

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-SEPTEMBER 25, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, September 25, 1990, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

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

M 437 90
Approve
Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Cole, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

Mr. Jones, Acting County Attorney, read the following correspondence:

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL,
DIVISION OF AIR & WASTE MANAGEMENT, DOVER
RE: Notice of Workshops and Public Hearing on a new regulation entitled "Report of Discharge of Pollutant or Air Contaminant" as required by 7 Delaware Code. The Workshops were held in Wilmington and Dover and the Public Hearing will be held on October 11, 1990, at 7:00 p.m. in the auditorium of the Richardson and Robbins Building, Dover.

Local
Emergency
Planning
Committee

Mr. Stickels, County Administrator, discussed the Local Emergency Planning Committee established as a result of the Superfund Amendments and Reauthorization Act of 1986 (SARA). Federal law mandates that the Governor of each state establish and administer the program. Delaware's Governor authorized the establishment of a Local Emergency Planning Committee in each County. To implement this program, Sussex County presented a budget of \$45,000 for one year. This amount would cover the costs for a full-time coordinator and equipping an office. The State allotted \$21,846.00, therefore, an amendment to the budget was made. Funding was calculated for an eight (8) month period. The State and County then entered into an Agreement for the \$21,846.00 grant to be used during the period from November 1, 1989 through June 30, 1990.

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Local
Emergency
Planning
Committee
(Con't.)

The Sussex County Local Emergency Planning Committee, under the leadership of the Coordinator, Lynn Bullock, prepared an Emergency Response Plan for Sussex County and it was submitted to the State Committee in February, 1990. No comments or recommendations concerning the Plan have been received from the State as of today.

Due to a lack of funding, the County Coordinator's position for the Local Emergency Planning Committee has been downgraded from full-time to part-time. The Committee is hoping for additional funding from the State to continue the program with a full-time coordinator. If this does not happen, the County Council may consider a users fee. The County Committee is still in place and they have reviewed plans from six (6) industries.

Renaming
Sussex
County
Roads

Mr. Norwood, Draftsman, Assessment Division, discussed the Sussex County Roads Renaming Project. It is the first step in accomplishing the total readdressing of Sussex County roads for the 911 Emergency Dispatch Center. A list of basic guidelines, distributed to the Council for their review, was discussed. The estimated term for completion of this project is two (2) to two and one-half (2.5) years.

Mr. Stickels, County Administrator, reported that one hundred and fifty thousand dollars (\$150,000) was included in the State Bond bill to cover the costs for renaming Sussex County roads. Application can be made to the State for this money once the procedure for accomplishing the job is adopted by County Council.

The basic guidelines and procedures for renaming Sussex County roads as suggested in written form to the Council by Mr. Norwood include the following:

1. The purchase of a personal computer for the tracking of all road names and to prevent repetition of names. This information will be the base for the total addressing of the County that will follow this project.
2. Develop a Master List of all existing street and road names within the County utilizing information from the following agencies: Diamond State Telephone, Delaware Department of Transportation, Town Offices, US Postal Service and the University of Delaware.

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Roads
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3. Create a file for each road and place in this file any names that the road may be known by.
4. Advertise the project to the concerned public and allow for their suggestions as to what that road may be named.
5. Adopt a set procedure, including guidelines and fee for petitioning, for the post-renaming of roads.

M 438 90
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Sussex
County
Roads

A Motion was made by Mr. Cole, seconded by Mr. Benson, to adopt basic guidelines and procedures for renaming Sussex County roads and authorize the County Administrator to apply for a State grant to fund the Project. Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. The next meeting of the Delaware Association of Counties will be held Thursday, September 27, 1990 at the Iron Gate Inn, Dover. It is necessary that thirteen (13) members from the three (3) counties be present to vote on the bylaws.
2. A memorandum from the Wetlands and Aquatic Protection Branch, Department of Natural Resources, outlining the pending applications for subaqueous and/or wetlands projects.
3. The Delaware Division of Aging will be conducting its annual Beach Day in Rehoboth Beach on Friday, September 28, 1990 starting at 10:00 a.m. Once again, the Sussex County Council will be paying for the shuttle buses that will be used during the day.
4. Senior Citizens' County Government Day will be held on Wednesday, October 24, 1990. In addition to having a mock County Council meeting, there will be a tour of the Industrial Park and the Courthouse.

Line of
Credit

Mr. Purpur, Finance Director, reviewed the need for the authorization of a Resolution and Commitment Letter between Sussex County Council and Wilmington Trust. The following

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Line of
Credit
(Con't.)

background information explained the need for this. Ordinance No. 676 authorized a fifty million dollar (\$50,000,000) line of credit, in anticipation of issuing bonds, for the construction and/or improvements to various sewer and/or water systems within Sussex County; adoption date April 24, 1990. A line of credit for sewer and water was established with Wilmington Trust by Motion No. M 144 88 on April 5, 1988. Wilmington Trust has continued to loan the County money since that date. Present tax laws now require an official commitment letter.

