

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 13, 1994

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, September 13, 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.

M 380 94      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve      approve the minutes of the previous meeting dated August 30, Minutes      1994. Motion Adopted by Voice Vote.

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

MR. AND MRS. CHARLES KANE, SR., RIDLEY PARK, PENNSYLVANIA.  
RE: Requesting permission to be included in the Long Neck Sanitary Sewer District.

UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, PHILADELPHIA, PENNSYLVANIA.  
RE: Meeting scheduled with representatives from local governments to brief them on the plans for the 1995 Test Census and how these plans may impact on the 2000 Census. The meeting is planned for September 21, 1994, from 10:30 a.m. to 12:00 p.m. at the City of Newark Municipal Building.

GREENWOOD CHEER, GREENWOOD, DELAWARE.  
RE: Request for grant money in the amount of \$500.00 to be used for computer programs.

DELAWARE POLICE CHIEFS' COUNCIL, INC., DOVER, DELAWARE.  
RE: Requesting assistance in providing partial reimbursement for expenses to permit Mr. Martin Johnson, Local Police Coordinator, to attend a meeting of the Committee of Executive Directors at the International Association of Police Annual Conference in Albuquerque, New Mexico, October 15-20, 1994.

WILLIAM V. ROTH, JR., UNITED STATES SENATOR, WASHINGTON, D.C.  
RE: Violent Crime Control and Law Enforcement Act of 1993 (the crime bill).

Corre- DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.  
spondence RE: Public Notice regarding projects presently under review  
(con't) by the Commission, one of which is in Sussex County. Applicant:  
Harry T. Hudson. Application: For the renewal of a ground  
water withdrawal project.

MILFORD LITTLE LEAGUE, MILFORD, DELAWARE.  
RE: Letter to Mr. Stevenson expressing appreciation for the  
Councilmanic Grant in the amount of \$200.00.

Troop 4 Major Forrester, Delaware State Police, presented a status  
Status report for Troop 4 for the month of August, 1994. The  
Report following statistics were provided: total hours on duty-  
2,996.50; hours assisted other agencies - 23; total traffic  
arrests - 829; total DUI's - 20; accident reports - 64;  
total criminal arrests - 100; total 10-29 P's (wanted  
persons) - 57; total number of complaints - 551.

Sale of Mr. Stickels, County Administrator, discussed the County's  
Hercules proposal for the sale of two parcels of real estate located  
Property in Lewes and Rehoboth Hundred, Sussex County, Delaware,  
known as the Hercules site. This proposal was publicly  
advertised and bids were received until 9:00 a.m. on  
September 8, 1994. Mr. Stickels informed Council of a call  
he received from the Governor's office on September 7, 1994,  
requesting that the bidding process be delayed so that the  
State could further discuss its position. Mr. Stickels  
advised that the State has been discussing the pending sale  
of the real estate for eight months. Mr. Stickels recommended  
that the bids be opened based on the fact that even with a  
delay in the bidding process, the State would offer no  
assurances regarding the purchase of the property. One formal  
bid was received from J. G. Townsend, Jr. and Company in the  
amount of \$2,000,500. The bid specifications required a minimum  
bid of \$1,900,000.

M 381 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
Authorize that the Sussex County Council, having offered for public  
Execution sale two parcels of real estate located in Lewes and Rehoboth  
of Docu- Hundred, Sussex County, Delaware, being more particularly  
ments shown on Sussex County Tax Maps as Parcel 3-35-7-1, con-  
Trans- taining 499.53 acres, more or less, and Parcel 3-35-4-13,  
ferring containing 113.65 acres, more or less, known as the Hercules  
Owner- site, authorizes the County Council President to execute  
ship of documents transferring the ownership of this land to J. G.  
Hercules Townsend, Jr. and Company for the financial consideration of  
Property \$2,000,500; and be it further moved that execution of the  
documents shall take place on or before October 13, 1994.

Motion Adopted: 5 Yea.

