

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 14, 1995

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, November 14, 1995, 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 497 95      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve      approve the minutes of the previous meeting dated November 7, Minutes      1995. Motion Adopted by Voice Vote.

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

ALICE M. BRUCE, SECRETARY, SUSSEX COUNTY FIREMEN'S ASSOCIATION.  
RE: Letter urging Sussex County Council to adopt the 1995 revisions to the CABO single and two family dwelling building code, in its entirety.

DEAN CONAWAY, PRESIDENT, LAUREL WRESTLING CLUB, LAUREL, DELAWARE.

RE: Letter in appreciation of Mr. Dukes' Councilmanic Grant in the amount of \$250.00.

S. LEE FRANKEL, JR., STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION, DOVER, DELAWARE.

RE: Response to Mr. Dukes' letter regarding the Department of Transportation's Capital Improvement Program and funding for Sussex County.

ORLANDO J. GEORGE, JR., PRESIDENT, DELAWARE TECHNICAL AND COMMUNITY COLLEGE, DOVER, DELAWARE.

RE: Letter regarding programs and services offered by the college and an open invitation to visit any campus location.

MRS. GEORGE W. VEST, REHOBOTH BEACH, DELAWARE.

RE: Letter regarding West Rehoboth sewer fees.

Family      Mr. Stickels, County Administrator, advised that Family and and      Children Services of Delaware, Inc., Turnabout Division, will Children      dedicate its new facility, located on South Bedford Street, Services      Georgetown, on November 16, 1995. The new facility will house of Dela-      the administrative offices for Kent and Sussex, intake, out- ware      patient mental health counseling, addictions treatment/

Family  
and  
Children  
Services  
of Dela-  
ware

counseling including an HIV/AIDS program, the employment readiness division, the rural access program, and parent aide programs. Mr. Stickels read a Proposed Proclamation entitled "PROCLAIMING THURSDAY, NOVEMBER 16, 1995, AS A DAY FOR SUSSEX COUNTY RESIDENTS TO HONOR FAMILY AND CHILDREN SERVICES OF DELAWARE, INC.".

M 498 95  
Adopt  
Procla-  
mation  
Honoring  
Family  
and  
Children  
Services  
of DE

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the Proclamation entitled "PROCLAIMING THURSDAY, NOVEMBER 16, 1995, AS A DAY FOR SUSSEX COUNTY RESIDENTS TO HONOR FAMILY AND CHILDREN SERVICES OF DELAWARE, INC.".

Motion Adopted: 5 Yea.

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

Public  
Record  
Access  
Regula-  
tions

Mr. Jones, Assistant County Attorney, discussed recommended Public Record Access Regulations and a Public Record Access Form with respect to the inspection and copying of public records as required by the Freedom of Information Act. Mr. Jones advised Council that Sussex County needs an adopted program addressing this issue. The recommended regulations were discussed and amended, as follows:

1. Any citizen of Delaware may have access to public records for purposes of inspection and copying pursuant to the terms of these regulations and pursuant to Delaware's Freedom of Information Act (29 Del. C. Chapter 100).
2. Inspection and copying of public records may take place only during regular business hours of 8:30 A.M. to 4:00 P.M., Monday through Friday.
3. Requests shall be in writing on the appropriate form.
4. The County reserves the right to refuse access to any records which do not constitute "public records" under 29 Del. C. Sec. 10002.
5. Public records which are in active use or in storage will be provided as promptly as possible.
6. At no time shall public records be removed from the offices of the Sussex County Government.
7. Persons requesting copies of public records shall pay the following fees:
  - (a) \$.30 per page for documents (Minimum charge \$1.00).

Public Record Access Regulations (con't)

- (b) Fees for the copying of tapes, photographs, or any other public record not subject to routine photocopying shall be the actual cost of reproduction. Specific arrangements must be worked out with the appropriate department of the Sussex County Government. Fees may also include appropriate hourly rates plus actual overhead for County employee time in obtaining and reproducing public records, beyond routine photocopying.

M 499 95 Adopt Public Record Access Regulations

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the Public Record Access Regulations and Public Record Access Form.

Motion Adopted: 5 Yea.

