

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-JANUARY 23, 1990

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, January 23, 1990, at 10 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

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

M 038 90  
Amend and  
Approve  
Minutes

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to amend and approve the minutes as amended for January 16, 1990, page 7, by striking the Findings of Facts for Conditional Use No. 924 in their entirety and inserting in lieu thereof the following:

The findings of facts and the recommendation of the Planning and Zoning Commission were incorporated into the record and into the findings of facts of the Council. The Council found that the proposed use is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare. The Council found that the applicant desires to expand an existing mobile home park. The Council found that the property has been developed with mobile homes in a haphazard and possibly illegal fashion in the past. The requested conditional use will improve the appearance of the property and will result in an improvement to the general area. Central water exists on the site. Approval must be obtained from DNREC for on-site wastewater systems. The applicant agrees that a six (6) foot fence should be placed around the site, as a continuation of an existing fence, to protect against trespassers and to avoid trash being deposited from the park onto adjoining properties. The Council found that persons appearing in opposition were primarily concerned with problems associated with allegedly illegal use of the property in the past. The Council found that the proposed conditional use, with conditions attached, is an appropriate use of the parcel and will improve the problems associated with the past use of the parcel.

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M 038 90  
Amend and  
Approve  
Minutes  
(Con't.)

Motion Adopted: 5 Yea.

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

Corre-  
spondence

Mr. Berl, Acting County Attorney, read the following correspondence:

SPYRO T. STAMAT, R.D 2, BOX 398-0, LINCOLN  
RE: Requesting the establishment of a Sussex County Code of Ethics.

MARTHA S. HARRIS, DIRECTOR, DELAWARE STATE HOUSING AUTHORITY, DOVER

RE: Thank you for reassigning Sussex County's unused 1989 bond volume cap to the Delaware State Housing Authority to be used for issuing Single Family Mortgage Revenue Bonds.

ROY W. MOORE, PRESIDENT, SUSSEX COUNTY WATERMEN'S ASSOCIATION  
RE: Request for assistance for the Watermen's Association, Inc., a non-profit Delaware corporation, newly formed to work for the preservation of the Inland Bays and the quality of life that is tied to our waters.

Proposed  
Proclamation

Mr. Stickels, County Administrator, read a Proposed Proclamation in its entirety entitled "PROCLAIMING JANUARY 26, 1990 AS NATIONAL ACTIVITY PROFESSIONALS DAY".

M 039 90  
Adopt  
Proclamation

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING JANUARY 26, 1990 AS NATIONAL ACTIVITY PROFESSIONALS DAY". Motion Adopted: 5 Yea.

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

Building  
Committee  
Report

Mr. Stickels, County Administrator, reported that the Blue Ribbon Commission, composed of eleven (11) members, reviewed fifteen (15) Architectural Design Proposals for the Proposed Sussex County Administration Building. A subcommittee, chosen by the full committee, was asked to review six (6) of the proposals. Members of the subcommittee included: Councilman Dale R. Dukes, Eugene H. Bayard, Esquire, John L. Briggs, Private Citizen, and Mr. Stickels, County Administrator.

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Building  
Committee  
Report  
(Con't.)

Six (6) Architectural Design Proposals for the Proposed Sussex County Administration Building were reviewed in depth by the subcommittee. Proposals included in this review were presented by: (1) R. Calvin Clendaniel Associates; (2) French + Ryan, Inc.; (3) Diamond/McCune Incorporated; (4) Becker/Morgan Architects, Inc.; (5) George, Miles & Buhr; and (6) Moeckel Carbonell Associates. At the conclusion of this process, the subcommittee requested R. Calvin Clendaniel Associates be placed on the Agenda to present their proposal for Council's consideration today.

Mr. Clendaniel, R. Calvin Clendaniel Associates, displayed sketches of the proposed design and discussed their proposal for the building.

