

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 22, 1994

Call to Order     The regular meeting of the Sussex County Council was held Tuesday, November 22, 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.

Minutes     Approval of the minutes of November 15, 1994, was tabled.

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

DAVID LAYTON, CO-CHAIR, DOWNTOWN SEAFORD ASSOCIATION'S CHRISTMAS TREE COMMITTEE, SEAFORD, DELAWARE.  
RE: Invitation to Council to attend "Carolling at Seaford's Gateway Park" on November 30, 1994, at 7:00 p.m.

WILLIAM J. WELLS, CHAIRMAN, NEIGHBORHOOD WATCH COMMITTEE, BEAVER DAM HEIGHTS, SEAFORD, DELAWARE.  
RE: Letter requesting Council to proceed with the installation of street lights in Beaver Dam Heights.

LUCY M. O'DONNELL, SENIOR VICE PRESIDENT, JUNIOR ACHIEVEMENT OF DELAWARE, INC., DOVER, DELAWARE.  
RE: Letter requesting Councilmanic Funds to supplement the \$1,000.00 Human Service Grant recently awarded by Council.

THE HONORABLE GEORGE H. BUNTING, JR., REPRESENTATIVE OF THE STATE OF DELAWARE, DOVER, DELAWARE.  
RE: Letter of appreciation for Council's participation in the Sussex County Strong Community Summit.

DONALD C. TAYLOR, AMERICAN RED CROSS, WILMINGTON, DELAWARE.  
RE: Letter requesting a financial contribution to the Holiday Fund.

JUDI TULAK, DELAWARE HOSPICE, GEORGETOWN, DELAWARE.  
RE: Letter requesting a financial contribution.

DELAWARE HOSPICE, GEORGETOWN, DELAWARE.  
RE: Winter 1994 edition of the newsletter entitled "Communicator".

Agenda     The agenda item entitled "Old Business: Conditional Use No.  
Item     1092, John Darlington" was tabled until November 29, 1994,  
Tabled     to allow time for Council to review the proposed Findings of  
Fact submitted by the Applicant and the Opposition.

Present- Mr. Esposito, Director of Division of Water Resources, Department  
ation of Natural Resources and Environmental Control, was in attendance  
of Check to present Council with a check in the amount of \$118,628.00 to  
from DNREC provide funding to the Long Neck Sanitary Sewer District. The  
for the funds will be used to keep future increased costs to a minimum.  
Long Neck The Long Neck Sanitary Sewer District was one of the last dis-  
SSD tricts eligible for State and Federal grant money. The grant  
program is no longer in existence and leftover grant money is  
being disbursed for supplemental grants.

Federal Mr. Stickels, County Administrator, advised that the Sussex  
Literacy County Department of Libraries, has prepared an application  
Grant for federal assistance for Project READS in the amount of  
\$16,220.00. The total cost of Project READS for FY '95 is  
\$83,170.00; the County will supplement the funding in the  
amount of \$66,950.00.

M 479 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,  
Authorize that the Sussex County Council authorizes the Sussex County  
Federal Administrator to apply for a Federal Literacy Grant in the  
Literacy amount of \$16,220.00 to be leveraged with County Council  
Grant funding of \$66,950.00 for the Sussex County Department of  
Applica- Libraries Project READS.  
tion

Motion Adopted: 5 Yea.

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

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

1. County Government Closings

County government will be closed Thursday, November 24, 1994, and Friday, November 25, 1994, in observance of the Thanksgiving holiday. Offices will reopen on Monday, November 28, 1994, at 8:30 a.m.

2. County Council Meeting

The Sussex County Council will meet in Councilmanic District 2 on Tuesday, December 13, 1994. The meeting will take place at the Woodbridge Elementary School located in Greenwood on Route 13. The meeting will start at 10:00 a.m. in the school's auditorium.

This meeting is the second in a series to allow the County Council to become more accessible and familiar with local issues. Sufficient time will be allotted at the end of the meeting for the public to discuss issues that are pertinent to the western side of the County.

Adminis-  
trator's  
Report  
(con't)

3. Troop 4 Status Report - Month of October

Included with this report are the hours of duty and enforcement compiled by the uniformed officers of State Police Troop 4, Georgetown, Delaware, during the month of October. A total of 498 complaints were handled. Those complaints included 21 DUI arrests and 17 felony arrests. Since July 1, 1994, 96 persons have been arrested for DUI and 54 felons have also been arrested.

4. Water Utility Public Notice

Mr. Stickels has been notified that the Town of Selbyville has applied for a Certificate of Public Convenience and Necessity to provide public water service to seven properties presently located outside of the Town limits. The properties are owned by the Delaware State Housing Authority and are located on County Road 60, northwest of the Town limits. Mr. Stickels knows of no reason why the County Council should oppose this request.