M 439 90
Adopt
Resolution
R 030 90
and
Authoriza-
tion for
Commitment
Letter

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to Adopt Resolution No. R 030 90 entitled "RESOLUTION AUTHORIZING A TWENTY-FIVE MILLION DOLLAR (\$25,000,000) LINE OF CREDIT WITH WILMINGTON TRUST COMPANY, IN ANTICIPATION OF ISSUING BONDS, FOR THE CONSTRUCTION OF AND/OR IMPROVEMENTS TO VARIOUS SEWER AND/OR WATER SYSTEMS SERVING SUSSEX COUNTY, DELAWARE, AND THE PAYMENT OF COSTS ASSOCIATED THEREWITH, AUTHORIZING THE ISSUANCE OF SUSSEX COUNTY, DELAWARE PROMISSORY NOTES FOR AMOUNTS BORROWED PURSUANT TO SUCH LINE OF CREDIT, AUTHORIZING A PLEDGE OF THE COUNTY'S FULL FAITH AND CREDIT AND TAXING POWER THEREFOR, AND AUTHORIZING ALL OTHER ACTION NECESSARY OR DESIRABLE IN CONNECTION THEREWITH" and authorize the President of the Sussex County Council to sign the Commitment Letter dated August 10, 1990 between Wilmington Trust and Sussex County for a twenty-five million dollar (\$25,000,000) line of credit. Motion Adopted: 5 Yea.

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

C/Z #1021

Change of Zone No. 1021, filed on behalf of Woodin, Wentling & Associates, was discussed. Public Hearing was held September 12, 1989 and action was deferred.

M 440 90
Adopt
Ordinance
No. 722
C/Z #1021

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 722 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 90.01 ACRES, MORE OR LESS" (C/Z #1021) filed on behalf of Woodin, Wentling and Associates with the following stipulations:

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Ordinance
No. 722
(Con't.)

1. The maximum number of lots shall not exceed one hundred and forty (140).
2. The concept of the layout of the subdivision shall be retained as submitted to the Planning and Zoning Commission.
3. The recreational uses in Arnell Creek Subdivision shall also serve this application site as presented by the applicant.
4. The streets shall be public streets built to State specification.
5. The open space presented in the preliminary plan shall be retained as indicated.
6. A dry sewer system shall be installed to meet specifications set forth by the County Engineer, for inclusion in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.
7. There shall be no commercial uses within the RPC.

Motion Adopted: 5 Yea.

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

Findings
of Facts
C/Z #1021

The findings of facts and the recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of facts of the Council. The Council found that, under the Sussex County Comprehensive Zoning Ordinance, a RPC Residential Planned Community encourages large-scale developments as a means of creating a superior living environment through unified developments, and provides for the application of design ingenuity while protecting existing and future developments and achieving the goals of the comprehensive plan. The Council found that the proposed RPC promotes the health, safety, morale, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council found that the proposed RPC was adjacent to another residential development. The Council found that the proposed RPC adequately protects wetlands and provides open space. The Council approved the requested change of zone with seven (7) stipulations as set out.

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Proposed
Ordinance

Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 102.87 ACRE EXPANSION TO AN EXISTING BORROW PIT, AND PLACEMENT AND OPERATION OF A STUMP SHREDDING DEVICE AND A CONCRETE CRUSHING DEVICE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 102.87 ACRES, MORE OR LESS" (C/U #954) filed on behalf of Edward J. Kaye. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Benson introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.58 ACRES, MORE OR LESS" (C/U #955) filed on behalf of M. J. Webb Farms, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Dukes introduced 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.526 ACRES, MORE OR LESS" (C/Z #1097) filed on behalf of Charles R. and Marie E. Bradley. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Stevenson introduced 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.7 ACRES, MORE OR LESS" (C/Z #1098) filed on behalf of Colonial Oaks Limited Partnership. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance

Mr. Stevenson introduced 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.62 ACRES, MORE OR LESS" (C/Z #1099) filed on behalf of Harry Mitchell. The Proposed Ordinance will be advertised for Public Hearing.

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Western
Sussex
Land
Use
Plan
Discussion

Mr. Lank, Director of Planning and Zoning, distributed copies of the following items to the Council for their review and study:

1. Executive Summary of the Western Sussex Land Use Plan;
2. Responses and comments from public and private agencies concerning the Western Sussex Land Use Executive Summary;
3. Recommended Amendments as made by the Planning and Zoning Commission to the Executive Summary.

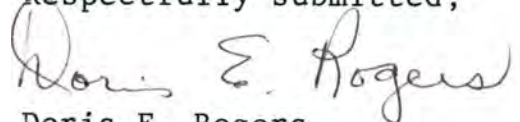
Mr. Lank discussed the Amendments as submitted by the Planning and Zoning Commission. They were either suggested by agencies or decisions of the Commission.

Mr. Stickels, County Administrator, asked for comments concerning a Public Hearing on the Western Land Use Plan to be held on Tuesday, October 23, 1990 beginning at 8:00 p.m. at Delaware Technical and Community College, Georgetown. Discussion included giving consideration to holding the Public Hearing on a Saturday to provide the opportunity for more public participation and scheduling at a later date in November. No decision was made.

M 441 90
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson, to adjourn at 12:00 noon. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council