

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 12, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, November 12, 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
(Present for the P.M. Session only.)	
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 476 96 Amend Agenda A Motion was made by Mr. Cole, seconded by Mr. Collins, to Amend the Agenda to include "Rural Readdressing Contract Negotiations".

Motion Adopted: 4 Yea, 1 Absent.

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

M 477 96 Adopt Agenda A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the Agenda, as amended.

Motion Adopted: 4 Yea, 1 Absent.

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

M 478 96 Approve Minutes A Motion was made by Mr. Collins, seconded by Mr. Cole, to approve the minutes of the previous meeting dated October 29, 1996. Motion Adopted by Voice Vote.

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Public Notice regarding amendments to Comprehensive Plan, Water Code of the Delaware River Basin and Administrative Manual - Part III Water Quality Regulations Relating to the Control of Toxic Pollutants From Point Sources Discharging to the Delaware River Estuary.

DR. G. TIMOTHY KAVEL, CAMPUS DIRECTOR; H. TERRY JOHNSON, ASSISTANT DEAN OF STUDENT SERVICES; AND CURTIS BROCK, ATHLETIC DIRECTOR; DELAWARE TECHNICAL & COMMUNITY COLLEGE, GEORGETOWN, DELAWARE.

Corre- RE: Letter requesting assistance for the Owens Campus base-
spondence ball and softball teams for their annual spring training trip.
(con't)

BONNIE DEMPSEY, PRESIDENT, SUSSEX RSVP ADVISORY COMMITTEE,
INC., GEORGETOWN, DELAWARE.

RE: Letter requesting financial assistance for the RSVP
knitting project.

JEFF DOLBY, VISION DAYS CHAIRPERSON, LAUREL LIONS CLUB,
LAUREL, DELAWARE.

RE: Letter of appreciation for Council's support of the
fundraising campaign "Vision Days".

Request Mr. Stickels, County Administrator, discussed a letter from
for Paul Cox, Sussex County Thanksgiving Coordinator, requesting
Funds funding in the amount of \$700.00 for the purchase of turkeys
for the county-wide, free Thanksgiving Dinner sponsored by
Thanks- the Church of God and Saints of Christ of Seaford, Delaware,
giving in cooperation with the Sussex County Cheer Program, Catholic
Dinner Charities, First State Community Action Agency, Senior Centers,
and State Service Center. This service will provide 1,700
meals to needy individuals and families throughout Sussex
County.

M 479 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Human give \$700.00 from Human Service Grants to Church of God and
Service Saints of Christ of Seaford, Delaware, for the purchase of
Grant turkeys for the county-wide, free Thanksgiving Dinner.

Motion Adopted: 4 Yea, 1 Absent.

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

Status Mr. Stickels, County Administrator, advised Council of the
of status of the Sussex County Comprehensive Land Use Plan.
Compre- Planning and Zoning held a Public Hearing on September 19th
hensive and Workshops on October 17th and 30th. At the October 30th
Land Workshop, the Planning and Zoning Commission voted to defer
Use action on the Plan primarily due to concerns they have with
Plan the Agricultural Protection District Density Guidelines.
Due to the fact that the County Council does not have a
recommendation from the Commission, the Public Hearing ten-
tatively scheduled for November 19th and the Workshop ten-
tatively scheduled for November 25th cannot be held. Council
discussed granting the Planning and Zoning Commission an
extension on submitting their recommendation and setting a
time limit on the submission of the recommendation. Further
discussion centered around the Moratorium that will expire
on December 31, 1996, or upon the adoption of the Compre-
hensive Land Use Plan, whichever shall occur first.

Status (con't) It was noted that in order to extend the Moratorium, a Proposed Ordinance must be drafted and a Public Hearing held. It was proposed that a Public Hearing be held on December 19, 1996.

M 480 96 Grant Extension to P&Z/Land Use Plan A Motion was made by Mr. Cole, seconded by Mr. Collins, that the Sussex County Council grants the Planning & Zoning Commission an extension to December 31, 1996 for a recommendation on the Sussex County Comprehensive Land Use Plan.

Motion Adopted: 4 Yea, 1 Absent.

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

Contract/Land Use Plan/Whitman, Requardt Mr. Stickels, County Administrator, discussed the Contract with Whitman, Requardt and Associates for services associated with the development of the Sussex County Comprehensive Land Use Plan. The original Contract was in the amount of \$75,000 and an amendment to the Contract was in the amount of \$60,000. Mr. Stickels advised that additional funds are necessary to cover services provided through December 31, 1996.

M 481 96 Increase Contract/Land Use Plan/Whitman, Requardt A Motion was made by Mr. Cole, seconded by Mr. Collins, to increase the Contract with Whitman, Requardt and Associates, for services associated with the development of the Sussex County Comprehensive Land Use Plan, in an amount not to exceed \$45,000.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Benson, Absent; 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. Administrative Office Change Orders

As per County Council policy allowing the County Administrator to approve change orders up to \$1,500.00 for the new Administrative Building, Mr. Stickels has approved Change Order Nos. 14, 15, 16, and 17.

