

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

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, March 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 149 91  
Approval  
of Minutes

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, 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:

DIVISION OF AIR AND WASTE MANAGEMENT, DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL, STATE OF DELAWARE, DOVER, DELAWARE

RE: Legal Notice advising that the Secretary of the Department of Natural Resources and Environmental Control has signed Secretary's Order No. 91-AWM-001, which adopts regulations requiring the reporting of the discharge of a pollutant or air contaminant, effective April 1, 1991.

MISTY WILLEY, APRIL MARIE MILBOURN, AND BECKY MURPHY, NORTH LAUREL ELEMENTARY SCHOOL, LAUREL, DELAWARE; AND MICHELLE CANNON, WOODBRIDGE ELEMENTARY SCHOOL, GREENWOOD, DELAWARE

RE: Student letters concerning the Anti-Drug Abuse Management (ADAM) Program.

League  
of Women  
Voters  
of Sussex  
County

Mrs. Elizabeth Hooper of the League of Women Voters of Sussex County presented to Council the first copies of the reference booklet "They Represent You", which was published by the League with funds appropriated by the Sussex County Council. The informational booklet contains the name, mailing address, and telephone number of various Federal, State, and County officials, as well as city and town officials, local school board members, and general voting information. The booklet will be distributed at no charge throughout the County to civic organizations, chambers of commerce, libraries, schools, real estate offices, etc. in an effort to assist the residents of Sussex County. Mrs. Hooper took the opportunity to personally thank Council for making the booklet "They Represent You" possible.

March 26, 1991

Design  
Agreement/  
Courthouse  
Additions  
and  
Renovations

Mr. Stickels, County Administrator, reported that a design agreement with R. Calvin Clendaniel Associates has been negotiated for renovation and expansion of the Sussex County Courthouse, as authorized by Council on March 5, 1991. The project will consist of additions and renovations to the Sussex County Courthouse, consisting of a new holding area, new Superior Courtroom, and renovations to the existing Court of Common Pleas, Superior Court, and Superior Court Chambers, all totaling approximately 9,000 square feet. The estimated maximum construction budget for the building is \$900,000. All costs attributed to design, construction, and financing will be reimbursed by the State of Delaware.

M 150 91  
Authorize  
Design  
Agreement/  
Courthouse  
Additions  
and  
Renovations

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that the Sussex County Council President be authorized to execute a design agreement with R. Calvin Clendaniel Associates for additions and renovations to the Sussex County Courthouse totaling 9,000 square feet, with a maximum construction cost of \$900,000. Motion Adopted: 5 Yea.

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

South  
Shore  
Marina  
Request

Mr. Stickels, County Administrator, informed Council that a request has been received from Soule & Associates for acceptance of the wastewater from the South Shore Marina project at the South Coastal Regional Wastewater Facility. Council approved acceptance of permanent holding tank wastes from the South Coastal Planning Area on October 29, 1985 for properties recorded on or before April 8, 1984. However, the marina site does not lie within the South Coastal Area Planning Study (SCAPS). Should this request be approved, it may open the door for other requests which the South Coastal Regional Wastewater Facility is not equipped to handle at this time.

Council concurred with the recommendation of Mr. Stickels that the request be denied and suggested that Soule & Associates contact the State of Delaware for possible acceptance of the South Shore Marina project wastewater at the Delaware Seashore State Park Wastewater Treatment Facility.

Sussex  
County  
Association  
of Towns

Mr. Stickels, County Administrator, reported that the Sussex County Association of Towns will be meeting on Wednesday, April 3, 1991, at 7:00 p.m. at the Lamp Post Restaurant, Midway, Lewes, Delaware. Mr. Robert MacPherson, Manager, Planning and Support, Delaware Department of Natural Resources and Environmental Control, will speak on proposed regulations for a new sewer and wastewater office.

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Nanticoke Watershed Preservation Committee Mr. Stickels, County Administrator, advised Council that the next Nanticoke Watershed Preservation Committee meeting will be held on Monday, April 1, 1991, at 7:00 p.m. at the Seaford Police Station, Seaford, Delaware.

Route 301 Corridor Study Mr. Stickels, County Administrator, submitted to Council copies of a Public Notice from Kermit H. Justice, Secretary, Delaware Department of Transportation (DelDOT), announcing initiation of the U. S. Route 301 Corridor Study by DelDOT. The objective of the study is to develop a viable solution to the transportation needs of a major portion of western New Castle County.

Legal Notice Mailings/Air Resources Section, DNREC Mr. Stickels, County Administrator, informed Council that correspondence has been received from Phillip G. Retallick, Director, Division of Air and Waste Management, Delaware Department of Natural Resources and Environmental Control, regarding discontinuance of legal notice mailings. Due to staff shortages and the need to reduce costs, the Division will be discontinuing the mailing of legal notices of permit applications received by the Air Resources Section. It is requested that legal notices published in the newspapers be monitored for this information. Mr. Stickels stated that he has written to Mr. Retallick objecting to this procedure and asking that the County Council continue to be notified, in writing, of any permit application requests in Sussex County.

