

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 18, 1993

Executive Session An Executive Session of the Sussex County Council was held on Tuesday, May 18, 1993, at 9:20 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing land acquisition. The Executive Session concluded at 9:50 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, May 18, 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 187 93 Approve Minutes A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting dated May 11, 1993. Motion Adopted by Voice Vote.

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

STUDENTS OF MRS. YOUNG'S KINDERGARTEN CLASSES, SEAFORD.
RE: Things the children have learned from the ADAM program.

SUSAN A. FRANK, DIRECTOR, DELAWARE STATE HOUSING AUTHORITY, DOVER.
RE: No supplemental CDBG funds being available at this time due to the fact that President Clinton's Economic Stimulus Proposal was defeated in Congress.

JACK F. OWENS, CAMPUS DIRECTOR, DELAWARE TECHNICAL & COMMUNITY COLLEGE, GEORGETOWN.
RE: Requesting consideration for a financial donation for the Olde Fashioned July 4th Celebration.

Donation Request A financial donation to Delaware Technical & Community College for the Olde Fashioned July 4th Celebration was discussed. Action was deferred until the first week of July.

Agenda Item Tabled The agenda item entitled "Certificate of Appreciation - Katherine F. Fleetwood" was tabled until the next meeting of the Council.

Ellendale Volunteer Fire Company Bond Issue Fletcher Webb, representative of the Ellendale Volunteer Fire Company, and Harold Salmons of Potter Anderson & Corroon, Bond Counsel for the Ellendale Volunteer Fire Company, were present to discuss the issuance of certain bonds by the Fire Company. The Fire Company plans to issue up to \$360,000 in bonds for the following purposes: (1) to pay approximately \$150,000 of the costs of the construction of a new addition to its fire station and (2) to pay approximately \$210,000 of the cost of a new pumper fire truck. The Fire Company proposes to structure the loan so that the interest portion of its payments will be excludable from gross income for federal income tax purposes. To exclude the interest portion of its payments from gross income, several requirements must be met in accordance with the Internal Revenue Code. One of the requirements is that the issuance of the Bonds be approved by the applicable elected representative of a governmental unit (Sussex County Council) with which the Fire Company has entered into an agreement for firefighting services. A public hearing to consider the issuance of the Bonds must be conducted by the governmental unit following reasonable public notice.

Proposed Resolution Mr. Benson introduced a Proposed Resolution entitled "RESOLUTION APPROVING A WRITTEN AGREEMENT FOR FIREFIGHTING SERVICES WITH THE ELLENDALE VOLUNTEER FIRE COMPANY AND THE ISSUANCE OF CERTAIN BONDS BY THE ELLENDALE VOLUNTEER FIRE COMPANY". The Proposed Resolution will be advertised for Public Hearing. The Public Hearing will be held on June 22, 1993.

Building Code Appeal Board Mr. Stickels, County Administrator, advised Council of the resignation of one of the members of the Building Code Appeal Board. Mr. Stickels also noted that the term of three of the other members expires in June, 1993. The Building Code Appeal Board is to be composed of one representative of the Sussex County fire service, one representative of the home-building industry and three representatives of the general public. Following is the list of members of the Board and the status of each member:

Finley B. Jones, Jr.	Term Expires June, 1993
Kathleen Davis	Has Resigned
Arthur B. Marvel	Term Expires June, 1994
James F. Walls	Term Expires June, 1993
Ann Jones	Term Expires June, 1993

A recommendation for a replacement for Kathleen Davis was tabled.

M 188 93 Reap- point- ments A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to reappoint Finley B. Jones, Jr., James F. Walls, and Ann Jones to the Sussex County Building Code Appeal Board for a period of two years.

M 188 93 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

South Coastal Library Joint Use Agreement
Mr. Stickels, County Administrator, and Mr. Phillips, Town Manager, Town of Bethany Beach, discussed the proposed Joint Use Agreement for the South Coastal Library facility between Sussex County and the Town of Bethany Beach. The Agreement has been approved as to form by Dennis L. Schrader, Assistant County Attorney.

