

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 16, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, November 16, 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 482 93 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Approve approve the minutes of the previous meeting dated November 9, Minutes 1993. Motion Adopted by Voice Vote.

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

CAROLE L. LUTNESS, EXECUTIVE DIRECTOR, TURNABOUT COUNSELING CENTER, SEAFORD.

RE: Appreciation for Human Service Grant.

JAY C. WINDSOR, JOHN C. NYE, AND MARK A. ISAACS, UNIVERSITY OF DELAWARE, COLLEGE OF AGRICULTURAL SCIENCES, GEORGETOWN.

RE: Distribution of the grant-in-aid in the amount of \$81,647 that the Sussex County Council has agreed to provide in support of Extension and Research Programs for the fiscal year 1993-94.

DOUGLAS W. SCOTT, FIRE CHIEF, MILLVILLE VOLUNTEER FIRE CO., INC., MILLVILLE.

RE: Commending paramedics Wayne Naumann and Brent Hudson for their heroic actions during a recent accident that occurred within the Millville fire district.

Mr. Stevenson read the following correspondence:

ERVIN H. WILLIAMS, JR., PROSPECT A.M.E. CHURCH, GEORGETOWN.

RE: Appreciation for Councilmanic Grant.

Holiday Mr. Stickels, County Administrator, reviewed the 1994 Sussex Schedule County Holiday Schedule and the 1994 County Council Schedule.

M 483 93 A Motion was made by Cole, seconded by Mr. Benson, authorizing Adopt the adoption of the 1994 Sussex County Holiday Schedule and Holiday the 1994 County Council Schedule as presented by the County Schedule Administrator:

M 483 93
(con't)

1994 Sussex County Holiday Schedule

New Year's Day	Friday, December 31
Martin Luther King, Jr.'s Birthday	Monday, January 17
Presidents' Day	Monday, February 21
Good Friday	Friday, April 1
Memorial Day	Monday, May 30
Independence Day	Monday, July 4
Labor Day	Monday, September 5
Columbus Day	Monday, October 10
Election Day	Tuesday, November 8
Return Day	Thursday, November 10
Veterans' Day	Friday, November 11
Thanksgiving Day	Thursday, November 24
Day after Thanksgiving	Friday, November 25
Christmas Eve	Monday, December 26
Christmas Day	Tuesday, December 27

1994 County Council Schedule

No Council Meeting	Tuesday, March 1
No Council Meeting	Tuesday, July 5
No Council Meeting	Tuesday, September 6
No Council Meeting	Tuesday, November 8
No Council Meeting	Tuesday, December 27

Motion Adopted: 5 Yea.

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

Proposed Ordinance Health-care Revenue Bonds

Mr. Stickels, County Administrator, discussed a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING \$32,000,000 HEALTHCARE FACILITY REVENUE BONDS (DELAWARE HEALTH CORPORATION)". The Proposed Ordinance will authorize the County to issue Healthcare Facility Revenue Bonds in a principal amount not exceeding \$32,000,000 (exclusive of original issue discount) for the financing of a project for Delaware Health Corporation, consisting of the acquisition of (1) a 179-bed nursing facility known as "Harbor Healthcare & Rehabilitation Center" located in Lewes, Delaware, and (2) a 150-bed nursing facility known as "Parkview Nursing Center" located in Wilmington, Delaware. Due to the fact that one of the properties exists in New Castle County, it will be necessary that New Castle County enter into an intergovernmental arrangement with Sussex County, pursuant to which New Castle County will consent to Sussex County's issuance of the bonds to finance the acquisition of both facilities in a single transaction in order to simplify, and minimize the cost of, the transaction. As of this date, New Castle County has verbally agreed to this arrangement. Sussex County will be paid a fee of \$50,000 for sponsoring the bond.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING \$32,000,000 HEALTHCARE FACILITY REVENUE BONDS (DELAWARE HEALTH CORPORATION)". The Proposed Ordinance will be advertised for Public Hearing.

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

1. Salvation Army - Sussex Kettle Kick Off

On Friday, November 19, 1993, at 12:00 noon, The Salvation Army of Sussex County will officially kick off its 1993 Kettle Drive with a ceremony on The Circle in Georgetown. The Salvation Army Kettle Drive tradition, now world renowned, was launched in December 1891 by San Francisco native Joseph McFee. At the time, those less fortunate were aided by a simple kettle at the Oakland ferry landing. Today, The Salvation Army annually aids more than 4.5 million people at Thanksgiving and Christmas. Prior to the event on Friday, coffee and doughnuts will be served at 11:45 a.m., while The Salvation Army's four-piece brass ensemble provides entertainment.

2. Sussex County Volunteer Firemen's Association Monthly Meeting

The Sussex County Volunteer Firemen's Association monthly meeting is scheduled for Tuesday evening, November 23, 1993, at 7:00 p.m. at the Laurel Fire Hall, Laurel, Delaware.

3. Notice of Public Meeting

The Rules and Regulations Subcommittee of the Mobile Home Study Committee will be held on Monday, November 22, 1993, at 1:00 p.m. in the Tatnall Building, Dover, Delaware. Mobile home tenants and landlords are encouraged to attend this open committee meeting.

4. Public Notice

The Delaware Department of Transportation will hold the second in a series of public workshops to present recently developed additional alternatives aimed at eliminating the effects of highway flooding on a portion of Route 54 from Road 58C to the ditch. The meeting will take place on Wednesday, November 17, 1993, from 4:00 to 8:00 p.m. in the Fenwick Island Town Hall. Two new concepts have been added to the possibility of alleviating the problem. The two new bridge alternatives, aimed at eliminating flooding during storm conditions, will be added to the other options and presented in August.

