

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 5, 1994

Execu- An Executive Session of the Sussex County Council was held
tive on Tuesday, April 5, 1994, at 9:00 a.m., in the Council
Session Chambers, Courthouse, Georgetown, Delaware, for the purpose
of discussion pending litigation and land acquisition. The
Executive Session concluded at 9:40 a.m.

Call to The regular meeting of the Sussex County Council was held
Order Tuesday, April 5, 1994, 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
George B. Cole	Member
William D. Stevenson, Sr.	Member

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

Absence Mr. Stickels, County Administrator, and Mr. Baker, Finance
Director, were not in attendance due to business out of town.

Corre- Mr. Schrader, Assistant County Attorney, read the following
spondence correspondence:

DELMAR FIRE DEPARTMENT, INC., DELMAR, DELAWARE.
RE: Invitation to the Housing Ceremonies for their 1994
Pierce Lance 75' Aerial Ladder Truck and 1994 Pierce Saber
Pumper on Saturday, April 9, 1994.

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT,
DOVER, DELAWARE.
RE: Legal Notice regarding a Public Hearing on May 3, 1994,
to consider a revision to the Delaware State Implementation
Plan for the Attainment and Maintenance of the National
Ambient Air Quality Standard for Ozone for the 1990 Base
Year Emission Inventory from Point Sources, Area Sources,
Off-Road Mobile Sources, On-Road Mobile Sources, and Biogenics.

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

DAVE CREDE, BAND DIRECTOR, SUSSEX CENTRAL SENIOR HIGH SCHOOL,
GEORGETOWN, DELAWARE.
RE: Invitation to attend the Spring Concert to be held at the
Sussex Central High School Auditorium in Georgetown on Wednes-
day, April 20, 1994.

Corre- CLIFTON C. MURRAY, MAYOR, TOWN OF SELBYVILLE, SELBYVILLE,
spondence DELAWARE.
(con't) RE: Appreciation for Mr. Cole's \$500.00 Councilmanic Grant
to the Town for the swimming pool.

Computer Mrs. Bonnie Smith, Director of Data Processing, recommended
System to Council that the County upgrade its computer system from
Upgrade the present IBM AS400 Model B to a Model F. This upgrade
would provide more memory, more disk space, more speed and
a larger tape drive for backup purposes. The upgrade is
necessary at this time as IBM will not field upgrade AS400
B Models after November 4, 1994. The cost of the upgrade
would be \$33,017.40 for hardware and \$1,696.00 for software
enhancements. Funding for this upgrade has been allotted
for in Data Processing's budget.

M 133 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Authorize authorize an upgrade of the County's computer system from
Computer the present IBM AS400 Model B to a Model F.
System
Upgrade Motion Adopted: 5 Yea.

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

Land Mrs. Susan Webb, Director of Accounting, discussed a letter
Acquisi- from the United States Department of the Interior, Fish and
tion for Wildlife Service, regarding their purchase of approximately
National eight acres of land located adjacent to Prime Hook National
Wildlife Wildlife Refuge along the Delaware Bay for inclusion in the
Refuge National Wildlife Refuge System. As part of their acquisi-
System tion process, they are soliciting comments on the proposal.

M 134 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, that
Endorse the Sussex County Council, having met in public session,
Land wishes to endorse the United States Department of the
Acquisi- Interior, Fish and Wildlife Service, purchase of approxi-
tion for mately eight acres of land adjacent to the Prime Hook
National Wildlife Refuge.
Wildlife National Wildlife Refuge.
Refuge Motion Adopted: 5 Yea.
System

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

Adminis- Mrs. Susan Webb, Director of Accounting, discussed the
trator's following information in Mr. Stickels' County Administra-
Report tor's Report:

Adminis-
trator's
Report
(con't)

1. West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

The Federal Advisory Council on Historic Preservation has ruled on the County's request to exempt the spray site for the West Rehoboth Project from historic preservation investigation. The Delaware State Historic Preservation Office has expressed a concern that additional precipitation in the form of spray irrigation might adversely affect organic remains associated with archaeological sites. The County has argued that the wastewater that will be sprayed on-site will be based on normal farming practices and that it should not adversely affect the historic significance, if any, of this site.

The Advisory Council on Historic Preservation has ruled in the County's favor and it will not be necessary to do a Phase I, II, or III for the spray site. The only areas that the County has to be concerned about are the areas where the buildings and lagoons will actually be constructed. It is unfortunate that it has taken the County since November 2, 1993, to receive this ruling. If the County had not received a favorable response, the cost for the work that the State Historic Preservation Office was requiring would have exceeded \$500,000.

Included with this report was a copy of the letter from the Advisory Council on Historic Preservation to Mr. Gerald L. Esposito, Director, Division of Water Resources, Department of Natural Resources and Environmental Control.

2. Seventeenth Annual Prayer Breakfast

Next Tuesday, April 12, 1994, the County Council will host the annual Prayer Breakfast. The breakfast will start at 8:00 a.m. in the Higher Education Building, Delaware Technical and Community College. Tickets are \$8.00 per person and are available in the County Council Office.

This year's speaker will be Mr. Robert McElwee. Mr. McElwee is a heavy construction contractor, as well as being President of the Professional Football Referees Association.

Next Tuesday's Council meeting will not start until 11:00 a.m.

Agenda
Item
Tabled

The Agenda item entitled "Bond Sale - West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District" was tabled until the April 12, 1994, Council meeting.

Referendum Results Cedar Creek Estates SLD Mr. Archut, Director of Planning and Permits, advised Council of the referendum results regarding the Proposed Cedar Creek Estates Streetlighting District; 20 votes were recorded in support of the District and 2 votes were recorded in opposition of the District. Mr. Archut presented, for Council's consideration, a Proposed Resolution entitled "A RESOLUTION ESTABLISHING THE CEDAR CREEK ESTATES STREETLIGHTING DISTRICT".

M 135 94 Adopt Resolution No. R 013 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 013 94 entitled "A RESOLUTION ESTABLISHING THE CEDAR CREEK ESTATES STREETLIGHTING DISTRICT".

R 013 94 Motion Adopted: 5 Yea.

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

Estimated Costs & Charges Sylvan Acres SLD Mr. Archut, Director of Planning and Permits, discussed the estimated costs and charges prepared by the Engineering Department for the Proposed Sylvan Acres Streetlighting District. After a study of the area, Delaware Electric Cooperative has recommended that thirty (30) streetlights be installed in the district. The estimated charge for the district is \$56.10 per year per residential or business structure.

M 136 94 Approve Estimated Costs & Charges Sylvan Acres SLD A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council hereby approves the estimated costs and charges prepared by the Sussex County Engineering Department for the Proposed Sylvan Acres Streetlighting District, as presented on April 5, 1994.

Motion Adopted: 5 Yea.

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

Proposed Resolution Sylvan Acres SLD Mr. Archut, Director of Planning and Permits, presented for Council's consideration, a Proposed Resolution entitled "A RESOLUTION ESTABLISHING THE DATE, TIME AND PLACE OF A REFERENDUM TO BE HELD TO CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED SYLVAN ACRES STREETLIGHTING DISTRICT".

M 137 94 Adopt Resolution No. R 014 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 014 94 entitled "A RESOLUTION ESTABLISHING THE DATE, TIME AND PLACE OF A REFERENDUM TO BE HELD TO CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED SYLVAN ACRES STREETLIGHTING DISTRICT".

M 137 94 Motion Adopted: 5 Yea.
(con't)

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

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 40,587 SQUARE FEET, MORE OR LESS, OF A 51.42 ACRE TRACT" (Conditional Use No. 1076) filed on behalf of George and Martha Whitworth. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Benson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.38 ACRES, MORE OR LESS" (Change of Zone No. 1229) filed on behalf of Richard M. Brown. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.81 ACRES, MORE OR LESS, OF A 1.57 ACRE TRACT" (Change of Zone No. 1230) filed on behalf of Alan L. and Michele M. Gordon. The Proposed Ordinance will be advertised for Public Hearing.

M 138 94 Council- A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$300.00 from Mr. Stevenson's Councilmanic Account to Grant Greenwood Cheer to provide for some of the needs of the center.

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 10:40 a.m., Mr. Dukes declared a recess until 11:00 a.m.

Reconvene Mr. Dukes called Council back into session at 11:00 a.m.

Public Hearing Extension to the Bethany Beach SSD A Public Hearing was held on the matter of extending the Bethany Beach Sanitary Sewer District (BBSSD) to include Sections I and II of Ocean Way Estates, a parcel of land lying 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. No one present spoke in opposition to the extension. The Public Hearing was closed.

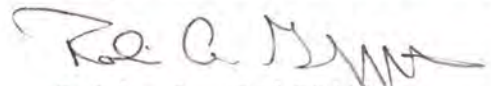
M 139 94 Adopt Resolution No. R 015 94 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Resolution No. R 015 94 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD) TO ENCOMPASS A CERTAIN PIECE, PARCEL OR TRACT OF LAND KNOWN AS SECTIONS I & II OF OCEAN WAY ESTATES, THAT IS CONTIGUOUS TO THE BBSSD, SITUATE WEST OF THE ASSAWOMAN CANAL AND THE TOWN OF BETHANY BEACH AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yea.

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

M 140 94 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn at 11:52 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council