M 189 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, Approve South Coastal Library Joint Use Agreement
authorizing the President of the Sussex County Council to sign the Joint Use Agreement for the South Coastal Library facility between Sussex County and the Town of Bethany Beach.

Motion Adopted: 5 Yea.

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

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

1. Superfund Compromise

Included with this report was a copy of an article entitled "Local governments, environmentalists reach Superfund compromise". This article appeared in the County News on Monday, May 10, 1993. New legislation sponsored by Senator Frank R. Lautenberg of New Jersey includes relief for local governments that owned or operated landfills placed on the Superfund list. Counties which owned or operated a site in the past, but no longer accept waste at the site, will receive relief from EPA if the site was a municipal solid waste site. This is the circumstance in which the County Council operated the Laurel Landfill. EPA cannot demand an amount which exceeds the county's ability to pay. This new legislation seems to be similar to what the County had asked for in its position paper requesting redrafting of current Superfund laws. Council members met with a senior staff member of Senator Lautenberg's office during the NACo Conference in Washington, D.C., in February. Mr. Stickels will be writing to Sussex County's federal delegation asking them to become cosponsors of this legislation.

Adminis-
trator's
Report
(con't)

2. CHEER Mobile Mini-Market

CHEER has started a Mini-Market on Wheels Program. This market will be stocked with an inventory that has been predetermined by a survey of potential customers. Check-off lists of those items will be provided to each customer so they can have their shopping list available when the market arrives. The market will travel to different parts of the County. The homebound elderly and disabled will qualify as subscribers and can use food stamps or personal checks to pay for their purchases. Gift certificates will also be an accepted payment. Anyone interested in the program should contact Sandy Dole at 856-5606.

3. FY '94 Budget

The FY '94 budget will be presented to the County Council at 10:00 a.m., Tuesday, May 25, 1993. Prior to the public presentation, Mr. Stickels will meet with the media at 8:30 a.m. in the Sussex County Council Chambers. The purpose of the meeting with the media before public introduction will be to allow them to have a better understanding and to ask questions in an informal setting.

CO #4
D/F
SSD

Mr. Green, Director of Utility Construction, reviewed Change Order No. 4 and the recapitulation to date for the Dagsboro/Frankford Sanitary Sewer District.

M 190 93
Approve
Change
Order
No. 4
Dagsboro
Frank-
ford
Sanitary
Sewer
District

A Motion was made by Mr. Collins, seconded by Mr. Benson, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorize the President of the Sussex County Council to issue Change Order No. 4 for the Dagsboro/Frankford Sanitary Sewer District to Pierson Construction of Delaware, Inc., for grouted rip rap at Pepper Creek and additional rotomilling on Omar Road, per DelDOT, for an amount of \$13,660.00, increasing this contract amount to \$5,868,285.24.

Motion Adopted: 5 Yea.

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

D/F SSD
Restora-
tion Work

Mr. Stickels, County Administrator, and Mr. Green, Director of Utility Construction, emphasized that restoration work is still taking place in the Dagsboro/Frankford Sanitary Sewer District.

Steward's Watch Mr. Green, Director of Utility Construction, discussed an Agreement between Sussex County Council and "Steward's Watch Limited Partnership - Phase II" for construction administration and construction inspection services.

M 191 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, that the President of the Sussex County Council execute an agreement between Sussex County Council and "Steward's Watch Limited Partnership - Phase II" for construction administration and construction inspection services for wastewater facilities in "Steward's Watch Limited Partnership - Phase II", in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Ocean Farm Mr. Green, Director of Utility Construction, discussed "Beneficial Acceptance" for the wastewater facilities constructed in "Ocean Farm", located in the South Bethany Sanitary Sewer District.

M 192 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, based upon the recommendation of the Inspection Engineer, KCI Technologies, Inc., for Sussex County Project No. 81-04, and the Sussex County Engineering Department, that the Sussex County Council grant "Beneficial Acceptance" for the wastewater facilities constructed in "Ocean Farm", located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Indian River School District Sewer Service Request Mr. Archut, Planning and Permits Division Director, discussed the request of the Indian River School District that their proposed elementary school site be considered for annexation into the Long Neck Sanitary Sewer District. At the May 4, 1993, meeting of the County Council, two options for serving this area were discussed and a request was made for a recommendation from the County Engineer. Mr. Archut advised that the Engineering Department recommends that the proposed elementary school be provided sanitary sewer service through the annexation of the property into the existing district boundaries.

M 193 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, that
Long Neck Sanitary Sewer District Extension the Sussex County Engineering Department be authorized to prepare and post notices for the extension of the Long Neck Sanitary Sewer District boundary to include the property being purchased by the Indian River School District on the north side of County Road 298 for the new elementary school.

Motion Adopted: 5 Yea.

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

Proposed Water District Mr. Archut, Planning and Permits Division Director, discussed the status of the proposed Fenwick Island Water District. Mr. Archut advised that the County is now in a position to schedule and hold a Public Hearing on the proposed boundaries.

M 194 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, that
Hold Public Hearing Proposed Fenwick Island Water District the Sussex County Council directs the Sussex County Engineering Department to hold a Public Hearing, pursuant to Section 6504, 9 DEL.C., for the purpose of allowing all interested persons, officials, residents, voters, taxpayers, property owners or other persons or corporations in any way affected by the granting of the petition to be heard on any questions dealing with the boundaries of the proposed Fenwick Island Water District.

Motion Adopted: 5 Yea.

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

Proposed Ordinance Mr. Dukes 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 GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.28 ACRES, MORE OR LESS" (C/Z #1200) filed on behalf of Kenneth C. Whaley. 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 A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.42 ACRES, MORE OR LESS" (C/Z #1201) filed on behalf of Orray W. and Max R. Corder. The Proposed Ordinance will be advertised for Public Hearing.

M 195 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, to give
Council- \$500.00, \$250.00 from Mr. Cole's and Mr. Benson's Councilmanic
manic Accounts, to the Cape Henlopen High School Chorus to help
Grant purchase choir robes for a worldwide competition in Canada.

Motion Adopted: 5 Yea.

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

Letter Mr. Cole advised Council of correspondence from the Friends
of the Rehoboth Beach Public Library, Inc. regarding their
endorsement of raising the library tax by .01 to .02 cents.

M 196 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 Nanticoke Little League to provide financial help.
Grant

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 11:15 a.m., President Dukes declared a recess until 1:30 p.m.

Reconvene President Dukes called Council back into session at 1:32 p.m.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled
(C/Z "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
#1190) COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1
HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING
AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING
23.60 ACRES, MORE OR LESS" (C/Z #1190) filed on behalf of
L & L Properties, Inc. The Public Hearing was closed and
action was deferred. The record was left open for a period
of three weeks to allow time for discussion between the
applicant and the Town of Laurel (the opposition) for an
intermediate solution.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled
(C/Z "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
#1191) COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-1 NEIGH-
BORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING
AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.4
ACRES, MORE OR LESS" (C/Z #1191) filed on behalf of Michael W.
and Cindy E. Bunting. The Public Hearing was closed.

M 197 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Adopt to Adopt Ordinance No. 889 entitled "AN ORDINANCE TO AMEND
Ordinance THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR
No. GENERAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS
889 DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN
(C/Z BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.4 ACRES,
#1191) MORE OR LESS" (C/Z #1191) filed on behalf of Michael W.
and Cindy E. Bunting.

Motion Adopted: 5 Yea.

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

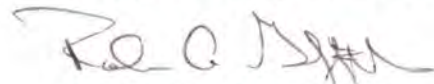
Findings of Fact The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that a local need exists for the service business to be provided by the applicant.
2. The applicant established by substantial evidence that the change of zone will cause no adverse impact on the character of the neighborhood, property values therein, traffic, or the environment in the area. The change of zone is not inconsistent with the purposes of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled
(C/Z "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
#1192) COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A
GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND
LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CON-
TAINING 4.91 ACRES, MORE OR LESS" (C/Z #1192) filed on behalf
of Melvin L. Joseph. The Public Hearing was closed and action
was deferred.

M 198 93 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,
Adjourn to adjourn at 2:45 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council