Old
Business
(C/Z
#1203)

The Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES MORE OR LESS" (C/Z #1203) filed on behalf of Maplewood Industries, Inc. was discussed. A Public Hearing was held on this Proposed Ordinance on August 10, 1993, at which time the Public Hearing was closed and action was deferred. It was noted that Mr. Benson and Mr. Collins were not present during the Public Hearing; however, prior to this date, they have listened to the recording of the Public Hearing and have reviewed the findings of fact.

M 484 93
Adopt
Ordinance
No. 934
(C/Z
#1203)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 934 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES MORE OR LESS" (C/Z #1203) filed on behalf of Maplewood Industries, Inc., subject to the confirmation that the deed restrictions have been recorded.

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 change of zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the change of zone is consistent with the character of neighboring commercial development and will not adversely affect the character of the adjoining residential development, since traffic flows have been redesigned to protect the residential area and since the applicant, by restrictive covenants, has provided for additional protection for the residential development.
2. Based on the record before Council and the agreements between the applicant and its neighbors, the purposes and goals of the Coastal Land Use Plan are served and the change of zone will be consistent therewith.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Old Business (C/Z #1210) The Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.0891 ACRES, MORE OR LESS" (C/Z #1210) filed on behalf of Shawnee Wood Farms, Inc. was discussed. A Public Hearing was held on this Proposed Ordinance on October 12, 1993, at which time the Public Hearing was closed and action was deferred.

M 485 93 Adopt Ordinance No. 935 (C/Z #1210) A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Ordinance No. 935 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.0891 ACRES, MORE OR LESS" (C/Z #1210) filed on behalf of Shawnee Wood Farms, Inc.

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 change of zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the change of zone is an appropriate land use and will have no adverse impact on the character of the community, property values therein, the environment, or traffic in the area.
2. The applicant established by substantial evidence that development in the area is a mix of agricultural, residential and neighborhood business uses and the change of zone is consistent therewith.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Agreement Silver Lake Dunes Mr. Green, Director of Utility Construction, discussed an Agreement between Sussex County Council and Richard B. Judge for Construction Administration and Construction Inspection Services for water and wastewater facilities in Silver Lake Dunes in the Dewey Beach Sanitary Sewer and Water Districts.

M 486 93 Silver Lake Dunes A Motion was made by Mr. Cole, seconded by Mr. Benson, that the President of the Sussex County Council execute an Agreement between Sussex County Council and Richard B. Judge for Construction Administration and Construction Inspection

M 486 93 Services for Water and Wastewater Facilities in Silver Lake
(con't) Dunes in the Dewey Beach Sanitary Sewer and Water Districts.

Motion Adopted: 5 Yea.

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

Agree- Mr. Green, Director of Utility Construction, discussed an
ment Agreement between Sussex County Council and Hocker Farm
Cedar Associates for Construction Administration and Construction
Neck Inspection Services for Wastewater Facilities known as Cedar
Force Neck Force Main in the Cedar Neck Expansion of the Bethany
Main Beach Sanitary Sewer District.

M 487 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, that
Agree- the President of the Sussex County Council execute an Agree-
ment ment between Sussex County Council and Hocker Farm Associates
Cedar for Construction Administration and Construction Inspection
Neck Services for Wastewater Facilities known as Cedar Neck Force
Force Main in the Cedar Neck Expansion of the Bethany Beach Sanitary
Main 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

Grant Mr. Stickels, County Administrator, requested permission from
Applica- Council to submit a Grant Application to the United States
tion Department of Education in the amount of \$35,000 for Project
Project READS, Sussex County Department of Libraries' adult literacy
READS program.

M 488 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, that
Authorize the Sussex County Council authorizes the County Administrator
Grant to submit a Grant Application in the amount of \$35,000 to the
Applica- United States Department of Education to assist with Sussex
tion County Department of Libraries' Project READS.
Project
READS

Motion Adopted: 5 Yea.

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

Public At 11:00 a.m., a Public Hearing was held on the Proposed
Hearing Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 685,
Amend ENTITLED 'AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF A SEWER
Ordinance CAPITALIZATION FEE AND THE POSTING OF A BOND OR LETTER OF
No. 685 CREDIT WITH RESPECT TO THE ESTABLISHMENT OF CENTRAL SEWER

Public Hearing (con't) SERVICE IN THE WEST REHOBOTH SEWER MORATORIUM AREA', TO AMEND THE AMOUNT OF THE FEE, TO FURTHER DEFINE THE APPLICATION OF THE FEE, AND TO MAKE CERTAIN ADMINISTRATIVE REVISIONS". The Public Hearing was closed.

M 489 93 Adopt Ordinance No. 936 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 936 entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 685, ENTITLED 'AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF A SEWER CAPITALIZATION FEE AND THE POSTING OF A BOND OR LETTER OF CREDIT WITH RESPECT TO THE ESTABLISHMENT OF CENTRAL SEWER SERVICE IN THE WEST REHOBOTH SEWER MORATORIUM AREA', TO AMEND THE AMOUNT OF THE FEE, TO FURTHER DEFINE THE APPLICATION OF THE FEE, AND TO MAKE CERTAIN ADMINISTRATIVE REVISIONS".

Motion Adopted: 5 Yea.

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

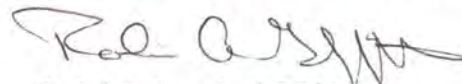
M 490 93 Executive Session Authorize the Sussex County Council authorizes an Executive Session to be held on Tuesday, November 23, 1993, at 9:00 a.m., in the Sussex County Council Chambers, for the purpose of discussing land acquisition.

Motion Adopted: 5 Yea.

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

M 491 93 Adjourn A Motion was made by Mr. Benson, seconded by Mr. Collins, to adjourn at 11:15 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council