

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JANUARY 22, 1991

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, January 22, 1991 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 030 91  
Approve  
Minutes

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-  
spondence

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

SUSAN CIROSO, ELLENDALE  
RE: Requesting the Technical Advisory Committee to review Conditional Use No. 955; a request for a borrow pit in an Agricultural Residential District.

Sussex  
County  
Library  
Procedures

Ms. Fitzgerald, County Librarian, reviewed the Sussex County Library Policy Procedures as recommended by the Sussex County Library Advisory Board. Items addressed in the Policy include:

- a. Library Borrowers Policy
- b. Materials Selection Policy
- c. Weeding and Withdrawals Policy
- d. Procedure for Handling Complaints Concerning Library Materials
- e. Meeting Room Guidelines
- f. Policy on Unattended Children
- g. Rules Governing the Use of County Libraries
- h. Soliciting and Selling Policy
- i. Volunteers Policy
- j. Library Closing
- k. Personnel Policy
- l. Friends of the Libraries Policy
- m. Library Equipment
- n. Displays & Handouts

January 22, 1991

Sussex  
County  
Library  
Procedures  
(Con't.)

- o. The "Intellectual Freedom, Library Bill of Rights, and Freedom to Read Statement" was included as an appendix and reprinted with the permission of the American Library Association.

The Policy has been worked on over the past year by the Library Advisory Committee. To qualify for state funding, the Policy must be reviewed every three (3) years. There is nothing in the Policy that will increase the budget.

M 031 91  
Adopt  
Library  
Policy

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that the Sussex County Council adopt the Library Procedures as recommended by the Sussex County Library Advisory Board to comply with the State of Delaware's library standards. Motion Adopted: 5 Yea.

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

Paramedic  
Plaque

Mr. Bob Orem, President of the Board of Directors, Sussex County American Heart Association, thanked the Sussex County Paramedics for their support and participation in the annual American Heart Association Turkey Walk. The Paramedic team raised more money and had more members participating in the event than any other team. A plaque was presented to Mr. Stevenson, Paramedic Director, in recognition of their outstanding participation by Mr. Orem.

Zoning  
Procedures

The Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY RELATING TO ZONING PROCEDURES" was discussed. Changes have been incorporated into the verbiage concerning the applicant's withdrawal of an application. An additional change in the text of the Proposed Ordinance will be made to require the applicant to submit written request for withdrawal a minimum of two (2) full working days in advance of the Public Hearing.

Public  
Hearing  
Procedures

Mr. Bayard, County Attorney, will submit a plan for conducting Public Hearings for the Planning and Zoning Commission's meeting scheduled for Thursday, January 24th. In addition, the proposed changes, as discussed above, will be incorporated within the text of the Ordinance relating to zoning procedures and will be available for the Commission's comments at that meeting.

January 22, 1991

Vista  
Street  
Closing

Mr. Stickels, County Administrator, reviewed a request from the Delaware Department of Transportation soliciting Council's comments concerning the closing of Vista Street located in Dewey Beach. Petitioners, represented by John E. Messick, Legal Counsel, have filed action with the court to close the street. The County obtained a ten (10) foot easement on Vista Street in 1974 for the Dewey Beach Sanitary Sewer District. The County Administrator recommends that the Council go on record opposing the closing of the street. The Town of Dewey Beach is also asking that the street be kept open. After discussion, it was the consensus of the Council that opposition to the closing of Vista Street, located in Dewey Beach, be documented.

Advisory  
Retirement  
Board

Mr. Stickels, County Administrator, reviewed the composition of the Advisory Retirement Board, their duties, and term of office. The term of office for the entire Board has expired. Names from the Council are needed for three (3) appointments. President Dukes will accept nominations from the Councilmen and report their determination within the next two (2) weeks.

M 032 91  
Executive  
Session

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, that the Sussex County Council authorize an Executive Session to be held on Tuesday, January 29, 1991, in the Sussex County Council Chambers, at 9:30 a.m., for the purpose of discussing alleged violations of the South Coastal Regional Wastewater Facility Discharge Permit. 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  
County  
Realty  
Transfer  
Tax

Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 103 OF THE CODE OF SUSSEX COUNTY, TO PROVIDE FOR THE IMPOSITION, ADMINISTRATION AND REGULATION OF A SUSSEX COUNTY REALTY TRANSFER TAX". The Proposed Ordinance will be advertised for Public Hearing.

Adminis-  
trator's  
Report

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

1. Delaware Small Business Development Center will be sponsoring a clinic entitled "Small Business Tax". The clinic will be held on Monday, February 4, 1991 from 6:30 to 9:30 p.m. in Room 115, Purnell Hall, University of Delaware, Newark.

January 22, 1991

Adminis-  
trator's  
Report  
(Con't.)

2. Story Hour - 110,545 calls were received by the Sussex County Department of Libraries Story Line for the calendar year 1990. Children may call 856-3535 to hear an entertaining story daily.
3. South Coastal Regional Wastewater Facility - Notice has been received from the Department of Natural Resources and Environmental Control that the facility has received a satisfactory evaluation in all areas. SCRWF was inspected on November 15, 1990 for compliance. Heather Sheridan and her staff are to be complimented for the continued successful operation of the facility.
4. Memorandum - Department of Natural Resources and Environmental Control - An outline of projects that have applications filed for subaqueous and/or wetland projects.

C/U #954  
Stipulation  
Report

Mr. Lank, Director of Planning and Zoning, reviewed the twenty-one (21) stipulations that were placed on Conditional Use No. 954, filed on behalf of Edward J. Kaye, for an expansion to an existing borrow pit, placement and operation of a stump shredding device, and a concrete crushing device.