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

Proposed Rules of Procedure for Sussex County Council

Mr. Jones, Assistant County Attorney, distributed proposed "Rules of Procedure of the Sussex County Council of Sussex County, Delaware" for Council's review and consideration. Following a controversial Council meeting on August 1, 1995, it was discovered that Council has never formally adopted written rules of procedure. Following this discovery, Mr. Jones was asked to draft proposed rules of procedure for Sussex County Council. Council members were asked to thoroughly review the proposed "Rules of Procedure of the Sussex County Council of Sussex County, Delaware". Proposed changes should be submitted prior to December 25, 1995; an estimated date for adoption is January 2, 1996.

Administrator's Report

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

1. Cape Henlopen Community Partnership Grant

Sussex County has received an award from the Cape Henlopen School District in the amount of \$10,000 for a literacy program for the Milton Library. The funding will be used to help with the Family Literacy Program and to establish an After-School-Tutoring Program.

2. South Coastal Regional Wastewater Facility Compliance Inspection

The Department of Natural Resources, acting on behalf of the United States Environmental Protection Agency, conducted an inspection of the South Coastal Regional Wastewater Facility on October 11, 1995. The facility was evaluated as satisfactory in all areas. A 24-hour

Adminis-  
trator's  
Report  
(con't)

composite effluent sample had a BOD of 5.7 mg/l and a total suspended solids concentration of 3.0 mg/l. The discharge permit allows up to 23 mg/l maximum for both these parameters. Additional tests, including bacteria, ph, and chlorine residual, were within permit limitations.

The high quality of effluent and the satisfactory compliance inspections are a result of the teamwork of the Operations and Maintenance employees. The Sussex County Council should be proud of the facility and the staff. The wastewater operators of the facility are Rex Powell, Gary Hickman, Al Goepel, Jerry Gray, Charles Parsons, and Dennis Johnson.

A luncheon with the entire staff has been scheduled at the South Coastal Regional Wastewater Facility on Tuesday, November 28, 1995, immediately following the County Council meeting. The media is welcome to attend.

3. Holiday Schedule

There will not be a Sussex County Council meeting on Tuesday, November 21, 1995. As part of the Thanksgiving holiday schedule, County offices will be closed on Thursday, November 23, and Friday, November 24, 1995. The next regularly scheduled Council meeting will be held on Tuesday, November 28, 1995, at 10:00 a.m.

4. Sussex County Transportation Policy Advisory Committee Schedule Revision

The following meetings have been rescheduled:

Tuesday, November 14, 1995 - Theater Lobby, Delaware Technical & Community College, Georgetown, 3:30 p.m. to 6:00 p.m.

Thursday, November 16, 1995 - City Council Chambers, Seaford City Hall, located on King Street in Seaford, 3:30 p.m. to 6:00 p.m.

5. Sussex County Volunteer Firemen's Association Monthly Meeting

Laurel Fire Company will be hosting the Sussex County Volunteer Firemen's Association monthly meeting on Tuesday evening, November 28, 1995, at the Laurel Fire Hall starting at 7:00 p.m.

Laurel  
Central  
Water  
System

Mr. Izzo, Director of Public Works, provided Council with an update on the Laurel Central Water System, following which he discussed Change Order No. 2 and Substantial Completion.

M 500 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 2 for Sussex County Project No. 93-11 entitled "Central Water System for Sussex County Landfill No. 5 (Laurel)" be approved to extend the contract time by 69 days, and to balance bid quantities, which results in a credit of \$14,067.39 and decreases the contract total from \$311,675.00 to \$297,607.61.

Approve  
Change  
Order  
No. 2/  
Laurel  
Central  
Water  
System  
Contract

Motion Adopted: 5 Yea.

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

M 501 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department for Sussex County Project No. 93-11 entitled "Central Water System for Sussex County Landfill No. 5 (Laurel)", that Tidewater Utilities, Inc., be granted substantial completion effective September 18, 1995, and all held retainage be released pending completion of any outstanding punchlist items.

Grant  
Sub-  
stantial  
Com-  
pletion/  
Laurel  
Central  
Water  
System  
Contract

Motion Adopted: 5 Yea.

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

Ocean  
Ridge  
West

Mr. Green, Director of Utility Construction, discussed Beneficial Acceptance for the wastewater facilities constructed in Ocean Ridge West, Phase I, located in the Bethany Beach Sanitary Sewer District.

M 502 95 A Motion was made by Mr. Cole, 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 grant Beneficial Acceptance for the wastewater facilities constructed in Ocean Ridge West - Phase I, located in the Bethany Beach Sanitary Sewer District.