M 381 94 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Sub-standard Housing Mr. Lecates, Director of Community Development, and Mr. Parker, Director of Assessments, discussed the enforcement of the County's Housing Code and the status of substandard housing in Sussex County. This discussion was a result of Mr. Stevenson's comments at the August 30th Council meeting regarding the number of people occupying substandard housing in the County. Mr. Stickels, County Administrator, advised that one of the reasons for the substandard housing is the lack of affordable housing in the County. In a December, 1993, CHAS (Comprehensive Housing Affordable Strategies) report, it was reported that there are 7,000 substandard homes and 550 people homeless in Sussex County. There are 2,076 households in Sussex County receiving assistance from the County. There are 2,600 more people in Sussex County waiting for subsidized housing. Council discussed the enforcement of the Housing Code as it relates to the housing problem. The County's Housing Code is not enforced unless it applies to renter-occupied homes; owner-occupied homes and rental homes are exempt from the Code. Mr. Stickels estimated that it would cost the County \$275,000 to \$280,000 a year to enforce the Housing Code on owner-occupied homes. It was noted that a more stringent approach to the Housing Code would leave more people with no where to live. It was the consensus of Council that the County's Housing Code be studied further, including a comparison with other government's codes. Findings and recommendations will be reported to Council in approximately ninety days.

Attorney Mr. Schrader, Assistant County Attorney, replaced Mr. Jones, Assistant County Attorney, as the attorney present for the meeting.

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

1. Milton Library

A ribbon cutting ceremony will take place on Friday, September 16, 1994, at 3:00 p.m. for the Milton Library. This ceremony will mark the official reopening of the library. The Milton Library has been closed for more than a year due to damage that resulted from construction of the bridge work that was performed under a contract with the Delaware Department of Transportation. The public is encouraged to attend the newly refurbished facility.

Adminis-  
trator's  
Report  
(con't)

2. Land Use Plan Workshop

Mr. Stickels has scheduled a workshop to be conducted by Whitman, Requardt & Associates for the new land use plan. Under Delaware Law, the new land use plan must be completed and adopted by December of 1995 in accordance with the Quality of Life Legislation. The workshop will start immediately following the regularly scheduled Council meeting on September 20, 1994. The workshop, however, will be held at the Emergency Operations Center Conference Room. This workshop will not be for public participation; however, the public and the media may attend. Mr. Stickels anticipates the workshop will last until approximately 4:30 p.m. Members of the Planning and Zoning Commission will also be attending the workshop.

3. Road Naming Project

A public meeting will be held on Thursday, September 22, 1994, for the Road Naming Project in the Millsboro Fire District. The meeting will be held at the Millsboro Fire Hall starting at 7:30 p.m. The public is encouraged to attend this workshop and help provide names for the Countywide project.

Direct  
Deposit  
Service

Mr. Baker, Finance Director, and Mrs. Webb, Director of Accounting, discussed a service available through the Wilmington Trust Company that provides for the direct deposit of payroll and pensioner payments to individual accounts. Benefits to the County include reducing the cost of payroll administration and distribution and eliminating lost time when employees deposit checks during working hours. All employees and pensioners can participate in the program, however, participation is voluntary.

M 382 94  
Approve  
Direct  
Deposit  
Service

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, that the Sussex County Council approves an agreement with the Wilmington Trust Company which will authorize the direct deposit of payroll and pensioner payments to individual accounts.

Motion Adopted: 5 Yea.

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

Bid  
Results

Mr. Wood, County Engineer, reviewed the bid results for Collection Contract D, for Areas 14, 15, 16, 17, and 18, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, as follows:

Bid  
Results  
(con't)

Area 14

Willow Oak	\$1,073,300.00
Teal Construction	1,074,524.00
Bunting & Murray	\$1,213,529.88
American Paving	1,228,183.79
Onshore Construction	1,261,645.00

Area 15

Teal Construction	\$1,327,718.00
Bunting & Murray	1,602,248.66
Onshore Construction	1,979,805.00

Area 16

Teal Construction	\$2,202,324.00
Onshore Construction	2,687,630.00

Area 17

Teal Construction	\$ 966,726.00
American Paving	1,019,208.06
Onshore Construction	1,193,735.00

Area 18

George & Lynch	\$1,482,056.30
Teal Construction	1,676,216.00
Onshore Construction	1,774,001.00

Combined

Lisbon Contractors	\$5,437,439.93
Teal Construction	6,925,660.00

The bids will be reviewed for a recommendation at a later date.

