

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 14, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 14, 1997, at 10:00 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes,	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones, Jr.	Member
Lynn J. Rogers	Member

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 021 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt the Agenda, as presented. Motion Adopted by Voice Agenda Vote.

M 022 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to approve the minutes of January 7, 1997. Approve Minutes

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.  
RE: Notice of Commission Meeting and Public Hearing on applications for approval, none of which are located in Sussex County.

MRS. CHARLES HOOPER, SUSSEX COUNTY LEAGUE OF WOMEN VOTERS, REHOBOTH BEACH, DELAWARE.  
RE: Letter of appreciation for \$2,000 grant for their directory listing.

THE HONORABLE SHIRLEY A. PRICE, STATE REPRESENTATIVE, HOUSE OF REPRESENTATIVES, DOVER, DELAWARE.  
RE: Letter of resignation from the Paramedic Advisory Council.

JOHN D. CHAMBLIN, SEAFORD, DELAWARE.  
RE: Letter regarding taxes levied on the purchase of property and the construction of a home.

Center for the Inland Bays Proposal Dr. Bruce Richards, Executive Director of the Center for the Inland Bays, was in attendance to present a proposal to the County regarding the "James Farm" site that was recently deeded to the County. Dr. Richards advised that the Center

Center for the Inland Bays Proposal/ James Farm (con't) is interested in (1) forming a long term partnership with the County Council and (2) leasing the property on a long term/ low cost basis to use as an environmental center. The Center would need a small parcel of land for the construction of a building for an office, library and meeting room facility. The Center would work with the County and would primarily use the western half of the property for outreach programs. The eastern side of the property could be later used for another purpose that may include a park or recreational facility. Council members expressed concern that the County Council should maintain control of the property. Mr. Bayard, County Attorney, advised that, as the James Farm is a gift to the County and is solely for Sussex County, the Sussex County Council must maintain an active and dominant role in the management of the property.

M 023 97 Negotiate with Center for the Inland Bays/ James Farm A Motion was made by Mr. Jones, seconded by Mr. Collins, authorizing negotiations to ensue for a Lease/Partnership Agreement with the Center for the Inland Bays for the James Farm property.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Crime Stoppers of Delaware Mr. Stickels, County Administrator, discussed a Human Service Grant Request from Crime Stoppers of Delaware. Crime Stoppers of Delaware is a non-profit corporation who's mission is to establish a 1-800 number accessible 24 hours a day, 7 days a week, to allow people who want to report a criminal activity an easy and safe way to do it.

M 024 97 Human Service Grant/ Crime Stoppers of Delaware A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$1,500 from Human Service Grants to the Crime Stoppers of Delaware, for use in Sussex County.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

DelDOT Draft 1998-2003 Transportation Capital Improvement Program Mr. Stickels, County Administrator, reviewed the Delaware Department of Transportation's preliminary draft 1998 - 2003 Transportation Capital Improvement Program which will be presented for discussion at public meetings in January. The Public Hearing scheduled for Sussex County will be held on January 14, 1997, at Delaware Tech's Georgetown Campus. Mr. Stickels reviewed with Council how Sussex County compares to New Castle County and Kent County in regards to the number of projects funded and the amount of funding allocated, as follows:

DelDOT Pre- liminary Draft 1998-2003 Transportation Capital Improvement Program (con't)	New Castle County	73 Projects	\$282.8 Million
	Kent County	17 Projects	\$ 28.7 Million
	Sussex County	19 Projects	\$ 72.8 Million

The following proposed projects are included in the preliminary draft Transportation Capital Improvement Program:

1. BR238 on S46, over Gravelly Fork, Seaford.
2. BR242 on S535, Seaford.
3. BR258 on S536, High Street over Conrail, Seaford.
4. BR306 on S493, Bethel Road over Broad Creek.
5. BR445 on S54 over Vines Creek, S.E. of Dagsboro.
6. BR933 North of SR1, over Cedar Creek.
7. BR936 and BR937 on S214 over Cabbage Pond.
8. Lewes Swing Bridge over Lewes Rehoboth Canal.
9. US113, Maryland State Line to S321.
10. S246 and S244 Intersection Improvement.
11. S312 and S311 Realignment.
12. SR1 Corridor Preservation Improvements - Sussex County.
13. SR26, Assawoman Canal to SR1, Bethany Beach.
14. SR54 (S58), S58C to SR1, West of Fenwick Island.
15. Sussex County Aviation.
16. Rehoboth Well Replacement.
17. SR1 Corridor Improvements - SR30 Extension to SR1 Business.
18. Sussex Corridor Improvements, Bridgeville SR404A, Intersection.
19. Sussex County Rail Improvements, Georgetown Stone Depot.