Change Order No. 14 in the amount of \$1,385.75 was to provide Dryvit finish on the ceiling of the Council Chambers in lieu of painted plaster. The change was recommended to reduce the probability of the finish cracking due to deflection of the ceiling structure caused by foot traffic and other concentrated loads from the room above the Council Chambers.

Adminis-
trator's
Report
(con't)

Change Order No. 15 in the amount of \$626.75 was to provide and install electrical speed control interlocks for the heating and cooling system for the building. Interlocks are recommended by the cooling tower manufacturer to prevent both motors from operating simultaneously.

Change Order No. 16 in the amount of \$1,077.55 was to allow making connections of existing rainwater conductors serving the Post Office portico roof to a new rainwater conductor system. The existing rainwater conductors were believed to drain directly to the ground on the exterior. However, when the old rainwater system was removed, it was found that the portico rainwater conductors were tied into it, necessitating connection to the new system.

Change Order No. 17 was a credit in the amount of \$2,413.00. The credit was for the return of five ATC boiler valves. Due to design revisions during the shop drawing stage, the valves became unnecessary.

2. Local Law Enforcement Block Grant

The United States Bureau of Justice Assistance has approved the Sussex County Council's application for funding under the Local Law Enforcement Block Grant Program in the amount of \$81,739.00. The purpose of this program is to reduce crime and improve public safety. The funding will be used by local law enforcement agencies throughout Sussex County, with a five percent match from the towns and a five percent match from the County Council.

3. West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Lawsuit

Please be advised that on Friday, November 8, 1996, The Honorable Murray M. Schwartz, Judge of the United States District Court, issued an Order dismissing the lawsuit brought by a group of citizens in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District for lack of subject matter jurisdiction. The litigation was initiated by several residents of the sewer district challenging the formation of the expansion, seeking an injunction against the County's connection requirements, construction of any further phases of the expansion, and from collecting assessments and other charges. The County and the State of Delaware filed separate motions to dismiss, portions of which were argued before the Court on October 16, 1996.

Change Order/
Parking Facility
Mr. Izzo, Acting County Engineer, discussed Change Order No. 2 to Project No. 95-08 entitled "Sussex County Parking Facility". This Change Order, a credit in the amount of \$1,412.89, is the balancing Change Order.

M 482 96
Approve Change Order/
Parking Facility
A Motion was made by Mr. Collins, seconded by Mr. Stevenson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for Sussex County Project No. 95-08 entitled "Sussex County Parking Facility" be approved which provides a credit of \$1,412.89 and decreases the Contract total from \$90,870.90 to \$89,458.01.

Motion Adopted: 4 Yea, 1 Absent.

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

Parking Facility
Mr. Izzo, Acting County Engineer, discussed granting Substantial Completion for Sussex County Project No. 95-08 entitled "Sussex County Parking Facility". Mr. Izzo advised that the job was completed on August 10, 1996.

M 483 96
Grant Sub-
stantial Completion/
Parking Facility
A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department that Melvin Joseph Construction Co., Inc. be granted Substantial Completion effective August 10, 1996, for Sussex County Project No. 95-08 entitled "Sussex County Parking Facility".

Motion Adopted: 4 Yea, 1 Absent.

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

Agree-
ments/
The Pines of Long Neck
Mr. Siegmund of the Engineering Department discussed a Construction Administration and Construction Inspection Agreement between Sussex County Council and V & L Partnership for wastewater facilities to be constructed in The Pines of Long Neck, Phase II A.

M 484 96
Approve Agree-
ments/
The Pines of Long Neck
A Motion was made by Mr. Collins, seconded by Mr. Cole, 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 V & L Partnership for wastewater facilities to be constructed in The Pines of Long Neck, Phase II A, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

M 484 96 Vote by Roll Call: Mr. Benson, Absent; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

The Pines of Long Neck Mr. Siegmund of the Engineering Department discussed granting Conditional Acceptance for the wastewater facilities constructed in The Pines of Long Neck, located in the Long Neck Sanitary Sewer District.

M 485 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, based Grant upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex Conditional County Council grant Conditional Acceptance for the wastewater facilities constructed in The Pines of Long Neck, located in Acceptance/ the Long Neck Sanitary Sewer District.
The Pines of Long Neck

Motion Adopted: 4 Yea, 1 Absent.

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

Rural Readdressing Project Mr. Norwood, Supervisor of Mapping and Addressing, advised Council that on October 28 and 29, 1996, the Readdressing Review Panel met for the purpose of evaluating prospective vendors for the Rural Readdressing Project. Prospective vendors consisted of: 3DI, MSAG, Network Design, Chester Engineering, LAS Systems, Emergency Data Systems, Whitman & Requardt, and Pennoni & Associates. Each vendor was evaluated and scored; the vendor scoring the highest was 3DI. Mr. Norwood requested Council's permission to enter into negotiations with 3DI. It was noted that the time-frame for the project is 24 to 36 months; Mr. Stickels, County Administrator, requested that the term of 24 months be incorporated in the proposal.

