

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-NOVEMBER 27, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, November 27, 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 518 90
Approve
Minutes

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, 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:

AIR RESOURCES SECTION, DIVISION OF AIR AND WASTE MANAGEMENT, DNREC, DOVER
RE: Public Notice of applications filed with their department.

JIM BENNETT, PRESIDENT, DELAWARE FORESTRY ASSOCIATION, DOVER
RE: Comments concerning the Proposed Ordinance relating to buffer zones.

EUGENE H. BAYARD, WILSON, HALBROOK & BAYARD, GEORGETOWN
RE: Providing County Council with information on behalf of his client, Intervet. Information provided included the following: (a) a copy of the letter from the County Planning and Zoning Director advising that the Comprehensive Zoning Ordinance permits a research facility to be operated on their parcel located on Route 421; (b) a site plan for the entire property demonstrating that only a small fraction of the property is being used; (c) a copy of Intervet's application to DNREC to register the incinerator; and (d) a copy of a letter from the Division of Public Health confirming that no permit is required from that agency.

Intervet
Issues

The Intervet issues were discussed again; namely, the research clinic being operated by Intervet in an Agricultural Residential area, and the use of an incinerator on the premises.

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Intervet
Issues
(Con't.)

Mr. Jones, Acting County Attorney, advised Council that the decision made by the Director of Planning and Zoning on June 28, 1988 to allow the operation of a research clinic in an Agricultural Residential District, as requested by Intervet, was in accordance with the Comprehensive Zoning Ordinance. The Ordinance states that on a farm of five (5) acres or more, a building may be used for a hospital or clinic for large or small animals; provided that all buildings, structures, pens, or open kennels shall be located at least two hundred feet (200') from any lot lines. Mr. Jones, Acting County Attorney, further advised that it was not within Council's jurisdiction to request that Intervet file a Conditional Use application for the site and would be an unsound move legally; additionally, Council's only recourse at this juncture is to request that the premises be monitored for possible violations.

Mr. Stickels, County Administrator, at the request of the majority of the Council members, will ask officials from Intervet to discuss the intended uses for the research clinic at next week's Council meeting.

TR4-90
Bids

Mr. Stickels, County Administrator, reported that the bids received November 20, 1990 for TR4-90 Transfer Station No. 4, near Anderson Crossroads, have been reviewed and all bids were found to be in order.

M 519 90
TR4-90
Execute
Contract
with
White
Line,
Inc.

A Motion was made Mr. Cole, seconded by Mr. Benson, to authorize the execution of Contract No. TR4-90 for the operation and maintenance of Sussex County Transfer Station No. 4, near Anderson Crossroads, to White Line, Inc., the low bidder, for the sum of \$37,008.00 per year, for the period January 30, 1991 to January 29, 1994. Motion Adopted: 5 Yea.

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

Proposed
Lease -
Sussex
Aero
Mainten-
ance,
Inc.

Mr. Stickels, County Administrator, reviewed a Proposed Lease for Sussex Aero Maintenance, Inc. Mr. Nase, President, Sussex Aero Maintenance, Inc., asked for an expansion of their original lease, executed in 1981, and was present for the discussion. The initial term of the lease, renewal options, rental rates, obligations of lessor and lessee, and other aspects of the proposal were discussed.

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M 520 90
Execute
Lease
Sussex
Aero
Mainten-
ance,
Inc.

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to execute the Lease and Operating Agreement to Establish and Operate A General Aviation Support Service Facility for Sussex County Airport, Georgetown, Delaware between Sussex County, Lessor, and Sussex Aero Maintenance, Inc., Lessee. Motion Adopted: 4 Yea; 1 Abstention.

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

Agenda
Change

Resort Furnishings Wastewater Request was stricken from the Agenda for today's meeting, allowing additional time for the Engineering Department to obtain information.

Variable
Rate
General
Obliga-
tion
Bonds

Mr. Jay Gefaell, Managing Director, R. W. Corby & Company, Inc., discussed financing alternatives available for Sussex County; namely, variable rate general obligation bonds. Presently, Sussex County funds certain capital needs through interim borrowings under a line of credit from a commercial bank and pays off the line of credit with long-term fixed-rate bond proceeds. The Revenue Reconciliation Act of 1989 liberalized the arbitrage rebate requirements imposed by the Tax Reform Act of 1986, thus making it possible for the County to take full advantage of arbitrage rebate exceptions permitted, and issue tax-exempt variable rate bonds and draw down funds every six months over a two-year period. Such a structure permits all investment earnings to be retained by the County, thus lowering the County's overall costs. The tax-exempt variable rate bonds can be redeemed at the end of the two-year period with the proceeds of long-term fixed rate bonds. Mr. Gefaell recommended replacing the bank line of credit with a floating bond; creating maximum financing flexibility and savings for the County.

The Finance Director was asked for his recommendation on the issue. Additional time to study the issue was requested. The Director of Accounting was in agreement with Mr. Gefaell, and believes that once details are worked out it would be the most cost effective way for the County to proceed with financing. The Finance Director will study materials, furnished by R. W. Corby & Company, Inc. Once a recommendation is made, the Council will consider the introduction of a Proposed Ordinance to be advertised for Public Hearing.

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Variable
Rate
General
Obliga-
tion
Bonds -
George-
town

Mr. Gefaell, explained another option the County could undertake by using variable rate general obligation bonds. This option, if undertaken, would involve issuing Ten Million Dollars (\$10,000,000) in variable rate general obligation bonds for the Town of Georgetown. The Mayor of Georgetown and Town Manager were present and discussed the town's financial needs. This bond issue would require the County to pledge their full faith and credit for payment for the two-year period. If Georgetown defaulted on thier obligation for the bond, the County would assume ownership of the Georgetown Sewer and Water Facilities at the completion of the two-year period. The Finance Director was asked for an opinion on the option. He raised the question of the benefits as opposed to the risks of the venture. The Finance Director will make a recommendation after additional study.

