

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-FEBRUARY 26, 1991

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, February 26, 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 094 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:

CATHERINE W. KALLAL, VICE PRESIDENT, EDUCATION FUND, DELAWARE LEAGUE OF WOMEN VOTERS, WILMINGTON  
RE: Thanks for the contribution of \$1,000.00 to help with publishing "They Represent You"; a listing of elected officials.

MRS. CHARLES HOOPER, REHOBOTH  
RE: Appreciation for funding the Voters Information Folder on behalf of the League of Women Voters.

ARTHUR KING, ELLENDALE  
RE: Objecting to Conditional Use No. 955, filed on behalf of M. J. Webb Farms, Inc., for a borrow pit.

ALLEN J. H. QUILLEN, SR., PRESIDENT, SUSSEX COUNTY BOARD OF REALTORS, GEORGETOWN  
RE: Thanks for the opportunity to present testimony on behalf of the Sussex County Association of Realtors and over one thousand (1,000) non-realtor property owners concerning the proposed realty transfer tax. Requesting opportunities for raising revenue be explored where funds would be generated without placing the burden on only one part of the economy. Also, urging the use of revenue raisers with the least impact on the most people versus a huge impact on a few people.

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Corre-  
spondence

H. WAYNE BOWDEN, PRESIDENT, INDIAN RIVER BAND BOOSTERS,  
FRANKFORD

RE: Seeking financial assistance for the Indian River High School Band enabling them to participate in the Music Maestro "Sunshine Festival" being held in Florida. Also requesting a Resolution congratulating the band on their many accomplishments, and asking for Sussex County mementos (stick-ons or pins) for the band members to swap with other participants in the Festival.

RICHARD F. STOKES, TUNNELL & RAYSOR, GEORGETOWN

RE: Requesting the Council to consider exempting from the tax any transfer pursuant to a contract signed before April 1, 1991 in the Proposed Ordinance concerning the Realty Transfer Tax.

DONALD R. PINNER, PRESIDENT, GREATER SEAFORD CHAMBER OF  
COMMERCE, SEAFORD

RE: Opposition to the proposed enactment of a County Realty Transfer Tax.

W. THOMAS REED, II, MILTON

RE: Favors an increase in property taxes instead of the proposed realty transfer tax.

Listening  
Post  
Outreach  
Program

Mr. Russ Burgess, Director, People's Place Counseling Center, Milford, and Mr. Ed Moczulski, Outreach Program Coordinator, Listening Post, Lower Delaware, reviewed a new service available for all veterans living in southern Delaware. Mr. Moczulski, a veteran himself, will be making contact with veterans who may not be aware of the services available through the agency, such as: job counseling, family and individual counseling, drug and alcohol abuse programs, transportation to medical facilities, or just someone to talk to. People's Place Counseling Center began offering services for veterans in 1981 and they have seen over five hundred (500) vets since that time. Listening Post - Lower Delaware is an outgrowth of what they have discovered through group and individual counseling. Funding is provided by local and state veterans organizations, the Commission on Veterans Affairs, the Delaware Department of Labor and the State Legislature. The County supports the work of People's Place II, a program that provides counseling, shelter and other associated services to area residents, plus the new program Listening Post, through their Human Service Grant Program. Mr. Burgess took the opportunity to thank Council for their continued support.

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HIV  
Wellness  
Clinic

Dr. Lester N. Wright, Director, Delaware Health and Social Services, Division of Public Health, discussed the HIV Wellness Clinic operating in Georgetown. He reported that the outlook on the AIDS virus has changed dramatically, and in most cases, with proper medical care, can be looked upon as a chronic condition to be dealt with. The Georgetown HIV Wellness Clinic is striving to meet this need, and is presently seeing fifty-four (54) patients. Of this group, the ages range from 19 to 54; 20% are female; 50% are from the homosexual community; and, 50% are minorities. Dr. Wright was happy to report the progress of the Clinic. He indicated that it is developing into a model cooperative venture with the Delaware Medical Center, hospitals and physicians from the entire County; government, industry, private organizations, and individual citizens working together and meeting a very real need.