M 040 90  
Design  
Contract  
for Admin-  
istration  
Building

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council authorize the Sussex County Administrator to negotiate a Design Contract with R. Calvin Clendaniel Associates for the design of a new Sussex County Administration Building. Motion Adopted: 5 Yea.

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

Recycling  
Recognition  
Program

Mr. Stickels, County Administrator, reported that beginning February 1, 1990, the County will be starting a new Recycling Recognition Program. As a part of the Program, each time someone deposits glass into an igloo located at one of the County's six transfer stations, their name will be recorded. The first Tuesday of each month, two people will be recognized as "Sussex County's Recycler of the Month". They will be awarded a \$50.00 U.S. Savings Bond for their efforts.

The first twelve months of the Glass Recycling Program at the Transfer Stations has been computed to be a cost savings to the County Council of \$3,817.43, and including the towns who are participating a cost savings of \$9,249.39.

Mr. Stickels is investigating the possibility of starting Oil Recycling and Plastic Recycling Programs for the Transfer Stations within the next six months.

County  
Corporate  
Center,  
Inc.

David R. Hackett, Esquire, presented a request for the County Corporate Center, Inc. that would authorize the subdivision of 15.63 acres of land as shown on Sussex County Tax Map 3-34-13, Parcel 325.18, to allow for a minor subdivision of 3.97 acres to be utilized for a banking complex. This parcel is part of a larger tract consisting

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County  
Corporate  
Center,  
Inc.  
(Con't.)

of approximately 15.63 acres which is zoned C-1 General Commercial. It has been agreed by the buyers and sellers that a holding tank will be constructed on the property and will be a central holding tank serving the entire tract (19.51 EDUs). Any additional use of the property would have to be approved by the County Council.

Moratorium  
Area  
Concerns

Mr. Cole addressed his concern that 1,400 EDUs could be developed in the West Rehoboth Moratorium area. The State of Delaware will allow 165 septic systems per year until the completion of the proposed extension of the sewer.

M 041 90  
Limit  
EDUs in  
Moratorium  
Area

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that a limit of two hundred and twenty (220) EDUs be placed on the acceptance of holding tanks for the South Coastal Regional Wastewater Treatment Facility in the West Rehoboth Moratorium area until the completion of the proposed extension of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Motion Adopted: 5 Yea.

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

M 042 90  
Minor  
Subdivision  
for Banking  
Complex  
Authorized

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council authorize the subdivision of 15.63 acres of land as shown on Sussex County Tax Map 3-34-14, Parcel 325.18, to allow for a Minor Subdivision of 3.97 acres to be utilized for a banking complex. Motion Adopted: 5 Yea.

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

Agenda  
Procedures

Mr. Stickels, County Administrator, read a prepared policy statement concerning Agenda procedures. The purpose of the statement was to provide help with the organization of the Agenda, and make the public aware of how they may be placed on the Agenda. Everybody will still be given an opportunity to speak. Items not on the Agenda will be considered under "Any Additional Business Brought Before the Council".

M 043 90  
Adopt  
Agenda  
Procedures

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to Adopt the following policy for Agenda procedures:

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M 043 90  
Agenda  
Procedures  
(Con't.)

Anyone requesting to have an item placed on the Sussex County Council Agenda shall notify the County Administrator, in writing, before the close of business on the Thursday prior to the Tuesday meeting.

The County Administrator will place items of Council business on the agenda that is posted the Friday before the Tuesday meeting. Items that are requested to be placed on the agenda that are not of County Council jurisdiction will not be placed on the posted agenda. Those items that do not qualify as County Council business will be responded to by the County Administrator and copied to the County Council.

Motion Adopted: 5 Yea.

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

Administra-  
tor's  
Report

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

1. Senior Services will be holding Open House on Thursday, January 25th, at the State Service Center in Georgetown.
2. The monthly dinner meeting for the Sussex County Volunteer Firemen's Association will be tonight at Cape Henlopen High School.
3. The Delaware Solid Waste Authority set proposed per ton tipping fee rates at their January 18th meeting as follows:

	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>
New Castle	\$45.50	\$49.00	\$54.00	\$60.00
Kent	35.84	45.00	54.00	60.00
Sussex	38.18	45.00	54.00	60.00

The Sussex County budget for tipping fees only, would increase from \$531,500 in 1990 to \$1,020,000 in 1994. This computation was made using 1989 figures for relative values only (no annual growth).

