

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-OCTOBER 15, 1996

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, October 15, 1996, 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 437 96
Amend
Agenda

A Motion was made by Mr. Cole, seconded by Mr. Benson, to amend the Agenda by removing "Sussex County Project No. 81-04 - Ocean Way Estates, Sections I and II".

Motion Adopted: 5 Yea.

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

M 438 96
Approve
Agenda

A Motion was made by Mr. Collins, seconded by Mr. Cole, to approve the Agenda as amended.

Motion Adopted: 5 Yea.

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

M 439 96
Approve
Minutes

A Motion was made by Mr. Cole, seconded by Mr. Collins, to approve the minutes of the previous meeting dated October 8, 1996.

Motion Adopted: 5 Yea.

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

Corre-
spondence

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

Corre-
spondence
(Cont.)

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY
RE: Notice of Commission Meeting and Public Hearing for approval of 7 applications for various projects, none of which are located in Sussex County.

RONALD JESTER, EXTENSION SAFETY SPECIALIST, UNIVERSITY OF DELAWARE, COOPERATIVE EXTENSION, COLLEGE OF AGRICULTURAL SCIENCES, RESEARCH AND EDUCATION CENTER, GEORGETOWN, DELAWARE

RE: Notice of monthly meeting of the Sussex County Chapter, Delaware Safe Kids Coalition, to be held on Thursday, October 17, 1996, at 10:00 a.m., at the Sussex County Paramedic Office.

U.S. ARMY CORPS OF ENGINEERS, NEW YORK, NEW YORK
RE: Notice of Completion of Final Feasibility Report and Final Environmental Impact Statement on Delaware Bay Coastline: Delaware and New Jersey - Broadkill Beach, Delaware, Interim Feasibility Study.

WILLIAM LAMBDEN, SUSSEX COUNTY STAMP CLUB, GEORGETOWN, DELAWARE

RE: Thanking Council for their recent contribution which supported the Club's 5th Annual Stamp Exhibition.

SCOTT COULBOURN, DIRECTOR OF SEAFORD PARKS & RECREATION, CITY OF SEAFORD, SEAFORD, DELAWARE

RE: Letter of thanks to Mr. Dukes for his recent contribution to the Seaford Little League Football Program and for his overall support of Seaford's youth programs.

TERRY MEGEE, PRESIDENT, ASA FASTPITCH SOFTBALL TEAM, GEORGETOWN, DELAWARE

RE: Letter requesting support of the newly formed Delaware Vipers of Sussex County, an all Sussex County Girls 16 and under ASA Fastpitch Softball Team.

Sussex
County
Specialized
Transporta-
tion
Program

Mr. Stickels, County Administrator, read a letter dated October 11, 1996 to Representative George Bunting from Nancy Shevock, Director of the Delaware Transit Corporation. The letter discussed a \$50,000 budget shortfall reported by Sussex County Cheer. Ms. Shevock's letter notified Representative Bunting that the \$50,000 will be made available by the Delaware Transit Corporation and will be brought up at the Sussex County Council meeting on October 15, 1996 for final approval and disbursement of funds. Mr. Stickels informed Council that State legislation sets the percentage amounts which can be granted for Cheer's budget categories. Mr. Stickels stated that a discrepancy exists between what State's regulations will allow and what

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Cheer has requested. Mr. Stickels requested that action be tabled.

University
of Delaware
Extension
Service
Grant

Mr. Jay Windsor, County Director of the University of Delaware Research and Education Center in Georgetown, was in attendance to accept a check from Council in the amount of \$98,351. This money will be used by the University of Delaware Extension Service for various programs, research, and salary appropriations. In addition to an one-time grant of \$10,000, this grant amount represents a 2 percent increase over last year.

County
Adminis-
trator's
Report

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

1. Sussex County Administrative Building West Complex Open House

A reminder that the County Council will be hosting a Ribbon Cutting and Open House on Tuesday, October 22, 1996, at the County Administrative Building West Complex, located on DuPont Highway in Georgetown, Delaware, at 1:00 p.m. Following the Ribbon Cutting, there will be a tour of the offices of Economic Development, Emergency Medical Services, and County Library Administration. The Open House will be from 1:00 to 4:30 p.m. and light refreshments will be served. The public is encouraged to attend this Open House.

2. Land Use Plan Workshop

The Planning and Zoning Commission will be conducting a Public Workshop on Thursday, October 17, 1996. The meeting will be held at 7:30 p.m. in the Court of Common Pleas in the Courthouse on The Circle in Georgetown. Whitman, Requardt and Associates, the County's consultants, will be meeting to discuss information that was received at the September Public Hearing and to discuss alternatives to farmland preservation.

3. Household Hazardous Waste Collection

Included with the County Administrator's report was a copy of a flier from the Delaware Solid Waste Authority announcing that the DSWA will be collecting household hazardous waste on Saturday, November 23, 1996, from 8:00 a.m. to 3:00 p.m., behind the Rehoboth Beach

(Cont.)

