 for the purpose of printing 1,000 copies of a new and County updated edition of its Emergency Services Directory. Marge Inter- Seely was present to represent the Sussex County Interagency agency Council, Inc. Ms. Seely described the organization and its Council function.

M 432 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, to give
Grant to a \$450.00 grant to the Sussex County Interagency Council.

Sussex
County
Inter-
agency
Council
Motion Adopted: 5 Yea.

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

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

1. Viscounts - Sussex County Industrial Park

Two of the three remaining Viscounts have been removed from the Sussex County Industrial Park. The one remaining Viscount owned by the Smithsonian is expected to be relocated by December.

2. Seaford American Legion

Post No. 8 of the Seaford American Legion will have the unveiling of a historical marker on Saturday, October 31, 1992, at 10:00 a.m. at the Seaford American Legion Post. The historical marker will describe the World War II boxcar that is symbolic of American Legion Fraternity 40/8. The boxcar has recently been renovated. Council had made funds available to assist in this project. The Post would appreciate the County Council participating in this dedication.

3. Delmarva Power and Light

Delmarva Power and Light will be hosting an Open House at the Indian River Power Station in celebration of 35 years of continuous service to Sussex County. The Open House will take place on Friday, October 23, 1992, from 11:00 a.m. to 1:00 p.m. The power plant is located on Route 332, Millsboro, Delaware.

4. National Emergency Training Center

Sussex County Paramedic Director William H. Stevenson is spending five days working with the Federal Emergency Management Agency (FEMA) as they review their Emergency Medical Services (EMS) curriculum. He is part of a nationwide team which has traveled to the National Emergency Training Center (NETC) in Emmitsburg, Maryland, to design an expanded educational program directed at training EMS managers to meet the challenges of providing prehospital emergency health care.

Adminis-
trator's
Report
(con't)

Mr. Stevenson was asked to represent the National Volunteer Fire Council during this review because of his involvement with EMS in Sussex County. In Sussex County, career Paramedics and volunteer ambulance squads work together to provide cost-effective, state-of-the-art prehospital care.

While at the NETC, the review team will also revise the current program, offering to bring it up-to-date. EMS programs are provided through the National Fire Academy at the NETC.

Condi-
tional
Accep-
tance

Mr. Green, Utilities Construction Division Director, discussed a "Conditional Acceptance" for the wastewater facilities constructed in "Wharton's Cove Garth", located in the Bethany Beach Sanitary Sewer District.

M 433 92
Grant
Condi-
tional
Accep-
tance
Wharton's
Cove
Garth

A Motion was made by Mr. Cole, seconded by Mr. Benson, that based upon the recommendation of the Inspection Engineer, KCI Technologies, Inc., for Sussex County Project No. 81-04, that the Sussex County Council grant "Conditional Acceptance" for the wastewater facilities constructed in "Wharton's Cove Garth", located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Hours of
Operation
for Con-
struction
Projects

Council discussed limiting days and hours of operation during construction projects similar to the "Wharton's Cove Garth" project. Mr. Stickels, County Administrator, recommended that a clause be placed in the specifications of projects in dense areas, limiting the days and hours when construction can take place.

Change
Order #1
Dagsboro/
Frankford

Mr. Green, Utilities Construction Division Director, reviewed a recapitulation to date, including Change Order No. 1, for the Dagsboro/Frankford Sanitary Sewer District, to Pierson Construction of Delaware, Inc.

M 434 92
Change
Order #1
Dagsboro/
Frankford
Sanitary
Sewer
District

A Motion was made by Mr. Cole, seconded by Mr. Collins, that based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 1 for the Dagsboro/Frankford Sanitary Sewer District, to Pierson Construction of Delaware, Inc., for the addition of line items 43 and 44 to the original contract in the amount of \$26,300.00, increasing the contract amount to \$5,808,781.00.

M 434 92 Motion Adopted: 5 Yea.
(con't)

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

Change Mr. Green, Utilities Construction Division Director, reviewed
Orders a recapitulation to date, including Change Order Nos. 4 through
West 9, for Phase 1A of the West Rehoboth Expansion of the Dewey Beach
Rehoboth Sanitary Sewer District.

M 435 92 A Motion was made by Mr. Cole, seconded by Mr. Collins, based on
Change the recommendation of the Inspection Engineer, George, Miles &
Orders Buhr, and the Sussex County Engineering Department, that the
West Sussex County Council authorizes the President of the Sussex
Rehoboth County Council to approve Change Order Nos. 4 through 9, for the
Expansion West Rehoboth Expansion of the Dewey Beach Sanitary Sewer
of the District, Phase 1A, to Onshore Construction Co., Inc., as
Dewey described in the Change Order Recapitulation, for an amount of
Beach \$29,952.00, increasing this contract amount to \$2,901,907.68.

Sanitary Motion Adopted: 5 Yea.
Sewer
District

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

Draft Mr. Cole expressed concern that a separate ordinance does not
Ordinance exist regarding the erection of billboards. It was decided
that an ordinance will be drafted regarding the placement of
billboards.