It was the consensus of Council that the nineteen projects be supported; however, it was noted that other projects need to be included, as follows:

- DelDOT  
Pre-  
liminary  
Draft  
1998-2003  
Transportation  
Capital  
Improvement  
Program  
(con't)
1. Route 54 to Roxana.
  2. Safety Improvements on Route 1 from Nassau to Dewey Beach including lighting, traffic signals, and dedicated lanes for emergency vehicles.
  3. Route 25, Assawoman Canal, widening.
  4. Upgrading Woodland Ferry.
  5. Study to increase road capacity on Route 24 from Route 1 to Route 13 (Long Neck/Oak Orchard area).
  6. Road signage due to completion of Road Naming Project.

Proposed  
Lease  
Agreement/  
Mountaire  
Farms

Mr. Stickels, County Administrator, advised Council that the County owns 22,500 square feet of property in Daisey's Addition, known as Lots 8 and 10, located in Frankford, Delaware. A pumping station is located on this property. Mountaire Farms of Delmarva, Inc. has expressed an interest in leasing all of the gravel parking area on this property at a cost of \$300 for a term of one year.

M 025 97  
Authorize  
Lease  
Agreement/  
Mountaire  
Farms

A Motion was made by Mr. Collins, seconded by Mr. Cole, authorizing the Sussex County Council President to execute a Lease Agreement with Mountaire Farms of Delmarva, Inc. for the lease of property known as Lots 8 and 10, Daisey's Addition, Frankford, Delaware.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Adminis-  
trator's  
Report

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

1. Solicitation Request

It has been brought to my attention that the American Deputy Sheriffs Association has been soliciting donations from Sussex County residents to help purchase bulletproof vests for sheriffs departments throughout the United States. It should be known that the Sussex County Sheriff's Department does not benefit in these donations and is not a member of the American Deputy Sheriffs Association.

2. Delaware Agricultural Lands Preservation Foundation

I thought Council may be interested in seeing a letter from Michael H. McGrath, Manager, Agricultural Lands

Adminis-  
trator's  
Report  
(con't)

Preservation Program for the State of Delaware. A copy of Mr. McGrath's letter is included with this report. Mr. McGrath's letter states there are now 264 Delaware landowners who have committed 68,300 acres to long-term farmland preservation.

3. Retirement Dinner

A reminder that the Sussex County Council will be hosting a retirement dinner in honor of Mr. Ralph E. Benson, and Mr. William D. Stevenson, Sr., on Saturday, January 25, 1997. Festivities will start with a cash bar at 6:00 p.m. followed by dinner at 7:00 p.m. Anyone wishing to attend the dinner should contact Robin Griffith at 855-7743 by 4:30 p.m., Friday January 17, 1997. The cost of the dinner is \$18.50 per person.

4. Open House

The Sussex County Council will be hosting an Open House on Wednesday, February 12, 1997, starting at 3:00 p.m. and concluding at 8:30 p.m. The public is encouraged to attend the Open House and visit the new Administrative Office Building. Light refreshments will be served during the evening. For any additional information, please contact Susan Webb at 855-7742.

Gordy  
Poultry  
Farm  
Partner-  
ship  
Economic  
Develop-  
ment  
Revenue  
Bond  
Assump-  
tion

Mr. Baker, Finance Director, reported to Council on a meeting held by the Industrial Revenue Bond Committee on January 13, 1997. The Committee considered a request that Sage Farm Ventures, L.L.C. be authorized to assume a \$500,000 Economic Development Revenue Bond originally issued to Gordy Poultry Farm Partnership for the purpose of financing the construction and improvements of four poultry houses. The original purpose of construction and operation of four poultry houses will continue under the new ownership. The assignment of and assumption of the Bond has been approved by Wilmington Trust Company, the Bond Purchaser. A fee of \$2,750 will be assessed by the County; the funds will go to Sussex County General Fund.

M 026 97  
Adopt  
Resolu-  
tion  
No.  
R 008 97

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 008 97 entitled "RESOLUTION CONCERNING THE ASSIGNMENT OF AND ASSUMPTION BY SAGE FARM VENTURES, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY OF SUSSEX COUNTY, DELAWARE, \$500,000 ECONOMIC DEVELOPMENT REVENUE BOND (GORDY POULTRY FARMS PROJECT) SERIES 1985".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Agree-  
ments

Mr. Tom Baker, Project Coordinator, discussed Agreements for Clearwater Development, Phase IV; Beneficial Acceptance for Dove Knoll, Phase IV; Beneficial Acceptance for Village of Old Landing; and Beneficial Acceptance for The Residents of Seaside - Phase I (Dyer, McCrea Ventures, L.L.C.).

