

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 11, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, March 11, 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	Member
Lynn J. Rogers	Member

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

M 098 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, Amend and Approve Agenda to approve the Agenda with the following amendment:
Robert C. Green, Director of Utility Construction

1. Bethany Bay, Phase III

A. Agreements

Motion Adopted by Voice Vote.

M 099 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, Approve Minutes to approve the minutes of the previous meeting, dated February 25, 1997.

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 correspondence: spondence DELAWARE WATER TRANSPORT COMMITTEE, INC., SALISBURY, MARYLAND.
RE: 1995 Nanticoke River tonnage survey report.

STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.

RE: Letter addressing issues raised by Mr. Stickels at the recent Capital Improvement Program public participation meeting.

ROBERT AND FRANCES ALGIER, SEAFORD, DELAWARE.

RE: Letter commending services received from Sussex County Paramedics.

Corre-
spondence
(con't)

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DOVER, DELAWARE.
RE: Letter regarding the proposed surplus of the Delaware Breakwater Light in Lewes Harbor.

JAMES G. BARRETT, PRESIDENT, WORCESTER COUNTY, SNOW HILL, MARYLAND.
RE: Letter of appreciation to Mr. Stickels for the tour of the new Sussex County Government Office Building.

Property
Assess-
ment
Zoning
Program

Mr. Parker, Director of Assessments, was in attendance to further discuss the Property Assessment Zoning Program endorsed by the Council at the February 25, 1997, meeting. Secretary Tarburton, State of Delaware, Department of Agriculture, was present in support of Council's decision to pursue this Program. Secretary Tarburton discussed TDR applications that the Department is reviewing; the Department's intent is to protect farmland, woodland, and wetlands. Secretary Tarburton addressed Council's concern that funds are being used to purchase wetlands.

Mr. Parker provided Council with a comparison report of four properties showing total acreage; acreage zoned C-1; current land assessment; new assessment, current tax paid; and projected tax. It was discussed that the County will waive the filing fee for rezoning applications for any property owner who wishes to have their property rezoned to AR-1; any property that is down-zoned will also have their property assessment changed to reflect the zoning category. Mr. Stickels, County Administrator, recommended that the County accept applications without a fee until Monday, June, 30, 1997. It was debated whether a time limitation should be placed on accepting applications without a fee.

M 100 97
Advertise
Public
Notice/
Property
Assess-
ment
Zoning
Program

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the following Public Notice be advertised in local papers over a two week period:

PUBLIC NOTICE

The Sussex County Council will waive the filing fee for rezoning applications for any property owner who wishes to have their property rezoned to AR-1. Any property that is down-zoned will also have their property assessment changed to reflect the zoning category. The Sussex County Council will accept applications without a fee until Monday, June 30, 1997. Applications for rezoning may be obtained at the Planning and Zoning Department, County Administrative Office Building on The Circle in Georgetown, Delaware, from 8:30 a.m. to 4:30 p.m., Monday through Friday.

M 100 97 Motion Adopted: 4 Yea, 1 Nay.
(con't)

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

State of Delaware, 800 MHZ, State-wide Trunked Radio System

Mr. Thomas, Acting Chief Dispatcher, Sussex County Emergency Operations Center; Ms. Goodman, Attorney for the State of Delaware, Office of Telecommunications Management; and Mr. Noonan, a consultant with the Office of Telecommunications Management, were in attendance to make a presentation on the State of Delaware, Digital 800 MHZ, Statewide Trunked Radio System. This system will provide clear, reliable statewide radio coverage and interagency communications. Poor coverage has plagued state and municipal agency radio systems for many years; because this network operates in the 800 MHZ frequency range, communications will be clear and static-free. Simulcast technology will provide statewide portable coverage; all transmit sites throughout the state will be interconnected. The 800 MHZ radio system will result in a much higher level of safety for the citizens of Delaware as well as members of its public safety organizations. The System will be a link of twenty sites: nine in New Castle County, five in Kent County, and six in Sussex County. It is expected to be operating statewide by early 1999.

A discussion ensued as to whether public hearings are required on the use of land for tower sites. Mr. Bayard, County Attorney, provided the following legal opinion:

The State has reserved jurisdiction over certain types of activities, in this case - emergency communications, and as a result, regulates its own land use activity in that regard.

Proposed Ordinance

Mr. Rogers introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE III, OF THE CODE OF SUSSEX COUNTY, DELAWARE, TO DELETE PROVISIONS RELATING TO OUTDOOR BURNING IN THE COASTAL ZONE AREA OF SUSSEX COUNTY". The Proposed Ordinance will be advertised for Public Hearing.

