

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 23, 1993

Executive Session An Executive Session of the Sussex County Council was held on Tuesday, March 23, 1993, at 9:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing pending litigation. The Executive Session concluded at 9:45 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, March 23, 1993, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
George J. Collins	Vice President
Ralph E. Benson	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 110 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated March 16, 1993. Motion Adopted by Voice Vote.

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

CYGNET CONSTRUCTION CORPORATION, SELBYVILLE.  
RE: Notice of Natural Wood Waste Recycling Permit Application.

SUSSEX COUNTY CHAPTER, NATIONAL FEDERATION OF THE BLIND OF DELAWARE, GEORGETOWN.  
RE: Requesting financial assistance to send delegates to the National Convention of the Federation of the Blind.

WILLIAM W. PLEASANTS, P.E., BETHEL.  
RE: Government Waste, Superfund Program, Laurel Landfill.

MICHAEL J. SASADA, DAGSBORO.  
RE: Requesting County Council to intervene in the matter of Salt Pond's inability to obtain the necessary permit for the Bethany Beach Loop Canal utility crossing.

DONNA J. LYNCH, BETHANY BEACH.  
RE: Requesting County Council to intervene in the matter of Salt Pond's inability to obtain the necessary permit for the Bethany Beach Loop Canal utility crossing.

Proposed Proclamation Ms. Mimi Dupont, Special Projects Coordinator, Delaware Technical & Community College, was in attendance to inform Council of The First Annual Sussex County Science Fair and Science Expo held on February 5, 1993, for the purpose of

Proposed  
Procla-  
mation  
Honoring  
Science  
Students  
(con't)

encouraging students and the community to pursue science both for personal enrichment and for careers. This event was sponsored by Partners in Higher Education: Delaware Technical & Community College, Delaware State College, University of Delaware, and Wilmington College. Thirty-nine students from seven school districts and a home school participated in the event. Ten students were chosen to represent Sussex County at the Delaware Valley Regional Science Fairs from March 31 through April 3, 1993, at the Philadelphia Civic Center. Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation proclaiming the week of March 28 through April 3, 1993, as a week of recognition for science students in Sussex County.

M 111 93  
Adopt  
Procla-  
mation

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF MARCH 28 THROUGH APRIL 3, 1993, AS A WEEK OF RECOGNITION FOR SCIENCE STUDENTS IN SUSSEX COUNTY".

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

President Dukes presented copies of the Proclamation to those students in attendance.

Bethany  
Beach  
Loop  
Canal  
Crossing

Mr. Stickels, County Administrator, discussed the delay in the connection of the Salt Pond Development and the entire Cedar Neck area to the Sussex County sewer system, caused by the failure of the Army Corps of Engineers to issue the necessary permit to cross the Bethany Beach Loop Canal. The Salt Pond Development and Cedar Landing are both utilizing temporary sewage holding facilities, awaiting installation of the lines at the Bethany Beach Loop Canal Crossing. Mr. Stickels read in its entirety a Proposed Resolution authorizing the County Administrator to do the following:

- (1) Request that the U.S. Army Corps of Engineers forthwith issue the utility crossing permit;
- (2) Offer on behalf of Sussex County Council to substitute itself as the applicant for the utility crossing permit if substitution will expedite the permit process; and
- (3) Forward a copy of the Resolution to the U.S. Army Corps of Engineers and to take such further necessary and appropriate action as will expedite the issuance of the permit to serve the public interest and, in particular, the interests of the citizens of the Cedar Neck area.

M 112 93 A Motion was made by Mr. Collins to Adopt the Proposed  
(DIED) Resolution. The Motion died for the lack of a second.

Agenda Mr. Stevenson recommended that this issue be tabled until  
Item the next meeting of the County Council due to Mr. Cole's  
Tabled absence, as the Salt Pond Development and the Cedar Neck  
area are located within Mr. Cole's Councilmanic District.  
No further action was taken.

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

1. Federal Legislation

Several significant solid waste bills have been introduced so far in the 103rd Congress:

- (a) H.R. 963 authorizes restrictions on out-of-state municipal solid waste;
- (b) H.R. 1076 and Senate Bill 439 limit interstate shipments of solid waste;
- (c) H.R. 767 delays the effective date for Subtitle D regulations for two years;
- (d) H.R. 1357 gives states and counties authority to control flow of solid waste generated within their borders.

Mr. Stickels stated that several of these bills contradict each other and he will continue to monitor this situation. He further stated that he believes by the time Congress is finished, final legislation will allow for the shipment of intercounty and interstate solid waste nationwide.