Request to Extend Long Neck Sanitary Sewer District Mr. Archut, Director of Planning and Permits, discussed a request from Mr. and Mrs. Charles R. Kane, Sr., that the property they are purchasing, located on County Road 298, Indian River Hundred, Sussex County, be included in the Long Neck Sanitary Sewer District. Mr. Archut recommended that the notices for the extension be prepared but not posted until the purchase of the property has been finalized and settlement has occurred.

M 383 94 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, Prepare that the Sussex County Engineering Department is authorized to Notices prepare notices for the extension of the Long Neck Sanitary for Extension Sewer District boundary to include the land being purchased by Mr. and Mrs. Charles R. Kane, Sr., with the notices being of the posted after the property has gone to settlement.

Long Neck Sanitary District Motion Adopted: 5 Yea.

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

Archaeo-logical Study Update Old Post Office Site Mr. Archut, Director of Planning and Permits, updated the Council on the archaeological study of the old post office site being performed by Dames & Moore. It was reported at the August 30th Council meeting that the Delaware State Historical Preservation Office has determined that a Phase II study will be necessary. The Phase II study will require considerable removal of concrete at a cost of approximately \$21,500 requiring a change order to the original contract with Dames & Moore. Council decided at that time to defer authorization of the change order to provide time to investigate other options which may be more cost effective. Since that time, a private contractor has been hired to perform the work, thus saving the County \$17,800. Mr. Archut reviewed the schedule of work for Phase II; the work is to commence on September 19th with completion scheduled for September 26th. Mr. Archut advised that it would be necessary to approve a time extension of three weeks to the contract with Dames & Moore in order to bring the contract in conformance with the schedule.

M 384 94 A Motion was made by Mr. Benson, seconded by Mr. Collins, that Approve the Sussex County Council approves a time extension of three Time weeks to the current archaeological contract with Dames & Extension Moore with no increase to the cost of the contract.

Dames & Moore Contract 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 GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GUNSMITH SHOP WITH RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 41,804 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1091) filed on behalf of Monte B. Whaley. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Benson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING (3 UNITS) AND AN OFFICE FOR TOW TRUCKING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.7 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1092) filed on behalf of John Darlington. 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 GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.7 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1241) filed on behalf of John Darlington. The Proposed Ordinance will be advertised for Public Hearing.

M 385 94 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00, \$250.00 from Mr. Cole's Councilmanic Account and \$250.00 from Mr. Benson's Councilmanic Account, to the YMCA of Delaware, Sussex Family Branch, to help fund the Teenage Development Program.

Motion Adopted: 5 Yea.

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

M 386 94 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Collins, to give \$400.00 from Mr. Benson's Councilmanic Account to the Milton Parks and Recreation Division for the Milton Youth Soccer Program.

Motion Adopted: 5 Yea.

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

Request to Withdraw C/Z No. 1237 Mr. Stickels, County Administrator, advised Council of a letter from Hunter Mill Estates Partnership requesting permission to withdraw their application for a change of zone (Change of Zone No. 1237). Action was deferred until the afternoon session.

Recycling of Pesticide Containers Mr. Stickels, County Administrator, advised that pesticide containers would be accepted for recycling at the Sussex Conservation District Equipment Yard in Georgetown on September 30, 1994, from 8:00 a.m. to 3:00 p.m.

Capital Improvement Program Public Meeting Mr. Stickels, County Administrator, advised that the Delaware Department of Transportation will be holding Capital Improvement Program public participation meetings in Sussex and Kent Counties. The meeting in Sussex County will be held on September 15, 1994, at Delaware Technical and Community College. The workshop session will begin at 5:30 p.m.; the auditorium session will begin at 7:00 p.m.

Recess At 11:56 a.m., a Motion was made by Mr. Stevenson, seconded by Mr. Benson, to recess until 1:30 p.m.

Reconvene Mr. Dukes called Council back into session at 1:35 p.m.

Withdraw Request C/Z #1237 A discussion was held regarding the letter from Hunter Mill Estates Partnership requesting permission to withdraw their application for a change of zone (Change of Zone No. 1237).