Administrator's Report

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

1. Rehoboth Mall Limited Partnership v. Sussex County Council

On Friday, February 28, 1997, Superior Court Judge Henry duPont Ridgely denied the claim of Rehoboth Mall Limited Partnership for reimbursement of the wastewater treatment system that they had installed. Rehoboth Mall Limited Partnership, which owns a commercial development along

Adminis-
trator's
Report
(con't)

Route One, Rehoboth Beach, Delaware, constructed a treatment package plant for private use in 1985. When the County created the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District in 1990, the Mall was required to connect to the County system. Plaintiffs asked that the County reimburse them for the cost of their system. Judge Ridgely ruled that the County is required to grant assessment credits only when the County has included all or part of a property owner's private wastewater system into the County's own sewage system. When the Rehoboth Mall Limited Partnership was issued a permit by the Department of Natural Resources to construct their on-site septic system, the permit specified that they would be required to connect to a central sewer when and if it ever became available.

2. Public Hearing

The Sussex County Council will be hosting a Public Hearing on Monday, March 17, 1997, at the Jack F. Owens Campus, Delaware Technical and Community College, Georgetown, Delaware. The Public Hearing will start at 7:00 p.m. in the Campus Theater. Immediately following the Public Hearing the County Council will return to the County Administrative Office Building on The Circle in Georgetown to conduct a workshop to discuss the issues raised at the Public Hearing. It is the intention of the County Council to place the Land Use Plan on the agenda for a public vote on Tuesday, March 18, 1997, at the regularly scheduled Council meeting.

3. Bookmobile

Official notice has been given that the County Council is soliciting proposals for a new bookmobile. Sealed bids for a bookmobile will be received by the Sussex County Council, Department of Libraries, until March 31, 1997, at 4:00 p.m. Bid packages will be available by request from the Sussex County Department of Libraries, 9 South DuPont Highway, P. O. Box 589, Georgetown, Delaware 19947.

Land
Use
Plan
Special
Meeting

Mr. Stickels, County Administrator, advised that a special meeting may be necessary for discussion on the Comprehensive Land Use Plan. It was the consensus of Council to schedule a County Council meeting on March 25, 1997 (a meeting was not previously scheduled on this date in accordance with the County's holiday schedule).

IRB/
Gateway
VI

Mr. Baker, Finance Director, and Mr. Ivey of Scott & Stringfellow, Inc., discussed an Industrial Revenue Bond Application of Gateway VI Seaford Hotel Project. In 1986 and 1987, the County issued its Economic Development Revenue Bonds to

IRB/
Gateway
VI
(con't)

assist in financing this project. The Applicant has now submitted to the County an application for assistance in refinancing and providing permanent financing for the Project through the issuance by the County of its tax-exempt commercial development revenue bonds. The Series 1997A Bonds will be in an initial aggregate principal amount not to exceed \$2,085,000 and the Series 1997B Bonds will be in an initial aggregate principal amount not to exceed \$1,600,000. The Bonds will be limited obligations of the County payable solely from the revenues of the Project. Following a review of this application, the Industrial Revenue Bond Committee recommended that the application be approved.

M 101 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Adopt Adopt Resolution No. R 014 97 entitled "A PROJECT RESOLUTION
Resolu- AUTHORIZING THE ISSUANCE OF THE COUNTY'S FIRST MORTGAGE
tion No. REVENUE BONDS (GATEWAY VI SEAFORD HOTEL PROJECT) SERIES
R 014 97 1997A AND SERIES 1997B".

Motion Adopted: 5 Yea.

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

Bethany
Bay

Mr. Green, Director of Utility Construction, discussed an Agreement between Sussex County Council and Linder and Company, Inc. for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Bethany Bay, Phase III. This Agreement was previously brought before Council; however, since that time, the developer has changed contractors; the new contractor is David G. Horsey. The new Agreement will result in additional income for the County. Mr. Dukes did not participate in or vote on this matter due to a possible conflict of interest.

M 102 97 A Motion was made by Mr. Cole, seconded by Mr. Jones, that the
Execute Vice President of the Sussex County Council execute an Agree-
Agree- ment between Sussex County Council and Linder and Company, Inc.,
ment/ for Construction Administration and Construction Inspection
Bethany Services for wastewater facilities to be constructed in Bethany
Bay Bay - Phase III, located in the Proposed Millville/Ocean View
Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Abstention.

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

Creek's
End

Mr. Green, Director of Utility Construction, discussed the following for Creek's End Subdivision in the Long Neck Sanitary Sewer District:

- Beneficial Acceptance for the gravity wastewater facilities and force main.
- Conditional Acceptance of the wastewater pumping station.