The Department of Natural Resources will not hold a hearing unless valid reasons are stated why one should be held. Anyone requesting a hearing should contact Al Farling, DNREC Division of Water Resources, 89 Kings Highway, P. O. Box 1401, Dover, Delaware 19903, within fifteen days from November 27, 1994.

New  
Sussex  
County  
Map and  
Visitor's  
Guide

Mr. Calio, Director, Sussex County Economic Development, and Ms. Pettyjohn of the Sussex County Economic Development Office presented Council with a copy of the new Sussex County Map and Visitor's Guide. The revised map was produced in-house by Ms. Pettyjohn and Mr. Masten in conjunction with the State of Delaware, Department of Transportation Mapping Division. The new maps will be distributed to towns and Chambers of Commerce throughout the County as well as the State Tourism Office in Dover. Maps may also be obtained by stopping by the Sussex County Economic Development Office.

Public  
Meeting  
for the  
Proposed  
South  
Ocean  
View  
SSD and  
Study  
Area

Mr. Archut, Director of Planning and Permits, reported on the Public Meeting held on November 5, 1994, for the Proposed South Ocean View Sanitary Sewer District and Study Area. The major concern expressed by those in attendance was the proposed cost of the system. The record was left open until November 18, 1994, for comments, with the reservation that the record would be left open longer if numerous comments were being received around the time of the deadline date. As of the deadline date, sixty-six letters had been received; six additional letters were received on November 21, 1994. Of the sixty-six letters, eleven were in support of continuing the proposal; of the six letters received, half of them were in support

Public Meeting (con't) of continuing the proposal. Petitions were submitted by residents of Ocean Air Park and Plantation Park in opposition to the proposal. Most of the letters received expressed concerns regarding costs and long term effects of a sewer system. No action was taken and the project was tabled for a while.

West Rehoboth Change Order Mr. Stickels, County Administrator, discussed Change Order No. 7, in the amount of \$71,556.00, to the Design/Build Contract for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 480 94 Authorize Change Order No. 7 Design/Build Contract West Rehoboth A Motion was made by Mr. Collins, seconded by Mr. Stevenson, based on the recommendation of the Consulting Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that Sussex County Council authorizes Change Order No. 7, to George & Lynch, Inc., in the amount of \$71,556.00, bringing the revised total contract amount to \$15,751,381.00, with an unrevised substantial completion date of October 16, 1995, contingent on the approval of the Farmers Home Administration. Motion Adopted: 5 Yea.

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

Cedar Landing Mr. Stickels, County Administrator, discussed Conditional Acceptance for Wastewater Pumping Station No. 48 in Cedar Landing, located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District.

M 481 94 Grant Conditional Acceptance Cedar Landing A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Inspection Engineer, Sussex County Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Conditional Acceptance for Wastewater Pumping Station No. 48 in Cedar Landing, located in the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District. 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 General Obligation Bonds 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 WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Public  
Hearing  
(con't)

Mr. Baker, Finance Director, advised that the maximum aggregate principal amount of the negotiable obligations will not exceed \$39,223,000. The Bonds will be sold in a private negotiated sale to the United States of America, Farmers Home Administration, Department of Agriculture and/or Rural Development Administration upon such terms and conditions as the County Administrator shall determine shall be in the best interests of the County. The maturity of the Bonds will not exceed forty years. The Public Hearing was closed.

M 482 94  
Adopt  
Ordinance  
No. 991  
General  
Obliga-  
tion  
Bonds

A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt Ordinance No. 991 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 WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT; AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH".

Motion Adopted: 5 Yea.

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

Walker  
Mill  
Trailer  
Park &  
Place-  
ment  
Permit  
Morator-  
ium

Mr. Izzo, Director of Public Works, and Ms. Deptula of the Public Works Department, advised Council that on November 3, 1994, Walker Mill Trailer Park was connected to a supply of potable drinking water. The supply has sufficient capacity for the ultimate development of the Park. Mr. Izzo recommended that the moratorium which was put into effect on September 22, 1987, and amended on May 30, 1989, be lifted. The moratorium limited the number of placement permits at Walker Mill Trailer Park.

M 483 94  
Lift  
Morator-  
ium on  
Place-  
ment  
Permits  
in  
Walker  
Mill  
Trailer  
Park

A Motion was made by Mr. Cole, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that the moratorium to limit the number of placement permits at Walker Mill Trailer Park, which was put into effect on September 22, 1987, and was subsequently amended on May 30, 1989, be lifted since a supply of potable drinking water having sufficient capacity for the ultimate development of the park has been put into service.

Motion Adopted: 5 Yea.

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

M 484 94 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$750.00, \$150.00 from each Councilmanic Account, to the Skateworld Artistic Parents Club for costs associated with the 1995 Skateworld Winter Invitational to be held January 14, 15, and 16, 1995.

Motion Adopted: 5 Yea.

Motion Adopted: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

M 485 94 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Collins, to give \$500.00 from Mr. Dukes' Councilmanic Account to the Seaford Historical Society for restoration efforts associated with the Ross Plantation.