M 436 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, to give
Council- \$500.00 from Mr. Cole's Councilmanic Account to the Bethany
manic Beach Volunteer Fire Co. to help assist in the sub-station
Grant expansion.

Motion Adopted: 5 Yea.

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

M 437 92 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to
Council- give \$600.00 (\$150.00 each from Mr. Benson's, Mr. Cole's, Mr.
manic Collins' and Mr. Stevenson's Councilmanic Accounts) to the
Grant Sussex Central Pop Warner Football for operational expenses.

Motion Adopted: 5 Yea.

M 437 92 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 438 92 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Council- give \$600.00 from Mr. Benson's Councilmanic Account, to the
manic Town of Milton to assist in the project known as "Governors'
Grant Walk".

Motion Adopted: 5 Yea.

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

M 439 92 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Council- give \$200.00 from Mr. Benson's Councilmanic Account to the Town
manic of Milton for the purchase of twenty soccer balls for the soccer
Grant program.

Motion Adopted: 5 Yea.

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

M 440 92 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Council- give \$300.00 from Mr. Benson's Councilmanic Account to Pirate
manic Pride to help fund a drug prevention program.
Grant

Motion Adopted: 5 Yea.

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

M 441 92 A Motion was made by Mr. Collins, seconded by Mr. Benson, to give
Council- \$150.00 from Mr. Collins' Councilmanic Account to the Laurel
manic Public Library to help purchase a new bronze sign for the Library
Grant building.

Motion Adopted: 5 Yea.

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

M 442 92 A Motion was made at 11:00 a.m. by Mr. Cole, seconded by Mr.
Recess Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

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

Public
Hearing
C/U
#1018

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDIAN CENTER (TRIBAL OFFICE AND MEETING PLACE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 39,804 SQUARE FEET, MORE OR LESS" (C/U #1018) filed on behalf of Nanticoke Indian Association. The Public Hearing was closed.

M 443 92
Adopt
Ordinance
No. 859
With
Stipula-
tions

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 859 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDIAN CENTER (TRIBAL OFFICE AND MEETING PLACE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 39,804 SQUARE FEET, MORE OR LESS" (C/U #1018) filed on behalf of Nanticoke Indian Association, with the following stipulations:

1. The conditional use shall be limited to a 20 foot by 50 foot addition to the existing structure.
2. The building shall not be leased to private commercial businesses.
3. Adequate off street parking shall be provided.
4. All necessary permits shall be obtained.
5. A site plan shall be approved by the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

Findings
of Fact

The Council found that the conditional use was appropriate legislative action based upon the following findings of fact:

The Findings of Fact of the Planning and Zoning Commission were incorporated into the record. The Sussex County Council found that the conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. Further, the Sussex County Council found that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County. The County Council found that the applicant had showed a public need for an indian center (tribal office and meeting place). The County Council found that the proposed conditional

Findings of Fact (con't) use was merely an expansion of an existing use on the parcel, and as a result would not have a negative impact on surrounding properties. The County Council found that the proposed conditional use would not generate significant traffic or have a negative impact on traffic in the area.

Public Hearing C/U #1021 A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A PUBLIC USE (AN ACTIVITY CENTER FOR ADULTS 60 YEARS AND OLDER) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10,700 SQUARE FEET, MORE OR LESS" (C/U #1021) filed on behalf of Beebe Medical Center, Inc. The Public Hearing was closed.

M 444 92 Adopt Ordinance No. 860 With Stipulations A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 860 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A PUBLIC USE (AN ACTIVITY CENTER FOR ADULTS 60 YEARS AND OLDER) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10,700 SQUARE FEET, MORE OR LESS" (C/U #1021) filed on behalf of Beebe Medical Center, Inc., with the following stipulations:

1. Operation shall be limited to an adult daytime activity center, with operations limited to Monday through Friday.
2. All necessary permits shall be obtained before occupying the building.

Motion Adopted: 5 Yea.

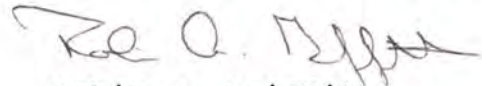
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings of Fact The Council found that the conditional use was appropriate legislative action based upon the following findings of fact:

The Findings of Fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the proposed conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The County Council found that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County. The County Council found that a need was shown by the applicant for an activity center for adults 60 years and older.

- Recess Mr. Dukes declared a five minute recess at 2:05 p.m.
- Reconvene Mr. Dukes called Council back into session at 2:10 p.m.
- Conflict of Interest Mr. Collins was excused from the next Public Hearing due to his involvement with Townsends and a possible conflict of interest.
- Public Hearing C/U #1017 A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE TO FORESTED LAND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 54.78 ACRES, MORE OR LESS" (C/U #1017) filed on behalf of Townsends, Inc.
- Recess During the Public Hearing, at 3:55 p.m., Mr. Dukes declared a five minute recess.
- Reconvene Mr. Dukes called Council back into session at 4:00 p.m.
- Deferral The Public Hearing was closed and action was deferred.
- M 445 92 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Benson, to adjourn at 5:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council