M 027 97  
Execute  
Agree-  
ment/  
Clear-  
water  
Develop-  
ment

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the President of the Sussex County Council execute an Agreement between the Sussex County Council and Clearwater Development - Phase IV, for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Clearwater Development - Phase IV, located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

M 028 97  
Grant  
Bene-  
ficial  
Accept-  
ance/  
Dove  
Knoll

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance, effective December 19, 1996, for the wastewater facilities constructed in Dove Knoll - Phase IV, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

M 029 97  
Grant  
Bene-  
ficial  
Accept-  
ance/  
The  
Villages  
of Old  
Landing

A Motion was made by Mr. Collins, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance, effective December 19, 1996, for the wastewater facilities constructed in The Villages of Old Landing - Phase I, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

M 030 97  
Bene-  
ficial  
Accept-  
ance

A Motion was made by Mr. Rogers, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance,

M 030 97 effective December 23, 1996, for the wastewater facilities  
Grant constructed in The Residents of Seaside - Phase I, located  
Bene- in the West Rehoboth Expansion of the Dewey Beach Sanitary  
ficial Sewer District.  
Accep- Motion Adopted: 5 Yea.  
tance/  
The  
Residents of Sea- Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
side Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Proposed Mr. Jones introduced the Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT FOR A USED CAR SALES  
FACILITY BY DELETION OF THE STIPULATION "ONE ON-PREMISE  
SIGN, NOT EXCEEDING 32 SQUARE FEET ON BOTH SIDES OR  
FACINGS, SHALL BE PERMITTED" TO ALLOW A LARGER SIGN, TO  
BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN  
GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.37 ACRES,  
MORE OR LESS". The Proposed Ordinance will be advertised  
for Public Hearing.

M 031 97 A Motion was made by Mr. Rogers, seconded by Mr. Cole, to  
Council- give \$200.00 from Mr. Rogers' Councilmanic Account to the  
manic American Diabetes Association, Sussex Chapter, for the  
Grant Delmarva Hot Air Balloon and Craft Festival fundraiser.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

M 032 97 A Motion was made by Mr. Collins, seconded by Mr. Jones,  
Council- to give \$500.00, \$100.00 from each Councilmanic Account, to  
manic the Sussex County Alley Cats for operating expenses.  
Grant

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Draft Mr. Cole requested that the Proposed Ordinance creating  
Ordinance a C-2 Special Commercial Zoning District be distributed  
"C-2" again for discussion and possible introduction.

Land Council discussed the status of the Planning & Zoning  
Use Commission's recommendation on the Land Use Plan. The  
Plan Commission was given a deadline of December 31, 1996, for  
submitting their recommendation to the County Council.  
To date, a recommendation has not been received. The

Land  
Use  
Plan  
(con't)

Commission will meet again on January 23, 1997, and again on January 27, 1997, if necessary. It was decided that the Commission must submit a recommendation by January 27, 1997; following this date, the County Council will move forward without a recommendation. It was discussed that County Council will hold a Public Hearing/Workshop on the draft Land Use Plan on February 20, 1997, at Delaware Technical & Community College. Plans are tentative at this time.

M 033 97 At 11:45 a.m., a Motion was made by Mr. Collins, seconded by  
Recess Mr. Jones, 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  
No. 1174

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 39 LOT EXPANSION TO A MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.29 ACRES, MORE OR LESS" (Conditional Use No. 1174) filed on behalf of Thetavest, Inc. There were no public comments and the Public Hearing was closed.

M 034 97  
Adopt  
Ordinance  
No. 1125  
C/U  
No. 1174

A Motion was made by Mr. Collins, seconded by Mr. Rogers, to Adopt Ordinance No. 1125 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 39 LOT EXPANSION TO A MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.29 ACRES, MORE OR LESS" (Conditional Use No. 1174) filed on behalf of Thetavest, Inc., with the following condition:

1. The site plan is subject to review and approval by the Planning & Zoning Commission.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Findings  
of Fact

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

1. The applicant established by substantial evidence that the conditional use 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)

2. The applicant established by substantial evidence that the conditional use is an expansion to an existing manufactured home park.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Waste-  
water  
Reports

Engineering staff presented the following wastewater reports:

