

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 9, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, November 9, 1993, at 10:00 a.m. in the Council Chambers, 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 467 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated November 2, 1993. Motion Adopted by Voice Vote.

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

MRS. RUTH B. MARVEL.
RE: Appreciation for cards and flowers.

BARBARA JESTER, PROGRAM DIRECTOR, CHEER, SUSSEX COUNTY SENIOR SERVICES, INC., GEORGETOWN.
RE: Appreciation for Human Service Grant.

PETER FOWLER, OAKFORD, PENNSYLVANIA.
RE: Request that the Bethany Beach Sanitary Sewer District be extended to include his property.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Public Notice of Project Review Applications received, one of which involves a location in Sussex County (Perdue Farms, Inc.)

GREATER GEORGETOWN CHAMBER OF COMMERCE, GEORGETOWN.
RE: October-November 1993 newsletter.

AMERICAN RED CROSS, WILMINGTON.
RE: Fall 1993 newsletter entitled "crosswinds".

MILFORD MEMORIAL HOSPITAL, MILFORD.
RE: September-October 1993 newsletter entitled "Monitor".

CDBG Mr. Stickels, County Administrator, and Mr. Lecates, Director of Appli- of Community Development and Housing, reported to Council cations concerning State of Delaware Community Development Block Grant Applications. In the past, the County has assisted communities in procuring grants for the purpose of keeping

CDBG (con't) administrative costs down. Mr. Stickels requested permission from Council to continue this service.

M 468 93 Assist Local Governments with CDBG Applications A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council authorizes the Sussex County Community Development Division to assist local governments in the preparation and administration of Community Development Block Grant Applications.

Motion Adopted: 5 Yea.

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

Proposed Resolution CDBG Mr. Stickels, County Administrator, advised that a change in policy regarding State of Delaware Community Development Block Grant Funding may allow nonprofit organizations to apply for funding. Mr. Stickels recommended that the Proposed Resolution entitled "RESOLUTION REQUESTING THE DELAWARE STATE HOUSING AUTHORITY CONTINUE TO FUND KENT AND SUSSEX COUNTY LOCAL GOVERNMENTS" be adopted.

M 469 93 Adopt Resolution No. R 021 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt Resolution No. R 021 93 entitled "RESOLUTION REQUESTING THE DELAWARE STATE HOUSING AUTHORITY CONTINUE TO FUND KENT AND SUSSEX COUNTY LOCAL GOVERNMENTS".

Motion Adopted: 5 Yea.

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

IRB Review Committee Mr. Stickels, County Administrator, discussed the Industrial Revenue Bond Review Committee for Sussex County. This Committee last met approximately two years ago. Mr. Stickels advised that it may be necessary for this Committee to meet again in the coming months and therefore, members should be appointed.

M 470 93 Appoint Members to IRB Review Committee A Motion was made Mr. Stevenson, seconded by Mr. Benson, to appoint the following individuals to the Industrial Revenue Bond Review Committee: David Baker, Frank B. Calio, Stephen T. Masten, Dennis Schrader, and Robert L. Stickels.

Motion Adopted: 5 Yea.

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

Human
Service
Grants

Mr. Stickels, County Administrator, advised Council of two requests for Human Service Grants; one from Families in Crisis Conference and one from Catholic Social Services.

M 471 93
Human
Service
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$800.00 from Human Service Grants to Families in Crisis Conference.

Motion Adopted: 5 Yea.

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

M 472 93
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00, \$100.00 from each Councilmanic Account, to Catholic Social Services for the Sussex County free Thanksgiving dinner.

Motion Adopted: 5 Yea.

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

Carol-
ling
On The
Circle

Mr. Stickels, County Administrator, discussed the history of Carolling On The Circle. For the last several years, the Town of Georgetown has sponsored this event. This year, the Town of Georgetown has expressed that they are not interested in sponsoring the event on a county-wide basis. Mr. Stickels recommended that Council sponsor Carolling On The Circle this year.

M 473 93
County
Sponsor
Carol-
ling
On The
Circle

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to authorize the County to sponsor Carolling On The Circle, to be held December 13, 1993.

Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. South Coastal Library

In an effort to provide the residents of the South Coastal area with library service during the transition from the old facility to the new building, the Bookmobile has been scheduled to visit the area. On Monday, November 22, 1993,

Adminis-
trator's
Report

and Monday, December 13, 1993, the Bookmobile will be located in the new parking lot on Kent Avenue, Bethany Beach.

At a recent Council meeting it was announced that the new library would not be open until Monday, January 3, 1994. However, should the changeover go quicker than what is anticipated, the library will be opened as soon as possible.

2. Public Meeting

Sussex County Community Development and the Delaware State Housing Authority will be conducting a Comprehensive Housing Affordability Strategy public meeting on Wednesday, November 17, 1993, from 7:00 p.m. to 9:00 p.m. in the Sussex County Council Chambers, Sussex County Courthouse, The Circle, Georgetown, Delaware. The public is invited to give comments on the State of Delaware Comprehensive Housing Affordability Strategy for FY '95.

Pension
Fund
Board
Recommen-
dation

Mr. Baker, Finance Director, reviewed a recommendation of the Pension Fund Board regarding current and future investments for the Sussex County pension plan. Mr. Berry of Wilmington Trust Company was present to discuss Wilmington Trust's suggestions for the investment structure of the pension fund. Currently, the pension fund is approximately invested in 95 percent United States Treasury Obligations and approximately 5 percent in equity funds; the current return on investments is approximately 5.7 percent. The County's actuaries, Alexander & Alexander, assume that the investments will earn 8 percent per year in determining their annual recommendation to the County Council for adequate funding for the pension fund. In an effort to increase investment earnings to 8 percent or more per year, Wilmington Trust is recommending a change in the investment mix to 60 percent fixed income and 40 percent equity. The Pension Fund Board recommends that the County Council approve the recommendation of Wilmington Trust. Failure to do this will result in an increase in the County's annual pension fund contribution. It was noted that Wilmington Trust charges 85 basis points, or .0085, annually, for investing in these funds.