Audit Report/Year Ended June 30, 1990 Susan M. Webb, Supervisor, and Truitt W. Jefferson, CPA and Partner, of Jefferson, Urian, Doane & Sterner, P.A., appeared before Council to present the "County of Sussex, Delaware, Audited Financial Statements and Supplemental Information for the Year Ended June 30, 1990". Mr. Jefferson reviewed the report and addressed questions raised by Council. The Audit Report revealed an unqualified opinion by Jefferson, Urian, Doane & Sterner, P.A., that Sussex County's general purpose financial statements are in conformity with generally accepted accounting principles.

Public Hearing/\$39,500,000 General Obligation Bonds A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$39,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATIONS OF SUSSEX COUNTY FOR CERTAIN SEWER PROJECTS, AN EXPANSION OF THE COUNTY COURTHOUSE AND OTHER PUBLIC PURPOSES INCLUDING THE LENDING OF A PORTION OF THE PROCEEDS TO THE TOWN OF GEORGETOWN FOR A WATER/SEWER SYSTEM PROJECT; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". Charles S. McDowell, Esquire, of Potter Anderson & Corroon (the County's bond counsel) and J.H.W. Gefaell, Managing Director of R. W.

March 26, 1991

Public  
Hearing  
(Continued)

Corby & Company, Inc. (the County's financial advisor) were present for the public hearing. Mr. McDowell reviewed the Proposed Ordinance and brought to Council's attention minor changes which have been made since its introduction.

M 151 91  
Adopt  
Ordinance  
No. 752  
(\$39,500,000  
General  
Obligation  
Bonds)

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to adopt Ordinance No. 752 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$39,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATIONS OF SUSSEX COUNTY FOR CERTAIN SEWER PROJECTS, AN EXPANSION OF THE COUNTY COURTHOUSE AND OTHER PUBLIC PURPOSES INCLUDING THE LENDING OF A PORTION OF THE PROCEEDS TO THE TOWN OF GEORGETOWN FOR A WATER/SEWER SYSTEM PROJECT; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". Motion Adopted: 5 Yea.

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

M 152 91  
Council-  
manic  
Grant/  
Woodbridge  
Chapter of  
Business  
Profession-  
als of  
America

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to grant \$500.00 (from Mr. Stevenson's Councilmanic Account) to the Woodbridge Chapter of Business Professionals of America to supplement the cost of sending their delegation to the National Convention being held in Orlando, Florida, April 23 through 28, 1991. Motion Adopted: 5 Yea.

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

M 153 91  
Council-  
manic  
Grant/  
Laurel  
High School  
Business  
Profession-  
als of  
America

A Motion was made by Mr. Collins, seconded by Mr. Benson, to grant \$300.00 (\$150.00 from each of Mr. Collins' and Mr. Dukes' Councilmanic Accounts) to the Laurel High School Business Professionals of America to supplement the cost of sending their delegation to the National Convention being held in Orlando, Florida, April 23 through 28, 1991. Motion Adopted: 5 Yea.

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

Recess

At 11:50 a.m., President Dukes declared a recess until 1:30 p.m.

Reconvene

President Dukes called the Council back into session at 1:30 p.m.

March 26, 1991

Public  
Hearing/  
C/Z #1113

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.9 ACRES, MORE OR LESS" (C/Z #1113) filed on behalf of Maplewood Industries, Inc. The Public Hearing was closed and action was deferred.

Recess

At 3:05 p.m., President Dukes declared a five minute recess.

Reconvene

President Dukes called the Council back into session at 3:13 p.m.

Public  
Hearing/  
C/Z #1114  
and C/Z  
#1115

Due to the close proximity of the applications, and the fact that both applications are filed on behalf of the same applicant, a joint Public Hearing was held pertinent to the following:

1. Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2/RPC MULTI-FAMILY RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 61.12 ACRES, MORE OR LESS" (C/Z #1114) filed on behalf of Bayville Shore Development Corp.; and
2. Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A M MARINE DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 35.32 ACRES, MORE OR LESS" (C/Z #1115) filed on behalf of Bayville Shore Development Corp.

The Public Hearing was closed and action was deferred. The record will remain open for 30 days to allow for additional information and comments from the Delaware Department of Transportation and the Sussex County Engineering Department regarding issues raised, after which time the public will have 30 days to respond to same.

M 154 91  
Adjournment

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to adjourn at 5:50 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

*Susan W. Webb*

Susan W. Webb

Acting Clerk of the County Council