Volunteer Fire Station, Rehoboth Beach, Delaware. Household hazardous waste is not normally collected at the Delaware Solid Waste Authority landfills. It was encouraged that Sussex County residents take advantage of this collection date.

4. Monthly Volunteer Firemen's Association Meeting

Millsboro Fire Company will be hosting the Sussex County Volunteer Firemen's Association monthly meeting on Tuesday, October 22, 1996. During this meeting, the County Council will distribute the first payments for FY '97 in the amount of \$219,461.47. During FY '97, the County Council will contribute \$630,922.94 to the volunteer fire and ambulance companies.

5. Credit Cards - Acceptance for Payment of Property Taxes and Sewer and Water Bills

Effective October 9, 1996, Sussex County Council will be accepting the Discover Card for the payment of property taxes and/or sewer and water bills. A surcharge, over and above the billing amount, will be charged to cover the cost of the Discover Card fee. This will provide another option for the payment of taxes and sewer and water bills. The County's goal is to improve collections through the acceptance of this credit card. The fees charged for the use of this credit card, over and above the billing amount, are as follows:

	<u>Fee</u>
\$ 0.00 - \$ 100.00	- \$ 1.00
\$ 100.01 - \$ 200.00	- \$ 2.00
\$ 200.01 - \$ 500.00	- \$ 5.00
\$ 500.01 - \$1,000.00	- \$ 8.00
\$1,000.01 - and up	- \$15.00

The Treasury Division and the Utility Billing Division will also be accepting payment by advance checks from other credit card companies, such as MasterCard and Visa. There is no additional charge by the County for use of these credit card advance checks. At the present time, MasterCard and Visa credit card companies will not allow the County to charge a surcharge to recover the credit card fee, as does the Discover Card company.

Credit Cards
for Payment
of Taxes

Mr. Stickels, County Administrator, reported to Council that a notice will be sent to all delinquent taxpayers announcing the County's acceptance of the Discover Card and credit card advance checks for payment of property taxes and sewer and water bills.

Ocean
Farm -
Phase II

Mr. Robert Green, Director of Utility Construction, discussed construction administration and construction inspection services for wastewater facilities to be constructed at "Ocean Farm - Phase II", located in the South Bethany Sanitary Sewer District.

M 440 96
Execute
Agreement
for Ocean
Farm
Property

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and "Ocean Farm, Limited Partnership", for wastewater facilities to be constructed at "Ocean Farm - Phase II", located in the South Bethany Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Savannah's
Landing -
Phase I

Mr. Robert Green, Director of Utility Construction, discussed construction administration and construction inspection services for wastewater facilities to be constructed at "Savannah's Landing - Phase I", located in the Bethany Beach Sanitary Sewer District.

M 441 96
Execute
Agreement
for
Savannah's
Landing
Property

A Motion was made by Mr. Collins, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and "RDM, Inc.", for wastewater facilities to be constructed at "Savannah's Landing - Phase I", located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Removal of
Agenda Item

Mr. Green announced that the item entitled "Nanticoke Crossing - Agreement" had been removed from the Agenda.

S.C.
Project
No. 94-13/
Change Order

Mr. Michael Izzo, P.E., Acting County Engineer, discussed Change Order No. 1 for Sussex County Project No. 94-13, Emergency Generator Replacement.

M 442 96
Approve
Change
Order for
Emergency
Generator
Replace-
ment

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Sussex County Project No. 94-13 entitled "Emergency Generator Replacement" be approved which provides a cost increase of \$2,037.50 and increases the contract total from \$153,000.00 to \$155,037.50.

Motion Adopted: 5 Yea.

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

New Bank
Account

Mr. David Baker, Finance Director, proposed a new bank account to be opened at Mellon Bank Delaware for the Ocean Way Estates Sewer Project. Mr. Baker informed Council that the bank account is being opened to satisfy the requirements of the Rural Development Administration.

M 443 96
Adopt
Resolu-
tion No.
R 022 96
(New Bank
Account)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 022 96 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE MELLON BANK DELAWARE BEARING THE SIGNATURES OF ANY TWO OF DALE DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; ORD. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

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

Sussex
Conserva-
tion
District

Mr. Cole presented a letter from Eric Buehl, District Coordinator of the Sussex Conservation District. The letter requested funds to modify the slopes of a pond located in the Land of Pleasant Living Subdivision. The modifications

(Cont.)

are being proposed as a result of a young child drowning in the pond. Mr. Bayard, County Attorney, recommended that ownership of the pond be determined.

M 444 96
Council-
manic
Grant/
Sussex
Conserva-
tion
District

A Motion was made by Mr. Cole, seconded by Mr. Collins, to direct County staff to determine the ownership of the pond located in the Land of Pleasant Living Subdivision, and to give \$1,000 from Mr. Cole's Councilmanic Account to the Sussex Conservation District to be used for the modification of the slopes to the pond located in the Land of Pleasant Living Subdivision.

Motion Adopted: 5 Yea.