2. Sussex County Student Government Day

The Sussex County Council will host Sussex County Student Government Day on Thursday, May 6, 1993. Included with the report was a tentative agenda for the day.

M 113 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to  
Council- give \$200.00 from Mr. Benson's Councilmanic Account to the Town  
manic of Milton for the Milton Clipper Express Committee to help fund  
Grant and operate the Town owned train.

Motion Adopted: 4 Yea, 1 Absent.

M 113 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 114 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to  
Council- give \$400.00 from Mr. Benson's Councilmanic Account to the  
manic Milton Little League to help finance repairs and improvements  
Grant scheduled for 1993.

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

M 115 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
Council- to give \$1,000.00 from Mr. Dukes' Councilmanic Account to the  
manic Laurel Little League for operating expenses for the 1993  
Grant season.

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

Citizen's Mr. Timothy Dermady was recognized by Mr. Dukes. Mr. Dermady  
Concern stated that he has heard that every land/property owner who has  
a septic system will be charged an annual fee of \$15.00. Mr.  
Stickels, County Administrator, advised that he knows of no  
pending legislation regarding the imposition of such a fee.  
Mr. Stickels further advised, however, that the State is  
planning to submit a proposal to the General Assembly regarding  
imposing a \$15.00 fee for each property owner to be used for  
sewer district funding.

Proposed Mr. Benson introduced a Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR-RPC  
MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY  
FOR MINIATURE GOLF TO BE LOCATED ON A CERTAIN PARCEL OF LAND  
LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING  
2.07 ACRES, MORE OR LESS" (C/U #1037) filed on behalf of Salt  
Pond Associates. The Proposed Ordinance will be advertised  
for Public Hearing.

Proposed Mr. Collins introduced a Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION STORAGE  
YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND  
BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING

Proposed Ordinance (con't) 1.07 ACRES, MORE OR LESS" (C/U #1036) filed on behalf of Padula Construction. The Proposed Ordinance will be advertised for Public Hearing.

Recess At 10:50 a.m., Mr. Dukes declared a recess until 11:00 a.m.

Reconvene Mr. Dukes called Council back into session at 11:03 a.m.

Public Hearing Assessment Rolls and Rates Dagsboro-Frankford SSD A Public Hearing was held on Assessment Rolls and Rates for the Dagsboro-Frankford Sanitary Sewer District. A summary of the annual service charges and annual assessment charges for the period April 1, 1993, to June 30, 1994, were reviewed, as follows:

	<u>ANNUAL SERVICE CHARGE</u> \$/EDU	<u>COLLECTION</u> \$/FOOT	<u>TRANSMISSION AND TREATMENT</u> \$/FOOT	<u>TOTAL</u> \$/FOOT
Dagsboro-Frankford SSD	\$196.00	\$.81	\$.71	\$1.52

The Proposed System Connection Charge per EDU is \$3,880.00. Existing users connecting within the first two years of the system's operation will not pay this charge. A credit of 1.0 EDU will be given to all vacant subdivided parcels/lots in the District for two years that can connect to the Dagsboro-Frankford Sanitary Sewer pipelines, as currently installed. The Public Hearing was closed.

M 116 93 Adopt Assessment Rolls and Rates Dagsboro-Frankford SSD A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council hereby Adopts the Assessment Rolls and Rates for the Dagsboro-Frankford Sanitary Sewer District, as presented on March 23, 1993, for the period April 1, 1993, through June 30, 1994, including a two year grace period for connection charge purposes for all subdivided parcels/lots in the district that can connect to the Dagsboro-Frankford Sanitary Sewer pipelines, as currently installed.

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

Public Hearing Issuance of Bonds A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF SUSSEX COUNTY FOR THE PURPOSE OF REFUNDING CERTAIN EXISTING DEBT OF THE COUNTY AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". Representatives from

Public Hearing (con't) Potter, Anderson & Corroon and Butcher & Singer were present to review and answer questions regarding the Proposed Ordinance. The Public Hearing was closed.

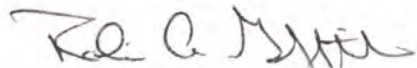
M 117 93 Adopt Ordinance No. 883 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Ordinance No. 883 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF SUSSEX COUNTY FOR THE PURPOSE OF REFUNDING CERTAIN EXISTING DEBT OF THE COUNTY AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

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

M 118 93 Adjourn A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to adjourn at 12:00 noon. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council