Councilman Cole suggested that this application, with the stipulations as recommended by the Planning and Zoning Commission, be reviewed by the Technical Advisory Committee. Mr. Jones, Assistant County Attorney, advised that the Public Hearing had been closed and this could be interpreted as opening the Public Hearing. He further advised that input from the Technical Advisory Committee should have been sought prior to the Public Hearing.

M 033 91  
TAC  
Review  
Stipulations  
(Died)

A Motion was made by Mr. Cole requesting a review by the Technical Advisory Committee for the twenty-one (21) stipulations as recommended on Conditional Use No. 954 by the Planning and Zoning Commission. Motion Died for lack of a second.

M 034 91  
Bid  
Award  
Project  
No. 91-01

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council award the Repair, Alteration and/or Installation of Electrical Items, Sussex County Project No. 91-01, to Solar Heating, Inc. T/A Sussex Electric, the lowest qualified bidder, at the hourly rates submitted in their contract documents. Motion Adopted: 4 Yea; 1 Absent.

January 22, 1991

M 034 91  
(Con't.)

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

M 035 91  
Bid  
Award  
Project  
No. 91-02

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council award the Repair, Alteration and/or Installation of Plumbing, Heating, Air Conditioning, Sheet Metal, and Other Related Items, Sussex County Project No. 91-02, to Solar Heating, Inc. T/A Sussex Electric, the lowest qualified bidder, at the hourly rates submitted in their contract documents. 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

Dagsboro-  
Frankford  
Sanitary  
Sewer  
District  
Status  
Report

Mr. Archut, Chief of Planning and Permits, reviewed a Status Report for the Dagsboro-Frankford Sanitary Sewer District. Highlights of the report include the following points:

1. The District was created by referendum held September 17, 1988; a cost of \$348.00 per typical user (single family residence with one hundred (100) foot street frontage) was assessed for the first year's operating charges.
2. The system will consist of gravity wastewater collection within the two (2) towns, and a wastewater treatment system located on Piney Neck, approximately one-half mile northeast of the Town of Dagsboro.
3. Approximately ninety-four (94) acres have been obtained for the treatment facility. Twenty (20) acres will be used for the pre-treatment facility and the remainder of the land will be used for spray irrigation; a minimum buffer zone of one hundred and fifty (150) feet will be maintained around the entire spray site.
4. Grants have been approved by EPA and DNREC; the application for a grant from FmHA is currently being reviewed and an indication of their intent is expected in the near future.
5. If adequate FmHA assistance is received, construction on the system could begin as early as this spring, with construction taking about one year.

January 22, 1991

Dagsboro-Frankford Sanitary Sewer District Option Agreement

On August 7, 1990 the County authorized the execution of a six (6) month Option Agreement with Delmarva Power and Light Company to purchase twenty plus-minus (20±) acres of land to be used in conjunction with the Steen property for the Dagsboro-Frankford Sanitary Sewer District wastewater treatment facility. To be eligible for EPA funding, land appraisals are required and this has been done. A decision must be made determining the Council's wishes on exercising the option. The question of an easement for the adjoining property was discussed. Council agreed that an executed easement for the adjoining property must be completed prior to final settlement on the proposed land purchase from Delmarva Power and Light.

M 036 91 Exercise Option - Dagsboro-Frankford SSD

A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the Sussex County Engineering Department to exercise the option to purchase up to twenty (20.0) acres of land from Delmarva Power and Light Company in accordance with the Option Agreement dated August 7, 1990; final settlement to be held within ninety (90) days after the date on which the option is exercised. Motion Adopted: 5 Yea.

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

Bi-County Recycling Project

Mr. Izzo, Assistant County Engineer, reviewed highlights of the "Independent Review of the Bi-County Recycling Project" done by R. W. Beck and Associates for the Delaware Solid Waste Authority. The Authority's position on the Beck report was also reviewed via a letter copied to President Dukes, signed by Mr. Vasuki, which states:

"In order to keep one step ahead of the growth in the area, the Authority must make timely decisions. Therefore, the Authority, having complied with the directive of the General Assembly, plans to proceed with the evaluation of proposals already received and plans on choosing a contractor for design, construction, and operation of the Bi-County Recycling Project. While no contract decisions will be made for at least two (2) months, we will be available to respond to any questions you may have regarding the report."

A question concerning the suitability of the intended site for the proposed Bi-County Recycling Project was raised.

January 22, 1991

M 037 91 A Motion was made by Mr. Benson, seconded by Mr. Cole, supporting State level legislation that prohibits the State Legislation transporting of solid waste across County lines. Motion Adopted: 5 Yea.  
Solid Waste

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

State Mr. Stickels, County Administrator, discussed the content Legislation of Senate Bill No. 206; vetoed by the Governor in 1983. Subdivisions The bill would Amend Chapter 68, Title 9, Delaware Code, relating to Planning and Zoning in Sussex County and, more specifically, would require subdivisions to be approved after public hearing by both the Planning and Zoning Commission and the County Council.

M 038 91 A Motion was made by Mr. Cole authorizing the County Administration to seek support for State legislation to Amend Legislation Delaware Code relating to Planning and Zoning in Sussex Subdivisions County and require subdivisions to be approved after public (Died) hearing by both the Planning and Zoning Commission and the County Council. Motion Died for lack of a second.

M 039 91 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Adjourn to adjourn at 12:12 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

*Doris E. Rogers*

Doris E. Rogers  
Clerk of the County Council