M 486 96 A Motion was made by Mr. Collins, seconded by Mr. Cole, Negotiate that the Sussex County Council directs Dennis Norwood, Contract/ Supervisor of Mapping and Addressing, to proceed with Rural negotiations of a contract for the Sussex County Rural Read-dressing Project with 3DI Imaging, LLC.

Motion Adopted: 4 Yea, 1 Absent.

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

M 487 96 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, Council- to give \$500.00, \$100.00 from each Councilmanic Account, Grant to Sussex Central Pop Warner Football for attendance at the William R. Eastmont Pop Warner Super Classic Bowl Game in Toms River, New Jersey.

M 487 96 Motion Adopted: 3 Yea, 1 Absent, 1 Abstention.
(con't)

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

M 488 96 At 11:37 a.m., a Motion was made by Mr. Collins, seconded by
Recess Mr. Cole, to recess until 1:30 p.m. Motion Adopted by Voice
Vote.

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

Public Hearing (C/Z No. 1289) A Public Hearing was held on the 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 BALTIMORE HUNDRED, SUSSEX COUNTY,
CONTAINING 151 ACRES, MORE OR LESS" (Change of Zone No. 1289)
filed on behalf of Eldred W. Cress and Katherine E. Cress and
Andrew J. Cress and Donna Lee Cress. There were no public
comments and the Public Hearing was closed.

M 489 96 A Motion was made by Mr. Collins, seconded by Mr. Cole,
Adopt Ordinance No. 1114 to Adopt Ordinance No. 1114 entitled "AN ORDINANCE TO AMEND
THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR
GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESI-
(C/Z DENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND
No. 1289) BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 151
ACRES, MORE OR LESS" (Change of Zone No. 1289) filed on
behalf of Eldred W. Cress and Katherine E. Cress and Andrew
J. Cress and Donna Lee Cress.

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 on the following findings of fact:

1. The applicant established by substantial evidence that the change of zone will enable the applicant to seek Agricultural Preservation District classification as an extension to the Gum Preservation District.
2. The change of zone will remove 151 acres as residentially developable property and preserve that property as farmland, in accord with the purposes and goals of the Agricultural Lands Preservation Foundation.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/U
No. 1169)

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 500 FOOT CELLULAR TELEPHONE TOWER, GUY WIRES AND EQUIPMENT BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 16.18 ACRES, MORE OR LESS" (Conditional Use No. 1169) filed on behalf of Meekins Antenna Rentals, Inc. Public comments were heard. Action was deferred and the Public Hearing was held open until the close of business on November 22, 1996 for written comments. Mr. Bayard, County Attorney, requested that information be submitted by the Applicant's Attorney, Mr. Griffin, and the Opposition's Attorney, Mr. Witsil, with respect to the definition of FAA approval.

Public
Hearing
(C/U
No. 1170)

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 RECYCLING METALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.82 ACRES, MORE OR LESS" (Conditional Use No. 1170) filed on behalf of Joel and Nancy Kroeger.

M 490 96
Adopt
Ordinance
No. 1115
(C/U
No. 1170)

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Adopt Ordinance No. 1115 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RECYCLING METALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.82 ACRES, MORE OR LESS" (Conditional Use No. 1170) filed on behalf of Joel and Nancy Kroeger, with the following conditions:

1. The site plan shall be approved by the Planning and Zoning Commission.
2. No incineration shall take place on site.
3. No oil, battery acid, fuel, gasoline, kerosene or anti-freeze shall be stored on site.
4. No automobiles, motors, or transmissions shall be stored on site.
5. Hours of operation will be Monday through Friday, 8:00 a.m. to 5:00 p.m.; Saturday, 8:00 a.m. to 12:00 noon. There will be no Sunday hours.
6. Soil Conservation shall inspect the site to insure that there is no excess run-off.
7. Approval shall be limited to a two year time limit from the time of approval.

M 490 96 Motion Adopted: 5 Yea.
(con't)

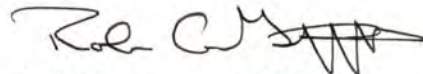
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes

Findings of Fact 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 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 proposed use would not impact traffic on Route 40 which has an "A" classification, the highest ranking for road service.
4. The applicant established by substantial evidence that the service that he would be rendering, recycling of materials, would be a benefit to the citizens of Sussex County.
5. The conditions placed on the conditional use approval, including the two year sunseting, will be sufficient to protect the health, safety and welfare of adjoining property owners.

M 491 96 A Motion was made by Mr. Benson, seconded by Mr. Collins,
Adjourn to adjourn at 4:37 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council