

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 18, 1998

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 18, 1998, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
George J. Collins	Member
Lynn J. Rogers	Member

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

M 371 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Agenda approve the Agenda, as presented.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 372 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Minutes approve the minutes of the previous meeting, dated August 11, 1998.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

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

JULIE CHELTON, TOWN OF BLADES, BLADES, DELAWARE.
RE: Letter in appreciation of Councilmanic Grant.

NANCY FARRELLY, PRESIDENT, LAUREL LIONS CLUB, LAUREL, DELAWARE.
RE: Letter in appreciation of Councilmanic Grant.

JOHN A. HUGHES, DIRECTOR, STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL AND WATER CONSERVATION, DOVER, DELAWARE.
RE: Request for funds from the Board of Supervisors of the Sussex Conservation District.

LOLA M. WOOD AND PATRICIA WOOD WERNER, LEWES, DELAWARE.
RE: Letter in opposition to Pelican Square.

Mr. Dukes advised that on Saturday, August 29, 1998, Mr. Wright Robinson will be observing his 90th birthday.

M 373 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Authorize authorize an Executive Session be held on this date, August Executive 18, 1998, beginning at 11:30 a.m. in the Caucus Room, Sussex Session County Administrative Office Building, for the purpose of discussing personnel.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Library Mr. Stickels, County Administrator, advised that Mr. Edwin Board Kee's term on the Library Advisory Board expired in June, Vacancy 1998. Mr. Kee has expressed that he does not wish to be reappointed due to job demands.

M 374 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Library appoint Ann Porter to the Library Advisory Board for a term Board of three years.

Appoint-
ment

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Refuse Mr. Stickels, County Administrator, reported to Council that Con- numerous complaints have been received regarding refuse tainer- containers located in commercial areas that are adjacent to Regula- residential areas. Complaints have been received that the tions containers overflow, that they are located within 5 or 6 feet of the property line, and that they are located too close to the road. Mr. Stickels advised that currently Planning and Zoning does not have any requirements for refuse containers. The Planning and Zoning Commission approves the placement of refuse containers on site plans if they are shown. Mr. Stickels suggested that Council consider the adoption of an ordinance imposing regulations on refuse containers. The ordinance would not affect existing properties unless there is an expansion or the use of the property changes. Following a discussion, it was the consensus of Council that this matter be referred to the Planning and Zoning Commission to consider an ordinance amendment requiring refuse containers to be shown on preliminary and final site plans.

Infra- Mr. Izzo, County Engineer, and Mr. Sapp, Project Engineer, structure discussed infrastructure improvements at the Sussex County Improve- Airport. The proposal provides for the installation of water ments/ service lines and gravity sewer lines with connection to the Airport Town of Georgetown's water and sewer service. All connection fees will be waived by the Town of Georgetown if installation

Infra-
structure
Improve-
ments/
Airport
(con't)

of meters and lateral hook-ups are the responsibility of the County. The projected cost of the water loop connection is \$129,942.40; the projected cost of the gravity sewer line is \$269,785.60. Mr. Stickels advised that Mr. Darrell Minott, Director, Delaware Economic Development Office, has given his tentative approval for grant funding for this project in the amount of \$400,000. It was noted that if the full amount of funding needed is not received, the water loop project would receive priority over the sewer line project.

M 375 98
Expand
Water
and
Sewer
Service
to
Airport

A Motion was made by Mr. Rogers, seconded by Mr. Cole, that the Sussex County Council authorizes the Sussex County Engineering Department to expand water and sewer services to the Sussex County Airport contingent on grant funding to be awarded by the Delaware Economic Development Office in an amount up to \$400,000.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Adminis-
trator's
Report

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

1. Bridgeville Bypass Route Opened

Delaware Department of Transportation Secretary Anne P. Canby officially opened the Bridgeville Bypass route on August 14, 1998. The Bridgeville Bypass is designed to reduce the flow of truck and beach-bound traffic through the heart of the Town of Bridgeville. The route is marked as Delaware 404A, including roads 582 and 584.

The project included the construction of one full width travel lane in each direction and paved shoulders. The intersection of Roads 582, 583, and 584 were improved to eliminate the jog from road to road. Intersections with U.S. 13 were improved and a new signal was installed at Road 40.

The development of this roadway is supported by the County Council. It has been the Council's position that there is not a need to build a new east-west corridor, and that existing roadways with paved shoulders, turning lanes, and intersection improvements would be more cost-effective and have the least impact on farmland.

2. Runway Feasibility Study

I have received notification from Senator Joseph R. Biden, Jr., that the Federal Aviation Administration has approved

Adminis-
trator's
Report
(con't)

\$70,000 to allow a feasibility study to explore the possibility of reopening Runway 10-28 as the crosswind runway for the Sussex County Airport. The reopening of Runway 10-28 is believed to better serve the airport. The current crosswind runway would be used for a taxiway, which would allow us to place additional hangars at the airport.

3. Concerned Citizens of Cedar Neck, Inc., vs. Sussex County Council, Donald R. Long and Terry Long

Vice Chancellor Stephen P. Lamb has ruled on the lawsuit brought by the Concerned Citizens of Cedar Neck, Inc., regarding the County Council's action in rezoning land of Donald and Terry Long, Cedar Neck Road. On August 22, 1997, plaintiff, the Concerned Citizens of Cedar Neck, Inc., a Delaware corporation, filed an action against the defendants, Sussex County Council, its individual members, and Donald and Terry Long, seeking declaratory and injunctive relief. The action arises out of the decision of the Sussex County Council approving the change of zone classification on Cedar Neck Road. The Concerned Citizens opposed the reclassification and sought a declaratory judgment finding the decision of the Council null and void. The Concerned Citizens of Cedar Neck argued the Council's decision was inconsistent with obligations imposed by Chapter 69 of Title 9 of the Delaware Code. For the same reason the Concerned Citizens argued that the decision was not in accordance with the Comprehensive Land Use Plan.

The Vice Chancellor in his findings stated, "It is plain from the record, however, that the Council had all of the relevant information before it when it made its decision. Further, the record demonstrates that there was substantial evidence before the County Council supporting the conclusion that approving the Ordinance was consistent with Title 9, the Comprehensive Plan, and the Coastal Plan." The Council's decision was neither arbitrary nor capricious, and is fully supported by the record.

Sea
Chase

Mr. Green, Director of Utility Construction, discussed Beneficial Acceptance of wastewater facilities constructed in Sea Chase, located in the West Rehoboth Sanitary Sewer District.

M 376 98
Grant
Bene-
ficial
Accep-
tance/
Sea
Chase

A Motion was made by Mr. Cole, seconded by Mr. Rogers, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities constructed in Sea Chase, located in the West Rehoboth Sanitary Sewer District.

Motion Adopted: 5 Yea.

M 376 98 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Proposed Mr. Cole introduced the Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL FACILITIES AND
APPURTENANCES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CON-
TAINING 1.14 ACRES, MORE OR LESS" (Conditional Use No. 1260)
filed on behalf of Dr. Bruce M. and Brenda C. Topol. The
Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Cole introduced the Proposed Ordinance entitled "AN
Ordinance ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX
COUNTY FROM A GR/RPC GENERAL RESIDENTIAL DISTRICT, RESIDENTIAL
PLANNED COMMUNITY TO A GR/RPC GENERAL RESIDENTIAL DISTRICT,
RESIDENTIAL PLANNED COMMUNITY BY AMENDING ORDINANCE NO. 1123,
CHANGE OF ZONE NO. 1291, FOR A CERTAIN PARCEL OF LAND LYING
AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CON-
TAINING 45.54 ACRES, MORE OR LESS" (Change of Zone No. 1350)
filed on behalf of Dyer McCrea Ventures, L.L.C. The Proposed
Ordinance will be advertised for Public Hearing.

Proposed Mr. Jones introduced the Proposed Ordinance entitled "AN
Ordinance 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CON-
TAINING 6.88 ACRES, MORE OR LESS OF A 13.20 ACRE PARCEL"
(Change of Zone No. 1351) filed on behalf of Hopkins Con-
struction. The Proposed Ordinance will be advertised for
Public Hearing.

M 377 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to
Council- give \$450.00, \$250.00 from Mr. Rogers' Councilmanic Account
Grant and \$50.00 from Mr. Cole's, Mr. Collins', Mr. Dukes', and Mr.
Jones' Councilmanic Accounts, to the Pilgrims' Ministry of
Deliverance, Inc. for Christian Fellowship Day.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 378 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Council- give \$400.00 from Mr. Jones' Councilmanic Account to the
Grant Greenwood Cheer Mature Lifestyle Center for crafts and other
projects.

Motion Adopted: 5 Yea.

M 378 98 Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
(con't) Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Public Hearing/ A Public Hearing was held on the Proposed Ordinance entitled
Realty "AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL
Transfer YEAR 1999 TO REFLECT INCREASED REVENUES FROM REALTY TRANSFER
Tax TAXES AND ALLOCATION OF FUNDS REALIZED". Mr. Stickels, County
Revenues Administrator, reviewed proposed projects to be funded by
additional transfer tax revenue; an analysis of estimated
County contributions to Sussex towns; funding recommendations
for water and sewer vehicles and equipment; and an analysis of
revenue sharing funds for sanitary sewer districts. There were
no public comments and the Public Hearing was closed.

M 379 98 A Motion was made by Mr. Collins, seconded by Mr. Rogers, to
Adopt Ordinance No. 1256 entitled "AN ORDINANCE AMENDING THE
Ordinance ANNUAL OPERATING BUDGET FOR FISCAL YEAR 1999 TO REFLECT IN-
No. CREASED REVENUES FROM REALTY TRANSFER TAXES AND ALLOCATION OF
1256 FUNDS REALIZED".

Motion Adopted: 5 Yea.

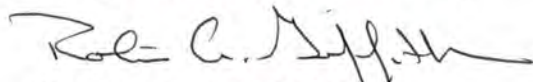
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 380 98 At 11:20 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Jones, to recess and go into Executive Session. Motion
Adopted by Voice Vote.

Executive An Executive Session of the Sussex County Council was held
Session Tuesday, August 18, 1998, beginning at 11:30 a.m., in the
Caucus Room of the Sussex County Administrative Office Build-
ing, for the purpose of discussing personnel. All Council-
men were present. The Executive Session concluded at 11:55
a.m.

M 381 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adjourn reconvene the Regular Session and to adjourn at 12:00 noon.
Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council