DNREC -  
Septage  
Management  
Program  
and  
Request

Mr. Esposito, Director, Water Resources, DNREC, discussed septage management. Presently, there is no ban on land application of septage. Almost all septage generated in eastern Sussex County is land applied, most of it within the Inland Bays region. Until recently, this practice has been the best alternative for many County septage haulers. Now, however, due to regulations to protect public health and environment, increased land values, the crunch of a larger population, and local zoning requirements, this is no longer deemed to be the best alternative. This leaves the Eastern Sussex septage hauler with limited choices. He can pay the high transportation costs to truck septage across the County and pass the cost on to the consumer, or he can go out of business and leave the consumer with fewer and more expensive options for septic system maintenance. To alleviate this problem, DNREC is recommending that the County update existing wastewater treatment facilities and design new facilities, such as those planned for the Long Neck, Dagsboro/Frankford, and West Rehoboth sewer districts, to accept and treat septage. DNREC will work with the County to seek grant funding and loans for this purpose.

Until such time as other County wastewater facilities can be updated and new facilities designed for this purpose, Mr. Esposito asked the Council to change their policy concerning the acceptance of septage at the South Coastal Regional Wastewater Facility. He requested an agreement whereby the County would accept septage from haulers throughout the County at the SCRWF plant starting immediately. There was a consensus that this request needed further investigation and could not be granted today.

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Septage  
Management  
(Con't.)

Several local haulers were present and spoke in support of the request as presented by Mr. Esposito. One hauler, however, wanted to retain the option of land application.

Mr. Stickels, County Administrator, and Mr. Wood, County Engineer, will work with DNREC to negotiate an Agreement that will establish guidelines to protect the County systems, including acceptable State and County standards, liability protection, and user fees. The matter will be brought back for Council's consideration within the next thirty (30) days.

Housing  
Preserva-  
tion  
Grant  
Resolution

A Public Hearing was held on February 5, 1991 to submit an application to Farmers Home Administration for a grant under Section 533 of the Housing Act of 1949, as amended and known as the Housing Preservation Grant (HPG) Program. The record was held open for comments until February 21, 1991. No public comments were received. A Proposed Resolution endorsing the project to be submitted to the United States Department of Agriculture, Farmers Home Administration for funding was read, in its entirety, by Mr. Stickels, County Administrator.

M 095 91  
Adopt  
Resolution  
No. R 008  
91 (HPG)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 008 91 entitled "ENDORING PROJECT TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION, FOR FUNDING AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT PREAPPLICATION". 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 included in his Administrator's Report:

1. Support Rally - A rally in support of the troops of Operation Desert Storm will be held on The Circle in Georgetown on Wednesday, March 13, 1991 at 7:00 p.m. The rally is being sponsored by the Sussex County Council, Town Council of Georgetown, Georgetown Fire Company, Raymond Reynolds V.F.W. Post 2931, American Legion Post No. 8, and Vietnam Veterans, American Chapter 546.

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

2. Sussex County Association of Towns Meeting - The meeting will be held Wednesday, March 6, 1991, 6:30 p.m. at the Flagship Restaurant, Seaford. Representatives from the Division of Public Health will speak on rabies control and new regulations for drinking water.
3. United States Army Corps of Engineers Application - The Delaware Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, has applied for an application to construct a 15 foot wide concrete boat ramp in Hearn's Pond, Seaford. The ramp will extend 22 feet waterward of the ordinary high water line. This is an additional 28 feet of excavation to 3 feet below ordinary high water line in order to get boats beyond the shallow water. A total of 48.83 cubic yards will be excavated from the pond and deposited on an upland, nonwetland site. A total of 22.51 cubic yards of fill material, consisting of stone concrete, will be placed in the pond to construct the ramp. All work will take place following dewatering of the pond to approximately half the normal depth. The stated purpose of the project is to provide fishing and boating access to the recently acquired property.

Plucks  
Development

Mr. Izzo, Assistant County Engineer, discussed Plucks Development. A bond was posted by the developer of Plucks Development, a seven (7) lot subdivision, for road construction. The developer left the County without completing the improvements; the bond was called and the necessary paperwork has been completed by the County to proceed with the completion of the improvements as needed.

M 096 91  
Plucks  
Development  
Project  
No. 90-14

A Motion was made by Benson, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that the Contract for Sussex County Project No. 90-14, Plucks Development, be executed with Harjoco Construction Company, to allow for the completion of improvements as required by Chapter 99 of the Sussex County Code. Motion Adopted: 4 Yea; 1 Not Voting.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Not Voting;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Public  
Hearing  
CDBG

A Public Hearing was held to accept public comments with respect to the County's Community Development and Housing goals and objectives. The Community Development and Housing

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Public  
Hearing  
CDBG  
(Con't.)

Plan will guide the use of any CDBG funds received by the County until 1992. The first Public Hearing was held for this purpose on January 29, 1991. The application is based upon the calculations as set out in the minutes of January 29, 1991. There were no public comments and the Public Hearing was closed.

Proposed  
Resolution  
CDBG

Mr. Stickels, County Administrator, read a Proposed Resolution, in its entirety, authorizing the County Administrator to submit applications to Delaware State Housing Authority for funding from the U.S. Department of Housing and Urban Development for Community Development Block Grants.

M 097 91  
Adopt  
Resolution  
R 009 91  
CDBG

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Resolution No. R 009 91 entitled "ENDORING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS". Motion Adopted: 5 Yea.

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

C/Z #1107

Change of Zone No. 1107, filed on behalf of Leon T. Fleming and others was discussed. Public Hearing was held on January 10, 1991 and action was deferred.

M 098 91  
Adopt  
Proposed  
Ordinance  
C/Z #1107

A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN URBAN RESIDENTIAL DISTRICT TO AN URBAN BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 55,200 SQUARE FEET, MORE OR LESS" (C/Z #1107) filed on behalf of Leon T. Fleming and others. Motion Denied: 4 Nay; 1 Abstention.

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

Findings  
of Facts  
C/Z #1107

The Council found that the change of zone was not appropriate legislative action based upon the following findings of facts:

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Findings  
of Facts  
C/Z #1107  
(Con't.)

1. Applicant failed to demonstrate any business or commercial need or any intended use for the change of zone sought.
2. Applicant failed to demonstrate that the change of zone was in accordance with the Comprehensive Development Plan and that the change would promote the general purposes of the Zoning Ordinance.
3. The findings of the Planning and Zoning Commission are incorporated herein.

Proposed  
Ordinance  
Dormitories

The Proposed Ordinance relating to dormitories was again discussed. Public Hearing was held on February 12, 1991 and action was deferred.

M 099 91  
Adopt  
Proposed  
Ordinance  
Relating  
to  
Dormitories

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, DELAWARE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 69, TITLE 9, DELAWARE CODE". Motion Denied: 5 Nay.

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

Findings  
of Facts -  
Dormitories

The Council found that the Proposed Ordinance to Amend Chapter 115, relating to dormitories was not appropriate legislative action based upon the following findings of facts:

1. There was no demonstration of need for the Proposed Ordinance in the unincorporated areas of Sussex County.
2. Municipalities should address and attempt to resolve the issue within their boundaries.
3. The Comprehensive Zoning Ordinance may already impliedly address the issue in several districts.
4. The findings of facts of the Planning and Zoning Commission are incorporated herein.

Proposed  
Ordinance  
County  
Realty  
Transfer  
Tax

The Proposed Ordinance to Amend Chapter 103 of the Code of Sussex County to provide for the imposition and administration and regulation of a Sussex County Realty Transfer Tax was discussed. Public Hearing was held February 19, 1991 and action was deferred.

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M 100 91  
Adopt  
Ordinance  
No. 746  
County  
Realty  
Transfer  
Tax

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Ordinance No. 746 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". Motion Adopted: 4 Yea; 1 Nay.

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

M 101 91  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00, \$250.00 from each of Mr. Cole's and Mr. Collins' Councilmanic Accounts, to Indian River High School Band Boosters to assist with funding their trip to Florida to participate in the "Sunshine Festival". Motion Adopted: 5 Yea.

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

M 102 91  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$100.00, from Mr. Cole's Councilmanic Account, to Lord Baltimore Elementary School to help defray the cost of publishing their school newspaper. Motion Adopted: 5 Yea.

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

M 103 91  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00, from Mr. Cole's Councilmanic Account, to the Village Improvement Association of Rehoboth Beach to assist with a renovation project making the building accessible to the handicapped. Motion Adopted: 5 Yea.

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

M 104 91  
Council-  
manic  
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$1,000.00, from Mr. Stevenson's Councilmanic Account, to the Town of Greenwood to assist in purchasing a new car for their police department. Motion Adopted: 5 Yea.

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M 104 91  
(Con't.)

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

M 105 91  
Council-  
manic  
Grant

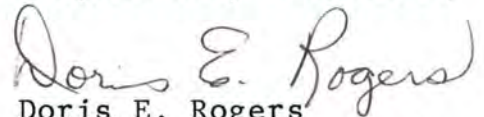
A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$1,000.00, \$200.00 from each of the five (5) Councilmanic Accounts, to the American Legion Sussex District No. 4 to support the purchase of Grave Marker Flags to be used by the sixteen (16) Posts within the District. Motion Adopted: 5 Yea.

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

M 106 91  
Adjourn

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to adjourn at 12:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers  
Clerk of the County Council