1. West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

The Sussex County Council extended the Dewey Beach Sanitary Sewer District boundaries on March 22, 1990, to form the West Rehoboth Expansion project. Only the highest priority areas, Phase I and II, were served initially. The remaining area has been divided into five sub-areas and prioritized for need. The four highest priority sub-areas will be served through the Phase III project. The project will consist of a gravity wastewater collection system with the transmission facilities necessary to connect to the existing West Rehoboth sewer system. Wastewater from the area will be treated at the existing Wolfe Neck Wastewater Treatment Facilities. The estimated project cost is \$21,000,000; project financing is proposed to be as follows:

- a. \$8,500,000 - State Revolving Fund @ 3.75% for 20 years.
- b. \$9,800,000 - Rural Development @ 4.50% for 40 years.
- c. \$2,700,000 - County Bonds @ 7.00% for 30 years.

User cost estimates are as follows:

- a. Service Charge - \$202.00/EDU per year.
- b. Assessment Charge - \$5.31/FF per year.
- c. Capitalization Fee - \$250, \$375, or \$500 per lot, based on lot size.

The proposed schedule is as follows:

- a. Design: February 1, 1997 - June 30, 1998.
- b. Construction: July 1, 1998 - December 31, 1999.
- c. Start-up: January 1, 2000.

Waste-  
water  
Reports  
(con't)

2. Ocean View Expansion of the Bethany Beach Sanitary Sewer District

This project will serve the Town of Ocean View and that portion of Country Estates outside of the current Town's boundaries. The project will consist of a gravity wastewater collection system with the transmission facilities necessary to connect to the existing Bethany Beach sewer system. Wastewater from the area will be treated at the South Coastal Regional Wastewater Facilities. The estimated project cost is \$7,500,000; project financing is proposed to be \$7,500,000 State Revolving Fund @ 3.75% for 20 years.

User cost estimates are as follows:

- a. Service Charge - \$225.00/EDU per year.
- b. Assessment Charge - \$5.94/FF per year.
- c. System Connection Charge - \$1,600 per EDU.

The proposed schedule is as follows:

- a. Planning: June 1, 1997 - November 30, 1997.
- b. Design: December 1, 1997 - July 31, 1998.
- c. Construction: August 1, 1998 - January 31, 2000.
- d. Start-up: February 1, 2000.

3. Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District

This project will serve the Cedar Neck area north of the Town of Ocean View. The Cedar Neck area is bounded by the North Bethany Expansion service area on the east and White's Creek on the west. A portion of the area has been served through Sussex County Ordinance No. 38 extensions of the Bethany Beach sanitary sewer system. The majority of the area remains on septic tanks and other on-site wastewater systems. The project will consist of a gravity wastewater collection system with the transmission facilities necessary to connect to the existing Bethany Beach sewer system. Wastewater from the area will be treated at the South Coastal Regional Wastewater Facilities. The estimated cost of the project is \$8,300,000; project funding is proposed to be \$8,300,000 State Revolving Fund @ 3.75% for 20 years.

Waste-  
water  
Reports  
(con't)

User cost estimates are as follows:

- a. Service Charge - \$225.00/EDU per year.
- b. Assessment Charge - \$7.77/FF per year.
- c. System Connection Charge - \$2,250.00 per EDU.

The proposed schedule is as follows:

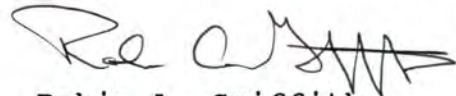
- a. Planning: July 1, 1997 - February 28, 1998.
- b. Design: March 1, 1998 - February 28, 1999.
- c. Construction: March 1, 1999 - January 31, 2001.
- d. Start-up: February 1, 2001.

4. Proposed Ellendale Sanitary Sewer District

This project will serve New Market Village and the unincorporated area around the Town of Ellendale. This project will consist of a combination gravity and grinder pump wastewater collection system. Wastewater will be pumped to a new treatment facility which will include aerated lagoons and spray irrigation. A site for the wastewater treatment facilities has not been chosen. The estimated project cost is \$5,500,000; \$1,200,000 of project financing is proposed to come from a State Grant; the source(s) of remaining funds/financing is to be determined. Cost estimates are still under review. The schedule is dependent on identifying required funding.

M 035 97 A Motion was made by Mr. Collins, seconded by Mr. Jones,  
Adjourn to adjourn at 3:10 p.m. Motion Adopted by Voice Vote.

Respectfully submitted



Robin A. Griffith  
Clerk of the County Council