Grant  
Bene-  
ficial  
Accep-  
tance/  
Ocean  
Ridge  
West/  
Bethany  
Beach  
SSD

Motion Adopted: 5 Yea.

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

Bethany  
Marina

Mr. Green, Director of Utility Construction, discussed a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bethany Marina,

Bethany Marina (con't) Inc. for wastewater facilities to be constructed in Bethany Marina Townhouses, Phase II, located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

M 503 95 Execute Agreements/Bethany Marina Townhouses A Motion was by Mr. Cole, 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 Bethany Marina, Inc. for wastewater facilities to be constructed in Bethany Marina Townhouses, Phase II, located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Abstention.

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

West Rehoboth Mr. Green, Director of Utility Construction, discussed Change Order No. 2 to Contract C of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 504 95 Approve Change Order/West Rehoboth A Motion was made by Mr. Benson, seconded by Mr. Cole, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 2 for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract C, Design Areas 5 and 19, to Lisbon Contractors, Inc., in the amount of \$10,005.12, for the installation of two thirty inch ductile iron forty five degree bends to align existing manhole number sixty five, and existing pump station number two hundred and ten, with an unrevised substantial completion date of December 29, 1995, and increasing this contract amount to \$3,000,005.12. Sussex County Council's approval is contingent on the approval of the following agencies; Rural Economic and Community Development and Department of Natural Resources and Environmental Control.

Motion Adopted: 5 Yea.

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

M 505 95 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$250.00 from Mr. Stevenson's Councilmanic Account to the Miss Georgetown Scholarship Pageant for scholarship funds.

M 505 95 Motion Adopted: 5 Yea.  
(con't)

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

M 506 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
Council- give \$100.00 from Mr. Collins' Councilmanic Account to the  
manic Delmar Junior-Senior High School for the 3rd Annual Holiday  
Grant Card Show, a Delmar High School Band Fundraiser.

Motion Adopted: 5 Yea.

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

M 507 95 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
Council- to give \$100.00 from Mr. Dukes' Councilmanic Account to the  
manic Old Christ Church League for the maintenance and preservation  
Grant of Old Christ Church.

Motion Adopted: 5 Yea.

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

M 508 95 A Motion was made by Mr. Benson, seconded by Mr. Collins,  
Council- to give \$500.00 from Mr. Benson's Councilmanic Account to  
manic Milton Middle School for the purchase of ceiling fans.  
Grant

Motion Adopted: 5 Yea.

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

M 509 95 Following an update on weather conditions, a Motion was made  
Recess by Mr. Cole, seconded by Mr. Collins, 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 A Public Hearing was held on the Proposed Ordinance entitled  
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR  
(C/U MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY  
No. 1136) DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN  
PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED,  
SUSSEX COUNTY CONTAINING 7,500 SQUARE FEET, MORE OR LESS"  
(Conditional Use No. 1136) filed on behalf of Nicholas  
DelCampo and Mary Zimmerman. The Public Hearing was closed.

M 510 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to  
Adopt Adopt Ordinance No. 1064 entitled "AN ORDINANCE TO GRANT A  
Ordinance CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL  
No. 1064 DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO  
(C/U BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN  
No. 1136) LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 7,500  
SQUARE FEET, MORE OR LESS" (Conditional Use No. 1136) filed  
on behalf of Nicholas DelCampo and Mary Zimmerman, with the  
following stipulation:

1. The site plan shall be subject to final review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

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

Findings The Council found that the Conditional Use was appropriate  
of Fact legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will replace an existing single family residential structure, with a duplex or two-unit residential structure for occupancy by each of the applicants.
2. The applicant established by substantial evidence that the proposed use is consistent with the character of the neighborhood, since a mix of single family and multi-family residences exist and will have no adverse impact on property values, traffic or the environment in the area.
3. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public A Public Hearing was held on the Proposed Ordinance entitled  
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
(C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF MATERIALS  
No. 1137) AND EQUIPMENT FOR A MASONRY COMPANY TO BE LOCATED ON A CER-  
TAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,  
SUSSEX COUNTY, CONTAINING 3.6 ACRES (reduced by the applicant  
from 6.86 acres), MORE OR LESS" (Conditional Use No. 1137)  
filed on behalf of Lawrence McKinney. The Public Hearing  
was closed and action was deferred. Mr. Bayard, County  
Attorney, will meet with Mr. Rutt, Attorney for the Appli-  
cant, regarding whether the Conditional Use can be limited  
to the McKinneys and not go to future owners of the property.