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

M 445 96
Council-
manic
Grant/
Slaughter
Neck
Cheer Center

A Motion was made by Mr. Benson, seconded by Mr. Cole, to give \$500 from Mr. Benson's Councilmanic Account to the Slaughter Neck Cheer Center to be used to purchase arts and craft items.

Motion Adopted: 5 Yea.

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

M 446 96
Council-
manic
Grant/
City of
Lewes

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$700 from Mr. Benson's Councilmanic Account to the City of Lewes to be used for the Mayor to attend the National League of Cities Meeting.

Motion Adopted: 5 Yea.

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

M 447 96
Council-
manic
Grant/
Millsboro
Hut

A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$200 from Mr. Collins' Councilmanic Account to Millsboro Hut, Inc. to support scouting programs in Millsboro.

Motion Adopted: 5 Yea.

(Cont.)

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

M 448 96
Council-
manic
Grant/
S.C. ASA
Fastpitch
Softball
Team

A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$500, \$100 from each Councilman's Councilmanic Account, to the Sussex County Girls ASA Fastpitch Softball Team to be used to defray expenses of the 1997 season.

Motion Adopted: 5 Yea.

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

Public
Hearing

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE WASTEWATER COLLECTION AND TRANSMISSION SYSTEM OF THE OCEAN WAY ESTATES EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". The Public Hearing was closed.

M 449 96
Adopt
Ord. No.
1107
Ocean Way
Estates/
General
Obligation
Bonds

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 1107 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY FOR THE CONSTRUCTION AND EQUIPPING OF THE WASTEWATER COLLECTION AND TRANSMISSION SYSTEM OF THE OCEAN WAY ESTATES EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 5 Yea.

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

M 450 96
Recess

At 11:15 a.m, a Motion was made by Mr. Collins, seconded by Mr. Benson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

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

Public
Hearing
(C/U
No. 1165)

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 A PRIVATE RUNWAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.66 ACRES, MORE OR LESS" (Conditional Use No. 1165) filed on behalf of John J. Reed. There were no public comments and the Public Hearing was closed.

M 451 96
Adopt
Ord. No.
1108
(C/U No.
1165) with
conditions

A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt Ordinance No. 1108 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE RUNWAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.66 ACRES, MORE OR LESS" (Conditional Use No. 1165) filed on behalf of John J. Reed, with the following conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. The runway shall be private with no commercial activity.
3. The hedge row on the easterly side shall remain.
4. No lights shall be installed.
5. No additional fuel storage shall be placed on the site.
6. No hangar space rentals or tie down rentals shall be permitted.
7. The runway shall be a minimum of 2,000 feet.

Motion Adopted: 5 Yea.

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

Findings
of Fact
(C/U No.
1165)

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.

(Cont.)

2. The proposed use is consistent with the purposes and goals of the Western Sussex Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U No.
1166)

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 SOCIAL ORGANIZATION MEETING FACILITY AND RECREATION FIELDS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 25.58 ACRES, MORE OR LESS" (Conditional Use No. 1166) filed on behalf of Milford Moose Lodge No. 2316. There were no public comments and the Public Hearing was closed.

M 452 96
Adopt
Ord. No.
1109
(C/U No.
1166) with
conditions

A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt Ordinance No. 1109 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SOCIAL ORGANIZATION MEETING FACILITY AND RECREATION FIELDS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 25.58 ACRES, MORE OR LESS" (Conditional Use No. 1166) filed on behalf of Milford Moose Lodge No. 2316, with the following conditions:

1. Entrance to the site shall be from Route 209 only.
2. No firearms shall be discharged at anytime.
3. Athletic fields shall be unlighted.
4. Signage shall not exceed 32 square feet per side or facing, shall remain unlighted, shall not exceed a height of five feet, and shall be limited to placement on Route 209 only.
5. All functions and activities shall cease at 12:00 midnight.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

Findings
of Fact
(C/U No.
1166)

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will serve the greater Milford community and will have no adverse impact on the character of the community, property values therein, traffic or the environment in the area.
2. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z No.
1286)

A Public Hearing was held on the 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 21,344 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1286) filed on behalf of I.P.M. Equities, Inc. The Public Hearing was closed.

M 453 96
Adopt
Ord. No.
1110
(Change
of Zone
No. 1286)

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 1110 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 21,344 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1286) filed on behalf of I.P.M. Equities, Inc.

Motion Adopted: 5 Yea.

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

Findings
of Fact
(C/Z No.
1286)

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

1. The applicant established by substantial evidence that the change of zone is a small expansion of an existing commercial area and the site has no utility as MR Medium Density Residential property.

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2. The change of zone, according to the evidence, will have no adverse impact on the character of the community, property values therein, traffic or the environment in the area. With the protections provided in the applicant's site plan, the property will not affect any nearby residential properties.
3. The change of zone is consistent with the purposes and goals of the Coastal Sussex Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 454 96
Adjourn

At 2:15 p.m., a Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Nancy Cordrey

Nancy J. Cordrey
Assistant Clerk of the County Council