

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 4, 1993

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, May 4, 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
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.

M 169 93      A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Approve      approve the minutes of the previous meeting dated April 27, 1993. Minutes      Motion Adopted by Voice Vote.

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

STUDENTS OF SEAFORD CHRISTIAN ACADEMY, SEAFORD.

RE: Appreciation for materials regarding the correct and safe use of drugs.

MILFORD MEMORIAL HOSPITAL, MILFORD.

RE: March/April 1993 newsletter entitled "Monitor".

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA.

RE: To solicit comments and recommendations from the public concerning issuance of a Department of the Army permit.

Applicant: Delaware Department of Transportation.

Waterway: Christina River.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA.

RE: To solicit comments and recommendations from the public concerning issuance of a Department of the Army permit.

Applicant: Al Greenplate. Waterway: Lewes and Rehoboth Canal.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA.

RE: To solicit comments and recommendations from the public concerning issuance of a Department of the Army permit.

Applicant: Richard W. Krick. Waterway: Lewes and Rehoboth Canal.

Certifi-      President Dukes presented Alton S. Ennis with a Certificate of cate of      Appreciation from the Sussex County Council, for devotion, Apprec-      loyalty, and excellence in serving Sussex County from June 1, ciation      1983, to February 16, 1993.

Certificate of Appreciation President Dukes presented Joseph W. Watson with a Certificate of Appreciation from the Sussex County Council, for devotion, loyalty, and excellence in serving Sussex County from January 15, 1979, to January 31, 1993.

Certificate of Appreciation President Dukes read a Certificate of Appreciation for Neva L. West, as follows, "For devotion, loyalty, and excellence in serving Sussex County from September 27, 1971, to March 31, 1993." Ms. West was not present to accept the Certificate.

Appointment to Local Emergency Planning Committee Mr. Stickels, County Administrator, explained that the Local Emergency Planning Committee is a committee formed to prepare an emergency response plan for hazardous materials problems. Council was advised of the current membership of the Committee. Councilman Stevenson has served on this Committee, as the representative for County Council, for two years.

M 170 93 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to appoint Dale Dukes as the representative for County Council to serve on the Local Emergency Planning Committee.

Local Emergency Planning Committee Motion Adopted: 5 Yea.

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

Refuge Revenue Sharing Funds Mr. Stickels, County Administrator, reported that a check in the amount of \$37,613.00 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. The funds may be used by Sussex County Council for any governmental purpose. Mr. Stickels presented, for Council's authorization, the distribution of the Refuge Revenue Sharing Funds, as follows: Sussex County Council - \$6,828.96; Sussex Tech School District - \$3,196.03; Library - \$736.11; Cape Henlopen School District - \$18,938.75; and Milford School District - \$7,913.15.

M 171 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that the Sussex County Council authorizes the distribution of Refuge Revenue Sharing Funds from the Prime Hook National Wildlife Refuge, as follows: Sussex County Council - \$6,828.96; Sussex Tech School District - \$3,196.03; Library - \$736.11; Cape Henlopen School District - \$18,938.75; and Milford School District - \$7,913.15.

Motion Adopted: 5 Yea.

M 171 93 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

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

1. Recyclers of the Month

Ms. Carol Hawkins of Seaford, Delaware, and Mr. Ronald Harmon of Seaford, Delaware, were the recipients of the two \$50 U. S. Savings Bonds for participating in the Sussex County Council's Recycling Program during the month of April. Five hundred seven people participated in the program during April compared to 442 for the month of March.

2. 911 Communication Funding

Included with the report was a copy of a statement that was sent to the users of Bell Atlantic in the 684 exchange area. The State of Pennsylvania is charging a fee of 68 cents per month in Montgomery County for the 911 emergency telephone system. This notice was inadvertently sent to the residents of the Milton area.

3. Academic Challenge

Jarrold Millman, a resident of Milton, Delaware, and a student of the Cape Henlopen School District, will be representing the State of Delaware and Sussex County in the 31st National Junior Science and Humanities Symposium to be held on Friday, May 7, 1993, in Monroe, Virginia. Mr. David Baker, Finance Director, will represent the County Council at a ceremony that will be held at the Higher Education Building on Tuesday, May 4, 1993, from 4:30 to 5:30 p.m., wishing Jarrold good luck in his national competition.

