

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 2, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 2, 1996, 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 001 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, that Dale R. Dukes be nominated to serve as President of the Sussex County Council for the year 1996. Motion Adopted by Voice Vote.
- M 002 96 A Motion was made by Mr. Benson, seconded by Mr. Collins, that nominations for President of the Sussex County Council be closed and that Dale R. Dukes be elected to serve as President of the Sussex County Council for the year 1996. Motion Adopted by Voice Vote.
- M 003 96 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that George J. Collins be nominated to serve as Vice President of the Sussex County Council for the year 1996. Motion Adopted by Voice Vote.
- M 004 96 A Motion was made by Mr. Benson, seconded by Mr. Collins, that nominations for Vice President of the Sussex County Council be closed and that George J. Collins be elected to serve as Vice President of the Sussex County Council for the year 1996. Motion Adopted by Voice Vote.
- M 005 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, that Mr. Eugene H. Bayard be appointed County Attorney for 1996, Mr. Dennis L. Schrader be appointed Assistant County Attorney for 1996, and Mr. Peter B. Jones be appointed Assistant County Attorney for 1996. Motion Adopted by Voice Vote.
- M 006 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting dated December 19, 1995. Motion Adopted by Voice Vote.

Correspondence Mr. Bayard, County Attorney, read the following correspondence:

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

RE: Notice of a Public Hearing on a new regulation, Regulation No. 34 "EMISSION BANKING AND TRADING PROGRAM".

Corre- DELMARVA WATER TRANSPORT COMMITTEE, SALISBURY, MARYLAND.
spondence RE: Fourth quarter newsletter.
(con't)

JOAN HENRY, PRESIDENT, CONCORD COMMUNITY NEIGHBORHOOD WATCH,
SEAFORD, DELAWARE.
RE: Letter to Mr. Dukes in appreciation of his Councilmanic
Grant.

GARY D. TONGE, HISTORIC GEORGETOWN ASSOCIATION, GEORGETOWN,
DELAWARE.
RE: Letter to Mr. Stevenson in appreciation of his Councilmanic
Grant.

Certi- Mr. Dukes presented a Certificate of Appreciation to Charles E.
ficate Farrell for devotion, loyalty, and excellence in serving Sussex
County from June 17, 1985, to January 1, 1996.

M 007 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Authorize authorize an Executive Session to be held in the County
Executive Council Chambers on Tuesday, January 9, 1996, at 9:00 a.m.,
Session 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

Proposed Mr. Stickels, County Administrator, discussed a proposed Lease
Lease Agreement with David B. Webb, Jr. for the lease of a building
Agree- in Seaford at the southwest corner of US13 and SR20, approx-
ment/ imately 100 yards south of the intersection, to house the
Western Paramedic Station for Western Sussex County. The lease of
Sussex the building, at the rate of \$685.00 per month, is to commence
Paramedic on January 1, 1996, and will terminate on June 30, 1998.
Station This lease is a continuation of a previous agreement and is
identical to the previous agreement other than changes
in the amount of the rent (from \$650.00 to \$685.00) and the
effective dates. Sixty percent of the lease amount will be
paid by the State; forty percent will be paid by the County.

M 008 96 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Execute that the President of the Sussex County Council be authorized
Lease to execute the Lease Agreement with David B. Webb, Jr., of
Agree- Seaford, Delaware, for a building to house the Western Sussex
ment/ Paramedic Station.
Western

Motion Adopted: 5 Yea.

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

Proposed
Lease
Agree-
ment/
D & B
Products

Mr. Stickels, County Administrator, discussed a proposed Lease Agreement with D & B Products for the lease of the Coastal Stock Tab building for a period of sixty days. The lease of the building will be at the rate of \$1.00 for the term of the lease. It was noted that on October 31, 1995, County Council authorized the execution of a Sale Agreement with D & B Products for this same building. The sale of the building to D & B Products has not been finalized as of this date. This short term lease is being requested due to the fact that the Company has recently suffered fire damages at its current site.

M 009 96
Execute
Lease
Agree-
ment/
D & B
Products

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the President of the Sussex County Council be authorized to execute the Lease Agreement with D & B Products for the lease of the Coastal Stock Tab building for sixty days.

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, reviewed the following information in his County Administrator's Report:

1. Delaware Emergency Management Agency Recognition

Ms. Betty Collins has been identified as completing the Federal Emergency Management Professional Development Series of courses. In appreciation of her efforts to complete the requirements for the Professional Development Series, she will be recognized at a certificate presentation ceremony on Wednesday, January 10, 1996, at 11:45 a.m. at the Public Safety Building in Dover, Delaware.

2. Building Code Enforcement

A reminder that effective January 1, 1996, the Sussex County Building Code Department will be enforcing Single Family Building Code requirements for the towns of Greenwood and Henlopen Acres. This brings the total to nine incorporated municipalities that Sussex County assists with the building code. Bridgeville is the only town in Sussex County that does not have a Single Family Building Code.

3. DelDOT Public Hearing

The Delaware Department of Transportation will conduct a series of public hearings regarding the annual draft of

Adminis-
trator's
Report
(con't)

the Capital Improvement Program. The Sussex County hearing will be held Thursday, January 11, 1996, at the DelDOT Administrative Building on Route 113 in Georgetown. A public workshop will precede each hearing starting at 5:30 p.m., followed by the public hearing at 7:00 p.m.

Traditionally, these hearings have not been well attended in Sussex County. Residents, as well as representatives of local governments, are encouraged to attend this important session.

CABO,
1996
Edition

Mr. Cole requested that further discussion be scheduled regarding the enforcement of the provisions and regulations of the CABO, 1996 Edition.

Vacant
Position

A lengthy discussion was held regarding the vacancy in the "Director of Emergency Operations" position.

Resolu-
tions

Mr. Baker, Finance Director, reviewed seven Proposed Bank Resolutions listing the accounts of Sussex County Council.

M 010 96
Adopt
Resolu-
tion
No.
R 001 96

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 001 96 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

M 011 96
Adopt
Resolu-
tion
No.
R 002 96

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 002 96 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR".

Motion Adopted: 5 Yea.

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

M 012 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt Resolution No. R 003 96 entitled "CASH MANAGEMENT
ACCOUNT RESOLUTION".

Resolu-
tion
No. Motion Adopted: 5 Yea.
R 003 96

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

M 013 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adopt Resolution No. R 004 96 entitled "AUTHORIZING THE
PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT
WITH THE DELAWARE TRUST COMPANY BEARING THE SIGNATURES OF
RESOLU- ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE
TION No. PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNA-
R 004 96 TURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON
CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

M 014 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adopt Resolution No. R 005 96 entitled "AUTHORIZING THE
PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT
WITH THE MELLON BANK DELAWARE BEARING THE SIGNATURES OF ANY
RESOLU- TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESI-
TION No. DENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY
R 005 96 BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR
WITHDRAWAL".

Motion Adopted: 5 Yea.

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

M 015 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adopt Resolution No. R 006 95 entitled "AUTHORIZING THE
PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT
WITH THE DELAWARE NATIONAL BANK BEARING THE SIGNATURES OF
RESOLU- ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE
TION No. PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE
R 006 96 MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK
OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

M 016 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adopt Adopt Resolution No. R 007 95 entitled "AUTHORIZING THE PAY-
Resolu- MENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH
tion THE BALTIMORE TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO
No. OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT;
R 007 96 OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A
FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITH-
DRAWAL".

Motion Adopted: 5 Yea.

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

Status Report/
West Rehoboth
Sewer Project

Mr. Green, Director of Utility Construction, provided Council with a status report on the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. On December 19, 1995, County Council authorized Mr. Stickels, County Administrator, to grant Substantial Completion for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contracts C, D, E, and F. Mr. Green reported that on December 29, 1995, Substantial Completion was granted for these Contracts; however, punch list items are outstanding and amounts are in retainage for Contracts C, D and F. For this reason, the project has not been closed out and additional change orders may be necessary. Council was advised that residents are now allowed to hook up to the system; as of this date, sixteen connections have been made. Residents will have until December 29, 1996 to hook-up, after which time impact fees will be charged. In an effort to assist residents with the payment of capitalization fees, the County will accept partial payments and will also permit the deferral of payments with a lien placed on the home. In addition, some residents may qualify for a grant through HUD.

Proposed Ordinance

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 16,754 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1275) filed on behalf of Joseph J. Balsamo. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance

Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BOAT SHOWROOM, OFFICE, AND ASSOCIATED USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 26,214 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1147) filed on behalf of Delmarva Marine Service, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RADIO BROADCAST TOWER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.82 ACRES, MORE OR LESS" (Conditional Use No. 1148) filed on behalf of Great Scott Broadcasting. The Proposed Ordinance will be advertised for Public Hearing.

Choral Composition Performance Mr. Wright Robinson, a Seaford resident, suggested that local talent (notably, band and chorus members from Sussex County schools) be utilized for the World Premier of the original choral composition for Sussex County.

Recess At 11:18 a.m., a Motion was made by Mr. Cole, seconded by Mr. 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.

Absence Mr. Benson was absent during the afternoon session.

Public Hearing (C/Z No. 1268) A Public Hearing was held on the 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.61 ACRES, MORE OR LESS" (Change of Zone No. 1268) filed on behalf of Gerald and Emily Hocker. There were no public comments and the Public Hearing was closed.

M 017 96 Adopt Ordinance No. 1069 (C/Z No. 1268) A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Ordinance No. 1069 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.61 ACRES, MORE OR LESS" (Change of Zone No. 1268) filed on behalf of Gerald and Emily Hocker.

Motion Adopted: 3 Yea, 1 Abstention, 1 Absent.

Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Abstained; 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 on the following findings of fact:

1. The applicant established by substantial evidence that the proposed change of zone will serve a growing need

Findings
of Fact
(con't)

created by the applicant's various business enterprises.

2. The applicant established by substantial evidence that the change of zone, if approved, will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area. The neighborhood is a mix of commercial and residential properties.
3. The change of zone serves the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1269)

A Public Hearing was held on 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 0.80 ACRES, MORE OR LESS" (Change of Zone No. 1269) filed on behalf of Ellen W. Graves. There were no public comments and the Public Hearing was closed.

M 018 96
Adopt
Ordinance
No. 1070
(C/Z
No. 1269)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1070 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 0.80 ACRES, MORE OR LESS" (Change of Zone No. 1269) filed on behalf of Ellen W. Graves.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Benson, Absent; 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 on the following findings of fact:

1. The applicant established by substantial evidence that the change of zone involves a site bounded on three sides by general commercial properties. The site is within the 600' commercial zone established on Route One in 1969, but was originally zoned MR at the request of the then owner.
2. The change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.

Findings
of Fact
(con't)

3. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

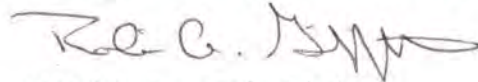
Choral
Composi-
tion
Per-
formance

Mr. Stickels, County Administrator, discussed the World Premier of the original choral composition for Sussex County in regards to the suggestion made by Mr. Robinson during the morning session of the Council meeting. Mr. Stickels advised that all expenses for the actual performance will be underwritten by the Delaware Division of the Arts, the Southern Delaware Choral Society and corporate sponsors, and; thus will most likely be organized by them.

M 019 96
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 1:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council