Motion Adopted: 5 Yea.

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

Resignation from Planning & Zoning Commission Mr. Dukes advised Council that Margaret Monaco has tendered her resignation from the Planning and Zoning Commission effective January 1, 1995. Ms. Monaco's term would have expired in June, 1995. Mr. Dukes recommended that Robert C. Wheatley be appointed to serve on the Planning and Zoning Commission for the expiration of Ms. Monaco's term, until June, 1995.

M 486 94 Appointment to Planning & Zoning Commission A Motion was made by Mr. Collins, seconded by Mr. Benson, to appoint Robert C. Wheatley to the Planning and Zoning Commission to serve for the expiration of Ms. Monaco's term, until June, 1995.

Motion Adopted: 5 Yea.

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

M 487 94 Authorize Executive Session A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council authorizes an Executive Session to be held on Tuesday, November 29, 1994, at 9:00 a.m. in the Sussex County Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing land acquisition and pending litigation.

Motion Adopted: 5 Yea.

M 487 94 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Request Mr. Stickels, County Administrator, discussed a request  
for submitted by Junior Achievement of Delaware, Inc. that  
Funding Council consider allocating additional funds from Council-  
manic Grants to supplement the \$1,000 Human Service Grant  
recently awarded. It was the consensus of Council not to  
allocate additional funds due to the fact that a precedent  
would be set.

Proposed Mr. Benson introduced a Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE REPAIR  
AND TOWING SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF  
LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX  
COUNTY, CONTAINING 2.65 ACRES, MORE OR LESS" (Conditional  
Use No. 1097) filed on behalf of Charles P. Moore. The  
Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Dukes introduced a Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT FOR TRUCK TRACTOR AND  
TRAILER STORAGE AND REPAIR TO BE LOCATED ON A CERTAIN PARCEL  
OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY,  
CONTAINING 7.12 ACRES, MORE OR LESS" (Conditional Use No.  
1099) filed on behalf of Albert Delio, Jr. The Proposed  
Ordinance will be advertised for Public Hearing.

Proposed Mr. Benson introduced a Proposed Ordinance entitled "AN  
Ordinance 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 LEWES AND REHOBOTH HUNDRED, SUSSEX  
COUNTY, CONTAINING 2.65 ACRES, MORE OR LESS" (Change of Zone  
No. 1248) filed on behalf of Charles P. Moore. The Proposed  
Ordinance will be advertised for Public Hearing.

M 488 94 At 11:40 a.m., a Motion was made by Mr. Collins, seconded by  
Recess 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 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 AND GR GENERAL RESIDENTIAL  
No. 1093) DISTRICT FOR AN EXPANSION OF CONDITIONAL USE NO. 1019 TO  
PERMIT AUTOMOTIVE SALES AND MAINTENANCE TO BE LOCATED ON A

Public Hearing (con't) CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS" (Conditional Use No. 1093) filed on behalf of Earl and Lillian Holden. The Public Hearing was closed.

M 489 94 Adopt Ordinance No. 992 (C/U No. 1093) A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Ordinance No. 992 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF CONDITIONAL USE NO. 1019 TO PERMIT AUTOMOTIVE SALES AND MAINTENANCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS" (Conditional Use No. 1093) filed on behalf of Earl and Lillian Holden, with the following conditions:

1. All stipulations of Conditional Use No. 1019 shall continue.
2. No more than ten cars shall be permitted on site.
3. At night, the cars shall be moved to the rear of the site.
4. No additional lighting shall be permitted.

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. The County Council found that the requested conditional use is in accordance with the Comprehensive Development Plan, and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council found that the proposed conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

Public Hearing (C/Z No. 1243) 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 AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.8197 ACRES, MORE OR LESS" (Change of Zone No. 1243) filed on behalf of New Process Fiber Co., Inc. The Public Hearing was closed.

M 490 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,  
Adopt to Adopt Ordinance No. 993 entitled "AN ORDINANCE TO AMEND  
Ordinance THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM  
No. 993 DENSITY RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDEN-  
(C/Z TIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN  
No. 1243) PARCEL OF LAND LYING AND BEING IN NORTHEAST FORK HUNDRED, SUSSEX  
COUNTY, CONTAINING 2.8197 ACRES, MORE OR LESS" (Change of Zone  
No. 1243) filed on behalf of New Process Fiber Co., Inc.

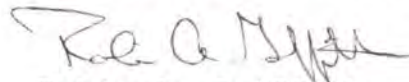
Motion Adopted: 5 Yea.

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. The  
County Council found that the requested conditional use is in  
accordance with the Comprehensive Development Plan, and pro-  
motes the health, safety, morals, convenience, order, pros-  
perity and welfare of the present and future inhabitants of  
Sussex County.

M 491 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Adjourn adjourn at 1:52 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council