4. United States Environmental Protection Agency (EPA) Funding

A news bulletin from the National Association of Counties, April 30, 1993, indicates that EPA has reduced its funding request for FY '94. The \$845 million slated for the state revolving fund for local wastewater treatment plants may be cut from the EPA budget permanently. It was originally included in the stimulus package, but was not included in the FY '94 EPA budget request.

Adminis-  
trator's  
Report  
(con't)

5. Zoning Request Withdrawal

Robert and Melissa Richardson have withdrawn their Conditional Use Application No. 1035. The Planning and Zoning Commission held a public hearing on Thursday, April 29, 1993, on the application for a conditional use for an outdoor flea market to be located at the intersection of Route 24 and Route 5 near Oak Orchard, Indian River Hundred. Under County regulations, Mr. Richardson had the right to withdraw the application prior to two working days of the scheduled hearing.

Jones  
Boys  
Aviation  
Inc.  
Lease

Mr. Calio, Director of Airport and Industrial Park Operations, discussed a Lease and Operating Agreement between Sussex County and Jones Boys Aviation, Inc. The Agreement was for the purpose of establishing and operating a general aviation aircraft storage facility for Sussex County Airport. The initial term of the Lease was for ten years, with two renewal options of five years each. The first ten years of the Lease have now been fulfilled. The annual fixed rental rate for the initial term of the Lease was \$200.00. The annual fixed rental rate for each of the five year option terms was to be negotiable between the Lessor and Lessee. Mr. Calio recommended that the annual fixed rental rate be increased from \$200.00 to \$500.00 for the first five year option term.

M 172 93  
Jones  
Boys  
Aviation  
Inc.  
Lease

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the annual fixed rental rate for the first five year option term of the Lease and Operating Agreement between Sussex County and Jones Boys Aviation, Inc. be \$500.00.

Motion Adopted: 5 Yea.

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

DSWA  
Solid  
Waste  
 Collec-  
tion  
Stations

Michael A. Izzo, Public Works Division Director, discussed two proposed agreements with Delaware Solid Waste Authority for solid waste collection stations. These agreements are the result of the Delaware Solid Waste Authority's search for sites suitable for the construction of collection stations for bagged household waste. Also present for the discussion from the Delaware Solid Waste Authority were Ronald G. McCabe and David M. Wilhelm.

M 173 93  
DSWA  
Lease  
Agreement

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, that based upon the recommendation of the Sussex County Engineering Department, that the President of the Sussex County Council be authorized to execute a lease agreement,

M 173 93 (con't) having approval to form by the Assistant County Attorney, with the Delaware Solid Waste Authority (DSWA), for 2.43 Ac± of Parcel No. 2-34-22-16 in the amount of \$1.00 per year to provide a site to operate a Solid Waste Collection Station, with the condition that the agreement include a statement requiring the site to be left as found when it is vacated, if the County so desires.

Motion Adopted: 5 Yea.

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

M 174 93 DSWA Agreement of Sale A Motion was made by Mr. Collins, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, that the President of the Sussex County Council be authorized to execute an agreement of sale, having approval to form by the Assistant County Attorney, with the Delaware Solid Waste Authority (DSWA) for 2.75 Ac± of Parcel No. 1-34-15-4 in the amount of \$1.00 to provide a site to operate a Solid Waste Collection Station, with the condition that the agreement include a provision stating that if the property is ever sold, the County is to have first option of purchase and the purchase price is to be \$1.00.

Motion Adopted: 5 Yea.

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

County Property Farm Lease Mr. Wood, County Engineer, discussed an agreement with Ritter Farms, Inc. for farming and grazing rights on approximately 225 acres of the County's property at Five Points, previously known as the Hercules property. Ritter Farms, Inc. previously had farming and grazing rights with the owners of the Hercules property.