M 103 97
Execute
Agree-
ment/
Creek's
End

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 for the gravity wastewater facilities constructed in Creek's End Subdivision, serving Lots 14 through 29, 38 through 55, and fourteen (14) townhouses on Gadwall Drive, and Conditional Acceptance for the wastewater pumping station No. 83, located in the Long Neck 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

Public
Hearing/
Boundary
Extension
(West
Rehoboth)

A Public Hearing was held on a proposal to extend the boundary of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to encompass a portion of the right-of-way of County Road 274 and a certain piece, parcel, or tract of land owned by Herbert A. and Patricia A. Shutt, approximately 10.9 acres in size. There were no public comments and the Public Hearing was closed.

M 104 97
Adopt
Resolu-
tion
No.
R 015 97

A Motion was made by Mr. Cole, seconded by Mr. Jones, to Adopt Resolution No. R 015 97 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT TO ENCOMPASS A PORTION OF THE RIGHT-OF-WAY (ROW) OF COUNTY ROAD 274 AND A CERTAIN PIECE, PARCEL OR TRACT OF LAND (DESIGNATED AS TRACT "A") OWNED BY HERBERT A. AND PATRICIA A. SHUTT, CONTIGUOUS TO THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT, SITUATE IN LEWES-REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

Public Hearing/
Boundary Extension
(BBSSD)

A Public Hearing was held on a proposal to extend the boundary of the Bethany Beach Sanitary Sewer District (BBSSD) to encompass the Town of Ocean View and that portion of Country Estates outside of the Town of Ocean View's boundaries. The Town of Ocean View has approved a Resolution endorsing this boundary extension. Public comments were heard and the Public Hearing was closed.

M 105 97
Adopt Resolu-
tion No.
R 016 97

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Resolution No. R 016 97 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD) TO ENCOMPASS THE TOWN OF OCEAN VIEW AND THAT PORTION OF COUNTRY ESTATES OUTSIDE OF THE TOWN OF OCEAN VIEW'S BOUNDARIES, CONTIGUOUS TO THE BBSSD, SITUATE WEST OF THE ASSAWOMAN CANAL AND THE TOWN OF BETHANY BEACH AND BEING SITUATE IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

SRF
Funding/
Ocean
View
Expansion

Mr. Izzo, County Engineer, requested authorization from Council to apply to the Department of Natural Resources and Environmental Control Water Pollution Control Revolving Loan Assistance Program for a \$7,500,000 loan to finance the 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 Town of Ocean View's boundaries. This project is currently in the planning stage; the tentative project schedule is as follows: June 1, 1997 through November 30, 1997 -- planning; December 1, 1997 through July 1, 1998 -- design; August 1, 1998 through January 31, 2000 -- construction; February, 2000 -- connections.

M 106 97
Authorize
SRF
Funding
Applica-
tion for
Ocean
View
Expansion

A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, that the County Engineer be authorized to apply to the Department of Natural Resources and Environmental Control Water Pollution Control Revolving Loan Assistance Program for a \$7,500,000 loan to finance the Ocean View Expansion of the Bethany 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

Sewer
Costs

Mr. Cole discussed his continued concern that the County needs to research ways in which sewer costs can be reduced; i.e., accepting partial payments, etc. Mr. Cole requested that this issue be placed on the agenda in the near future for discussion.

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 A CEMETERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 62.00 ACRES, MORE OR LESS (Conditional Use No. 1178) filed on behalf of Delaware Commission of Veterans Affairs. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 135 ACRES, MORE OR LESS" (Change of Zone No. 1295) filed on behalf of Ethel C. Graham and Joseph L. and Carol Lee Shockley. The Proposed Ordinance will be advertised for Public Hearing.

M 107 97
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Jones, to give \$300.00 from Mr. Collins' Councilmanic Account to The Pink Ribbon Cancer Classic, a tournament to raise money for breast cancer research and awareness programs by the American Cancer Society.

Motion Adopted: 5 Yea.

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

M 108 97
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$200.00, \$100.00 from Mr. Dukes' Councilmanic Account and \$100.00 from Mr. Collins' Councilmanic Account, to the Laurel Historical Society for the Studley Store building restoration fundraising campaign.

Motion Adopted: 5 Yea.

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

M 109 97
Council-
manic
Grant

A Motion was made by Mr. Jones, seconded by Mr. Collins, to give \$100.00 from Mr. Dukes' Councilmanic Account to the Old Christ Church League to assist in the continued preservation and ongoing ministry of Old Christ Church.

March 11, 1997 - Page 9

M 109 97 Motion Adopted: 5 Yea.
(con't)

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

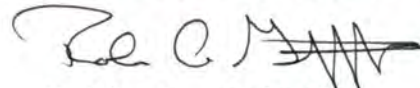
Corre- Mr. Dukes read the following correspondence:
spondence

JEFF PETTYJOHN, MANAGER, SUSSEX COUNTY ALLEY CATS, GEORGETOWN,
DELAWARE.

RE: Letter in appreciation of Council's \$500.00 grant.

M 110 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adjourn adjourn at 12:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council