The Authority plans to have Statewide rates in force by 1993.

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Administra-  
tor's  
Report  
(Con't.)

A letter from the Authority is expected this week referencing the latest collection and incineration technologies.

4. Dredging of the Nanticoke River near Seaford will begin this week by the US Army Corps of Engineers and should be completed by the end of February. The excavating will remove some 50,000 yards of material from the river bottom and restore 2.5 miles of the channel to its federally authorized depth, twelve (12) feet at mean low water.

C/Z #1037

Change of Zone No. 1037, filed on behalf of Gray Farm Farmers was discussed. Public Hearing was held on January 2, 1990 and the record was held open for two (2) weeks.

M 044 90  
Adopt  
Ordinance  
No. 652  
C/Z #1037

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Ordinance No. 652 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2 MULTI-FAMILY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.4 ACRES, MORE OR LESS" (C/Z #1037) filed on behalf of Gray Farm Farmers. Motion Adopted: 4 Yea; 1 Nay.

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

Findings  
of Facts  
C/Z #1037

The findings of facts and the recommendation of the Planning and Zoning Commission were incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. Access to the property will be via internal streets, without any necessary modifications to Route 54.
2. The new portion of the project will be served by already-existing amenities.
3. No buildings will be constructed within wetlands.
4. The site is designated in the 1988 Coastal Land Use Plan for high density development.

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Findings  
of Facts  
(Con't.)

5. The property will be served by adequate school capacity and fire protection.
6. The property will be served by on-site security force.
7. There is sufficient sewer capacity already available to handle the additional flow generated by the proposed addition.

Public  
Hearing -  
Amend  
Ordinance  
No. 488

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 488, SECTION 2, TO SPECIFICALLY IDENTIFY THE PARTY RESPONSIBLE FOR PLACEMENT OF A MANUFACTURED HOME WITHOUT A PERMIT, AND SECTION 5, TO INCREASE THE ASSESSMENT FOR THE FAILURE TO OBTAIN PERMITS".

M 045 90  
Adopt  
Proposed  
Ordinance -  
Denied

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to strike the [fifty-dollar (\$50.00)] violation fee and insert in lieu thereof one hundred and fifty dollar (\$150.00) and Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 488, SECTION 2, TO SPECIFICALLY IDENTIFY THE PARTY RESPONSIBLE FOR PLACEMENT OF A MANUFACTURED HOME WITHOUT A PERMIT, AND SECTION 5, TO INCREASE THE ASSESSMENT FOR THE FAILURE TO OBTAIN PERMITS".  
Motion Denied: 2 Yea; 3 Nay.

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

M 046 90  
Adopt  
Ordinance  
No. 653  
Amend  
Ordinance  
No. 488

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to strike the [fifty-dollar (\$50.00)] violation fee and insert in lieu thereof one hundred dollar (\$100.00) and Adopt Ordinance No. 653 entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 488, SECTION 2, TO SPECIFICALLY IDENTIFY THE PARTY RESPONSIBLE FOR PLACEMENT OF A MANUFACTURED HOME WITHOUT A PERMIT, AND SECTION 5, TO INCREASE THE ASSESSMENT FOR THE FAILURE TO OBTAIN PERMITS".  
Motion Adopted: 4 Yea; 1 Nay.

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

Public  
Hearing  
(CHDP)

A Public Hearing was held giving all citizens an opportunity to participate in the development of an application to

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Public  
Hearing -  
Community  
Housing &  
Development  
Plan  
(CDHP)  
(Con't.)

the State of Delaware Community Development Block Grant Program, for a grant under the provisions of the Community Development Act of 1977. The primary objective of the Community Development Program is the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. In accordance with Section 106 (d) (2) (D) of the Housing and Community Development Act of 1974, as amended, Sussex County Council will readopt their Community Housing and Development Plan (CHDP). The record will be held open for fifteen (15) days and comments will be accepted until February 9, 1990.