M 387 94 Permit Withdraw of C/Z #1237 A Motion was made by Mr. Collins, seconded by Mr. Benson, to permit the withdraw of Change of Zone No. 1237 filed on behalf of Hunter Mill Estates Partnership.

Motion Adopted: 5 Yea.

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

Public Hearing (C/U #1086) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE (PICKLE PROCESSING WASTE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 220 ACRES, MORE OR LESS (Conditional Use No. 1086) filed on behalf of Wheelabrator Clean Water Systems, Inc. The Public Hearing was closed.

M 388 94 Adopt Ordinance No. 984 (C/U #1086) A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt Ordinance No. 984 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE (PICKLE PROCESSING WASTE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 220 ACRES, MORE OR LESS" (Conditional Use No. 1086) filed on behalf of Wheelabrator Clean Water Systems, Inc., Bio Gro Division, with the following conditions:

1. Application of sludge shall be subject to State DNREC approval.
2. Sludge applied shall be limited to sludge from the Vlasic Foods Plant site near Millsboro.

- M 388 94 (con't)
3. Maximum number of applications of sludge on this site shall be once per year; subject to the approval of the State DNREC.
  4. Hours for application of sludge shall be limited as follows: 6:00 a.m. to 8:00 p.m., Monday through Saturday.
  5. There shall be no stockpiling of sludge materials on site.
  6. The Conditional Use will be valid for five years; concurrent with the State DNREC permit.

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 findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of fact of the County Council. The County Council found that the proposed conditional use was appropriate legislative action and promoted the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The County Council found that the proposed conditional use was of a public or semi-public character and was essential and desirable for the general convenience and welfare.

Public Hearing (C/U #1088)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MARINA WITH BOAT RENTAL, BOAT SLIP RENTAL, BAIT AND TACKLE SALES, SANDWICH SHOP, CRABBING PIER, OFFICE AND RESIDENCE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 36,628 SQUARE FEET (0.841 ACRES), MORE OR LESS (Conditional Use No. 1088) filed on behalf of Clyde Hull. The Public Hearing was closed.

M 389 94 Adopt Ordinance No. 985 (C/U #1088)

A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 985 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MARINA WITH BOAT RENTAL, BOAT SLIP RENTAL, BAIT AND TACKLE SALES, SANDWICH SHOP, CRABBING PIER, OFFICE AND RESIDENCE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 36,628 SQUARE FEET (0.841 ACRES), MORE OR LESS (Conditional Use No. 1088) filed on behalf of Clyde Hull, with the following stipulations:

M 389 94  
(con't)

1. The maximum number of boats for rent shall be twenty.
2. No boat storage shall be permitted, except for boats belonging to the owner.
3. No boat motor repair shall be permitted.
4. No fuel sales shall be permitted.
5. The hours of operation shall be from 6:00 a.m. to 10:00 p.m. for use of the pier and boat rental.
6. There shall be no arcade.

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 findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of fact of the County Council. The County Council found that the proposed conditional use was appropriate legislative action and promoted the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The County Council found that the proposed conditional use was of a public or semi-public character and was essential and desirable for the general convenience and welfare.

Public  
Hearing  
(C/U  
#1087)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR/OUTDOOR AUCTION, FARM EQUIPMENT SALES, NEW AND USED INDOOR/OUTDOOR AUCTION ITEMS, FARMERS MARKET AND AUCTION, WHOLESALE AND RETAIL, RESTAURANT AND SNACK BARS, ASSEMBLY HALL, STORAGE AND WAREHOUSING, TENT SALES AND PARKING AREA, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 32.39 ACRES, MORE OR LESS" (Conditional Use No. 1087) filed on behalf of David L. Wilson.

Recess At 3:55 p.m., a five minute recess was declared.

Reconvene Mr. Dukes called Council back into session at 4:00 p.m.

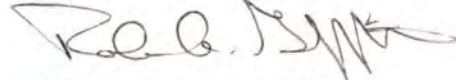
Close  
Hearing

The Public Hearing continued and was closed. Action was deferred.

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M 390 94 A Motion was made by Mr. Collins, seconded by Mr. Benson,  
Adjourn to adjourn at 5:45 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council