Recess Mr. Dukes declared a five minute recess.

Reconvene Mr. Dukes called Council back into session.

Absence Mr. Stevenson was absent for the remainder of the meeting.

Public Hearing (C/Z No. 1266) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1/RPC AGRICULTURAL RESIDENTIAL/RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 60.00 ACRES, MORE OR LESS" (Change of Zone No. 1266) filed on behalf of R.D.M. Inc. The Public Hearing was closed.

M 511 95 Adopt Ordinance No. 1065 (C/Z No. 1266) A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1065 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN AR-1/RPC AGRICULTURAL RESIDENTIAL/RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 60.00 ACRES, MORE OR LESS" (Change of Zone No. 1266) filed on behalf of R.D.M. Inc., with the following stipulations:

1. The maximum number of units shall not exceed 130 single family detached dwellings.
2. Central water, including adequate fire protection as established by the State Fire Marshall, and sewer shall be provided.
3. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
4. The developer shall construct the entrance and off-site road improvements in accordance with requirements of the Department of Transportation.
5. The development will be made subject to a Covenant of Restrictions creating a Homeowners Association obligated to maintain and repair the roads, buffers, stormwater management improvements, ponds and recreational facilities.
6. A buffer area shall be created with a minimum of 40 feet along the eastern boundary of the property and 25 feet along the western boundary of the property.
7. The storage facility shall be limited to use by owners and their guests and shall not be available to the public.

M 511 95 Motion Adopted: 4 Yea, 1 Absent.  
(con't)

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

Findings of Fact The Council found that the Change of Zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that the proposed change of zone will serve an existing single family need in the coastal area and will meet the purposes and goals of the Comprehensive Land Use Plan.
2. The Change of Zone will cause no increase in diversity, no change of character with adjacent and nearby property as developed, and no adverse impact on traffic or the environment. Adequate provision for utilities and fire protection will be provided. Social and educational services and facilities have adequate capacity to serve this planned community.
3. The change of zone demonstrates the usefulness of the RPC classification and its value to residents and future residents of the County.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 512 95 Council- A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
manic give \$200.00 from Mr. Dukes' Councilmanic Account to the  
Grant Laurel Little League for improvements at the Clifford F. Lee  
Ball Park.

Motion Adopted: 4 Yea, 1 Absent.

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

M 513 95 Council- A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
manic give \$200.00 from Mr. Dukes' Councilmanic Account to the  
Grant Seaford Baseball Boosters Club for improvements to the  
Varsity Baseball Field.

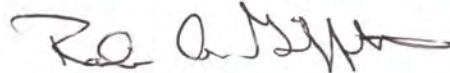
Motion Adopted: 4 Yea, 1 Absent.

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

November 14, 1995 - Page 11

M 514 95 A Motion was made by Mr. Benson, seconded by Mr. Collins, to  
Adjourn adjourn at 3:35 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the Council

## PUBLIC RECORD ACCESS REGULATIONS

1. Any citizen of Delaware may have access to public records for purposes of inspection and copying pursuant to the terms of these regulations and pursuant to Delaware's Freedom of Information Act (29 Del. C. Chapter 100).
2. Inspection and copying of public records may take place only during the regular business hours of 8:30 a.m. to 4:30 p.m., Monday through Friday.
3. Requests shall be in writing on the appropriate form.
4. The County reserves the right to refuse access to any records which do not constitute "public records" under 29 Del. C. Sec. 10002.
5. Public records which are in active use or in storage will be provided as promptly as possible.
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  - (a) \$.30 per page for documents (minimum charge \$1.00).
  - (b) Fees for the copying of tapes, photographs, or any other public record not subject to routine photocopying shall be the actual cost of reproduction. Specific arrangements must be worked out with the appropriate department of the Sussex County Government. Fees may also include appropriate hourly rates plus actual overhead for County employee time in obtaining and reproducing public records, beyond routine photocopying.

PUBLIC RECORD ACCESS FORM

Name of Requestor:

Address of Requestor:

Telephone:

Organization Represented:

Date of Request:

Items Requested

1.

2.

3.

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(For County Use Only)

Date access granted:

If records not available, appointment date:

Copying charges:

Employee Name: