

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 5, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 5, 1993, 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 001 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting dated December 29, 1992. Motion Adopted by Voice Vote.
- M 002 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, that Dale R. Dukes be nominated to serve as President of the Sussex County Council for the year 1993. Motion Adopted by Voice Vote.
- M 003 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, that nominations for President of Sussex County Council be closed. Motion Adopted by Voice Vote.
- M 004 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, that Dale R. Dukes be elected to serve as President of the Sussex County Council for the year 1993. Motion Adopted by Voice Vote.
- M 005 93 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 1993. Motion Adopted by Voice Vote.
- M 006 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that nominations for Vice President of the Sussex County Council be closed. Motion Adopted by Voice Vote.
- M 007 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that George J. Collins be elected to serve as Vice President of the Sussex County Council for the year 1993. Motion Adopted by Voice Vote.
- M 008 93 A Motion was made by Mr. Benson, seconded by Mr. Collins, that the Sussex County Council appoint Eugene H. Bayard as County Attorney for the year 1993.
- Motion Adopted: 4 Yea; 1 Absent.

M 008 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 009 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, that
Appoint the Sussex County Council appoint Dennis L. Schrader as Assistant
Asst. County Attorney for the year 1993.

County Attorney Motion Adopted: 4 Yea; 1 Absent.

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

Mr. Cole entered the meeting.

M 010 93 A Motion was made by Mr. Collins, seconded by Mr. Cole, that the
Appoint Sussex County Council appoint Peter B. Jones as Assistant County
Asst. County Attorney for the year 1993.

County Attorney Motion Adopted: 5 Yea.

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

Apprecia- President Dukes expressed his appreciation for the cooperation
tion of the Council over the past year.

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

AMERICAN RED CROSS, WILMINGTON
RE: Holiday edition of the "crosswinds" newsletter.

CASA SAN FRANCISCO, MILTON
RE: Appreciation for Human Service Grant award.

Bank Res- Mr. Baker, Finance Director, reviewed five Proposed Bank
olutions Resolutions listing the accounts of Sussex County Council.

M 011 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt
Adopt the following Resolutions:
Resolu-
tions

R 001 93 Resolution No. R 001 93 entitled "AUTHORIZING THE PAYMENT FROM
through FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON
R 005 93 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";

M 011 93
(con't)

Resolution No. R 002 93 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";

Resolution No. R 003 93 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE NATIONAL BANK 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";

Resolution No. R 004 93 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON BANK DELAWARE 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";

Resolution No. R 005 93 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE DELAWARE 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

Change
Order

Mr. Green, Director of Utility Construction, discussed Change Order No. 4 for the Dagsboro/Frankford Sanitary Sewer District.

M 012 93
Issue
Change
Order
No. 4
Dagsboro
Frank-
ford
SSD

A Motion was made by Mr. Cole, seconded by Mr. Benson, 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. 4 for the Dagsboro/Frankford Sanitary Sewer District, to David A. Bramble, Inc., for two additional aerator power supply stations and additional bituminous paving and sidewalk, for an amount of \$19,931.60, increasing this contract amount to \$1,960,902.85.

Motion Adopted: 5 Yea.

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

Agenda Item Stricken The agenda item entitled "Information/Discussion, Change of Zone No. 1158, Bayville Shores Development Corp." was stricken from the agenda as it was placed on the agenda in error.

Agreements of Purchase and Sale Airport Clear Zone Mr. Calio, Director of Airport and Industrial Park Operations, appeared before Council to discuss five agreements of purchase and sale involving the relocation of six families currently residing in the clear zone area of the County's Airport. The objective of the purchase of the properties is to comply with the safety requirements of the Federal Aviation Administration (FAA). The FAA has earmarked \$900,000 to Sussex County for the Clear Zone Project which includes the purchase of the homes, air rights and the Airport's Master Plan.

M 013 93 Execute Agreements for Purchase of Property in Airport Clear Zone Area A Motion was made by Mr. Collins, seconded by Mr. Cole, to authorize the President of the Sussex County Council to execute agreements of purchase and sale between Sussex County Council and Richard E. and Barbara S. Johnson, Irvin L. and Nancy L. Betts (2), Richard L. and Sylvia A. Pepper, and Betty J. Van Auken, for the purchase of properties in the County Airport's clear zone area.

Motion Adopted: 5 Yea.

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

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

1. Recyclers of the Month

Mr. Howard Hoffman of Millsboro, Delaware, and Mr. Stanley Macuk of Georgetown, Delaware, are the recipients of the two \$50 U. S. Savings Bonds for participating in the County's Recycling Program during the month of December. Six hundred sixteen people participated in the program during the month of December compared to 468 during the month of November.

2. Community Development Block Grant

William C. Lecates, Director of the Sussex County Community Development and Housing Division, has received letters of interest from Georgetown, Milton, Millsboro, Milford, Frankford, Dagsboro, Ellendale, Blades, and Seaford regarding assistance in Community Development Block Grant (CDBG) application. The Community Development and Housing Division Advisory Committee will meet on Wednesday, January 6, 1993, to review and prioritize the CDBG application for FY '93.

Adminis-
trator's
Report
(con't)

3. Residential Planned Community Workshop Reminder

The Planning and Zoning Department will be conducting a public workshop on Wednesday, January 13, 1993, at 1:30 p.m. at the Emergency Operations Center, County Road 319, for the purpose of reviewing proposed residential planned community regulations. Mr. Randall Arendt of Natural Lands Trust will be making a presentation. County Council, developers, potential developers, and builders are encouraged to attend this workshop.

4. Correspondence

Enclosed with this report was a letter from Rosalie B. Walls, President, Sussex County Return Day Committee, Inc., thanking the County Council for its support. Mrs. Walls states that only through the dedication of the County Council is the unique tradition of Return Day able to be continued.

Proposed Ordinance Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SALE OF ANTIQUES, CRAFTS, AND PRODUCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.86 ACRES, MORE OR LESS" (C/U #1026) filed on behalf of Donnie L. Short and Debra L. Short. 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 MINOR AUTOMOTIVE REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 29,135 SQUARE FEET, MORE OR LESS" (C/U #1027) filed on behalf of Chester Kulas. The Proposed Ordinance will be advertised for Public Hearing.

M 014 93 At 10:53 a.m., a Motion was made by Mr. Collins, seconded by Recess Mr. Benson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:33 p.m.

Public Hearing C/Z No. 1181 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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 98.80 ACRES, MORE OR LESS" (C/Z #1181) filed on behalf of Leonard and Julie Cannatelli. The Public Hearing was closed.

M 015 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Adopt approve the Proposed Ordinance entitled "AN ORDINANCE TO AMEND
C/Z THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1
No. 1181 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL
DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
DENIED NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 98.80 ACRES, MORE
OR LESS" (C/Z #1181) filed on behalf of Leonard and Julie
Cannatelli.

Motion Denied: 4 Nay; 1 Yea.

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

Findings of Fact The findings of fact and the recommendations of the Planning
and Zoning Commission were incorporated into the record. The
Council found that the change of zone was not appropriate
legislative action. The Council found that no need was shown
for the change of zone. The Council found that the use is not
a desirable one in the area where it is proposed.

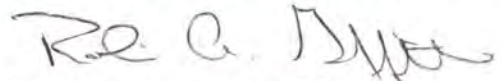
M 016 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, that
Executive Session Sussex County Council authorizes an Executive Session to be
held Tuesday, January 12, 1993, at 11:00 a.m., in the Sussex
County Council Chambers, for the purpose of discussing land
acquisition.

Motion Adopted: 5 Yea.

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

M 017 93 A Motion was made by Mr. Benson, seconded by Mr. Cole, to
Adjourn adjourn at 2:35 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council