M 175 93 Approve County Property Farm Lease A Motion was made by Mr. Stevenson, seconded by Mr. Collins, that based on recommendations of the Sussex County Engineering Department, that the President of the Sussex County Council be authorized to enter into an agreement with Ritter Farms, Inc. for farming and grazing rights on approximately 225 acres of the County's property at Five Points, for the annual sum of \$11,280.00.

Motion Adopted: 5 Yea.

M 175 93 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

White's Creek Manor Sewer Request Mr. Archut, Director of Planning and Permits, advised Council that the Engineering Department has finished reviewing the petitions submitted for the creation of a sanitary sewer district in the White's Creek Manor area. There were fifty-four petitions submitted; fifty-three petitions appear to be valid. Mr. Archut asked Council for direction as to how to proceed. One option is a table-top study estimating the cost of providing sanitary sewer service to the subdivision. The other option is to proceed with a public hearing on the boundaries of the district, establish final boundaries, and perform a complete engineering study.

M 176 93 Prepare Tabletop Study for Sewer Service to White's Creek Manor A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council authorizes the Sussex County Engineering Department to prepare a tabletop study establishing the cost of providing sanitary sewer service to White's Creek Manor, with the information being provided to the Homeowners Association for their review and information.

Motion Adopted: 5 Yea.

White's Creek Manor Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Request from Indian River School District for Sewer Service Mr. Archut, Director of Planning and Permits, informed Council that a letter has been received from the Indian River School District requesting that their potential school site be considered for annexation into the Long Neck Sanitary Sewer District. Mr. Archut advised that the County has two options for serving this area: (1) expand the district to include the area, or (2) provide sewer service via an agreement. It was the consensus of Council to provide service to the potential school site; however, a recommendation from the County Engineer was requested prior to a decision being made regarding the available options.

Proposed Ordinance Mr. Collins 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS" (C/Z #1199) filed on behalf of Oak Orchard - Riverdale American Legion Post No. 28. The Proposed Ordinance will be advertised for Public Hearing.

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M 177 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
Council- give \$150.00 from Mr. Dukes' Councilmanic Account to the  
manic Town of Laurel, Park & Recreation Committee, to help fund the  
Grant Fourth of July fireworks display in 1993.

Motion Adopted: 5 Yea.

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

M 178 93 A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
Council- give \$100.00 from Mr. Collins' Councilmanic Account to the  
manic Delmar Junior-Senior High School to help fund the "Super  
Grant Slumber Sleep Over".

Motion Adopted: 5 Yea.

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

M 179 93 At 11:45 a.m., a Motion was made by Mr. Collins, seconded by Mr.  
Recess Benson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

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

Public A Public Hearing was held on a Proposed Ordinance entitled  
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR A MANUFACTURED HOUSING  
No. 1034 COMMUNITY (MOBILE HOME PARK) WITH A PUBLIC GOLF COURSE TO BE  
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN  
RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 388.44 ACRES, MORE  
OR LESS" (C/U #1034) filed on behalf of Tunnell Properties,  
L.P.

Recess President Dukes declared a ten minute recess at 3:45 p.m.

Reconvene President Dukes called Council back into session at 3:55 p.m.

Public After everyone in favor of and in opposition to the application  
Hearing was given the opportunity to speak, the Public Hearing was  
C/U closed and the record was left open for general purposes,  
No. 1034 including numerous agency responses. Comments from persons on  
(con't) either side or by any agency may be submitted until June 30,  
1993, after which time the record will remain open until  
July 15, 1993, for any responses to the information submitted.

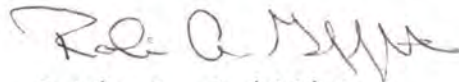
Recess President Dukes declared a ten minute recess at 5:10 p.m.

Reconvene President Dukes called Council back into session at 5:22 p.m.

Public Hearing C/Z No. 1189 A Public Hearing was held on 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 6.82 ACRES, MORE OR LESS" (C/Z #1189) filed on behalf of Tunnell Companies, L.P. After everyone in favor of and in opposition to the application was given the opportunity to speak, the Public Hearing was closed and action was deferred.

M 180 93 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn at 6:00 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council