M 047 90  
Bid  
Award  
Project  
No. 90-01

A Motion was made by Mr. Benson, seconded by Mr. Dukes, 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. 90-01, to Solar Heating, Inc. (t/a Sussex Electric), the lowest qualified bidder, at the hourly rates submitted in their contract documents. Motion Adopted: 5 Yea.

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

M 048 90  
Bid  
Award  
Project  
No. 90-02

A Motion was made by Mr. Benson, seconded by Mr. Dukes, 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. 90-02, to Solar Heating, Inc. (t/a Sussex Electric), the lowest qualified bidder, at the hourly rates submitted in their contract documents. Motion Adopted: 5 Yea.

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

M 049 90  
Council-  
manic  
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Cole, to give \$250.00, from Mr. Mariner's Councilmanic Account, to Millsboro Little League, Inc. for operational funding. Motion Adopted: 5 Yea.

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M 049 90  
(Con't.)

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

M 050 90  
Council-  
manic  
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$500.00, \$100.00 from each of the five (5) Councilmanic Accounts, to The Fresh Air Fund to assist in providing underprivileged inner-city children with free summer vacations in rural communities. Motion Adopted: 5 Yea.

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

Sussex  
County  
Watermen's  
Association

Mr. Roy W. Moore, President of the Sussex County Watermen's Association, was present. At the request of Mr. Cole, he briefly addressed the declining water quality of the public waters of Sussex, particularly the Inland Bays, and along with that loss of water quality the loss of clams, crabs, fish, and eels in those waters. The livelihood of the membership of the Association depends upon the preservation of the water quality.

M 051 90  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to give \$500.00, from Mr. Cole's Councilmanic Account, to the Sussex County Watermen's Association to support their work. Motion Adopted: 5 Yea.

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

Bid  
Opening -  
Project  
No. 89-17

Mr. Wood, County Engineer, opened Bids for Project No. 89-17 - Sewer Cleaning Truck. The following bids were read into the record:

	<u>NET PRICE</u>
PEABODY MYERS CORPORATION	\$107,632.00
VAC-CON, INC.	\$125,970.00
MID-ATLANTIC WASTE SYSTEMS	\$105,148.00

Mr. Dukes requested leasing rates be obtained before a decision on the bid award is made.

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M 052 90  
Councilmanic  
Grant

A Motion was made by Mr. Benson, seconded by Mr. Cole, to give \$800.00, \$400.00 from Mr. Benson's Councilmanic Account and \$400.00 from Mr. Cole's Councilmanic Account, to YMCA of Delaware, The Sussex Branch, for their Sustaining Campaign for 1990. Motion Adopted: 5 Yea.

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

President  
Stevenson's  
Statement

President Stevenson read the following statement:

"Over the past few weeks there have been numerous comments over statements made by me at a Council workshop.

"The workshop was concerning our mounting trash problem and of ways to dispose of trash. After viewing the film and listening to remarks concerning both incineration and recycling, I stated that maybe we should do as we used to as families: women used to can our fruits and vegetables. This statement was made by me to point out our change of lifestyles and the problems of our 'throw away' society. My late wife, Sara, was a college graduate and career woman as are two of our daughters. Anyone who knows me, knows that I would never demean them or any other women. I apologize to any who were offended by my remarks and I can assure you that no disrespect was intended.

"It is important that we refocus on the incinerator issue facing Sussex County. We must study the alternative and make our plan to deal with the issue.

"I appreciate all those who have lent support in the past few weeks as well as those who have volunteered to help such as Scott Rose. It is time to unite and solve the problems before us."

Adjourn

President Stevenson declared the meeting adjourned at twelve noon.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council