M 474 93
Approve
Pension
Fund
Board
Recom-
mendation

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, that the County Council authorizes the Sussex County Pension Plan to be invested by the Wilmington Trust Company with the following guideline, 40 percent invested in equities and 60 percent invested in fixed-income investments, and that the County Council approves the corresponding increase of fee, charged by the Wilmington Trust Company, to a maximum of .85 percent of pension fund asset market value.

M 474 93 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

Fee Asso- Mr. Archut, Director of Planning and Permits, discussed the
ciated fee associated with Ordinance No. 924 entitled "AN ORDINANCE
with AMENDING CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, DELAWARE,
Ordinance BY ADDING ARTICLE 21 RELATING TO THE PAYMENT OF FEES FOR THE
No. 924 REVISION OF SANITARY OR WATER DISTRICTS WITHOUT ELECTION"
which was adopted on September 28, 1993.

M 475 93 A Motion was made by Mr. Collins, seconded by Mr. Cole, that
Set Fee the water and/or sanitary sewer district boundary extension
Asso- request fee, authorized by Ordinance No. 924, is set at \$500.00
ciated per request, and said fee will be reviewed prior to the Budget
with Hearing for the forthcoming year.
Ordinance
No. 924 Motion Adopted: 5 Yea.

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

Award Mr. Izzo, Public Works Division Director, reviewed the bids
Bid for for Sussex County Project #93-10, "House Sale at the Sussex
Sussex County Airport", as follows:

Project
#93-10

NAME	BID
1. Theodore E. Elser, Frankford	\$10,050.00
2. Robert Davidson, Harbeson	6,356.00
3. Nino D'Orazio, Quillens Point	5,625.00
4. Ernest Elsasser, Georgetown	5,326.01
5. Wayne Ehrlich, Jr., Rehoboth Beach	5,251.00

Mr. Izzo recommended that the bid be awarded to Mr. Theodore E. Elser, the highest bidder, in the amount of \$10,050.00. Mr. Izzo noted that 90 percent of the funds must be returned to the Federal Aviation Administration.

M 476 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that
Award based upon the recommendation of the Sussex County Engineering
Bid for Department, that the bid for Sussex County Project No. 93-10,
Sussex entitled "House Sale at the Sussex County Airport", be awarded
County to Mr. Theodore E. Elser, of Frankford, Delaware, in the amount
Project of \$10,050.00.
#93-10

Motion Adopted: 5 Yea.

M 476 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 477 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Council- give \$300.00, \$150.00 from Mr. Collins' Councilmanic Account
manic and \$150.00 from Mr. Dukes' Councilmanic Account, to Laurel's
Grant Pop Warner Cheerleader squads to attend a regional competition
in New Jersey.

Motion Adopted: 5 Yea.

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

Agenda Mr. Collins requested that the issue of "five acre mini-
Item farms" be placed on the agenda for discussion in the near
future.

M 478 93 At 11:45 p.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Cole, to recess until 1:30 p.m. Motion Adopted by Voice
Vote.

Reconvene At 1:30 p.m., Mr. Collins called Council back into session.

Absence Mr. Dukes was not present for the afternoon session. Mr.
Collins presided.

Public A Public Hearing was held on a Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
(C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR A SECOND 18,000 GALLON
#1058) PROPANE STORAGE TANK TO BE LOCATED ON A CERTAIN PARCEL OF
LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX
COUNTY, CONTAINING 4.97 ACRES, MORE OR LESS" (C/U #1058)
filed on behalf of Paradee Gas Company. The Public Hearing
was closed.

M 479 93 A Motion was made by Mr. Benson, seconded by Mr. Cole, to
Adopt Adopt Ordinance No. 932 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 932 DISTRICT FOR A SECOND 18,000 GALLON PROPANE STORAGE TANK TO
(C/U BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
#1058) LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.97
ACRES, MORE OR LESS" (C/U #1058) filed on behalf of Paradee
Gas Company.

Motion Adopted: 4 Yea, 1 Absent.

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

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

1. The applicant established by substantial evidence that the proposed use will enable the existing retail propane sales business to expand to better serve its residential, business and agricultural customers.
2. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the community, property values therein, traffic, or the environment in the area. The site of the proposed use is an existing active commercial industrial enterprise.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
4. The proposed use conforms to the purposes and goals of the Coastal Sussex Land Use Plan.

Public Hearing (C/Z #1212) A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.00 ACRES, MORE OR LESS" (C/Z #1212) filed on behalf of Pat-Rick Limited Partnership. The Public Hearing was closed.

M 480 93 Adopt Ordinance No. 933 (C/Z #1212) A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Ordinance No. 933 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 6.00 ACRES, MORE OR LESS" (C/Z #1212) filed on behalf of Pat-Rick Limited Partnership.

Motion Adopted: 4 Yea, 1 Absent.

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

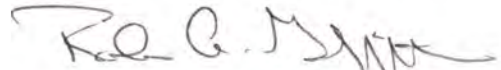
Findings of Fact The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

Findings
of Fact
(con't)

1. The applicant established by substantial evidence that the change of zone adjoins an existing general commercial area and will enable the applicant to construct a facility to store and repair carnival equipment of adequate size to serve its needs.
2. The applicant established by substantial evidence that 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.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
4. The change of zone will meet the purposes and goals of the Western Sussex Land Use Plan.

M 481 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adjourn adjourn at 2:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council