Adminis-
trator's
Report

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

1. 'Recycle Delaware' Center - The Delaware Solid Waste Authority will be holding a ceremony on Wednesday, November 28, 1990 at 11:00 a.m. for the first 'Recycle Delaware' Center in the State of Delaware. The ceremony will take place at the Southern Solid Waste Management Center located near Jones Crossroads off Route 20 near Millsboro.
2. Sussex County Volunteer Firemen's Association Monthly Dinner Meeting - The meeting is being held Tuesday evening, November 27, 1990 at the Seaford Fire Company, Seaford.
3. State of Delaware Funding for Libraries - Notification has been received that the State will be reducing its aid to Sussex County libraries by 11.3%, making a total reduction of \$5,308.00. This reduced aid will affect the budgets for the libraries located in Bethany Beach, Greenwood and Milton, as well as the bookmobile and library administration.
4. Needy Family Book Drive - The fifteen (15) public libraries in the County are accepting donations of children's and teen books in good condition. Books would then be distributed to needy families. Books for the Christmas distribution need to be taken to the libraries by December 15th, however, donations will be accepted at any time.

November 27, 1990

Adminis-
trator's
Report
(Con't.)

5. Change in Meeting Times - Starting January, 1991, the Planning and Zoning Commission will begin meeting at 7:30 p.m.; previously, the Commission has met at 7:45 p.m. The Board of Adjustment will start meeting at 7:00 p.m.; previously, the Board has met at 8:00 p.m.
6. Mildred King Memorial Luncheon - On Tuesday, December 4, 1990, Sussex County offices will be closed from 11:45 a.m. until 1:15 p.m. allowing employees time to attend the Mildred King Memorial Luncheon being held at Jones Hall, Wesley Church, Race Street, Georgetown.
7. North American Housing Letter - Mr. R. Carl Benna, President, North American Housing, has asked to purchase the building they are presently leasing at the Industrial Park. Their lease allows them the option to purchase the building for \$200,000. They also have the right to agree to lease the land for forty-five (45) years, with an additional forty-five (45) year renewal period, at a rate of \$200.00 per acre per year.

C/Z #1067 Change of Zone No. 1067 was discussed. Public Hearing was held June 12, 1990 and action was deferred.

M 521 90
Adopt
Ordinance
No. 735
C/Z #
1067

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to Adopt Ordinance No. 735 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.14 ACRES, MORE OR LESS" (C/Z #1067) filed on behalf of Joseph Wayne Melvin. 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 #
1067

The findings of facts and 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 the proposed land use promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council found that there are other commercial activities in the area.

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C/Z # 1069 Change of Zone No. 1069 was discussed. Public Hearing was held on June 12, 1990 and action was deferred.

M 522 90 Adopt Ordinance No. 736 C/Z # 1069 A Motion was made by Mr. Mariner, seconded by Mr. Stevenson, to Adopt Ordinance No. 736 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL 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 9.8 ACRES, MORE OR LESS" (C/Z #1069) filed on behalf of David A. Shevock. Motion Adopted: 3 Yea; 2 Nay.

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

Findings of Facts C/Z # 1069 The findings of facts and 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 a change of zone was appropriate legislative action and promoted the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council reviewed evidence submitted at both the Planning and Zoning Commission hearing and the County Council hearing. The Council approved the requested change of zone, citing the presence of a C-1 parcel adjacent to the applicant's parcel. Council also specifically referenced the findings made by the Planning and Zoning Commission.

M 523 90 Councilmanic Grant A Motion was made by Mr. Mariner, seconded by Mr. Cole, to give \$300.00, \$60.00 from each of the five (5) Councilmanic Accounts, to the Town of Georgetown to help with expenses for Carolling on the Circle. Motion Adopted: 5 Yea.

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

Recess President Stevenson declared a recess at 12:10 p.m. until 1:30 p.m.

Reconvene President Stevenson called the Council back into session at 1:30 p.m.

November 27, 1990

Public
Hearing
C/Z #
1096

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 18.60 ACRES, MORE OR LESS" (C/Z #1096) filed on behalf of W. Nelson Hall. The Public Hearing was closed and action was deferred.

Public
Hearing
C/Z #
1097

A Public Hearing was held on 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 Public Hearing was closed and action was deferred.

M 524 90
Recess

A Motion was made by Mr. Cole, seconded by Mr. Benson, at 3:20 p.m. to recess for ten (10) minutes. Motion Adopted by Voice Vote.

Reconvene

President Stevenson called the Council back into session at 3:30 p.m.

Public
Hearing
C/Z #
1098

A Public Hearing was held on 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 Public Hearing was closed.

M 525 90
Adopt
Ordinance
No. 737
C/Z #
1098

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to Adopt Ordinance No. 737 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. Motion Adopted: 5 Yea.

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M 525 90
(Con't.)

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

Findings
of Facts
C/Z #
1098

The findings of facts and 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 the proposed change of zone was appropriate legislative action based on its findings that the proposed land use promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council specifically referenced the fact that the applicant's parcel and an adjacent parcel are the only two remaining parcels along a long section of Route 1 which are not zoned C-1 Commercial.

Public
Hearing
C/U #
954

A Public Hearing was held on 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.

M 526 90
TAC
Review
Request -
Died

A Motion was made by Mr. Cole that the Technical Advisory Committee be asked to review Conditional Use No. 954, and that the record be held open for their comments.

Councilman Stevenson requested that the above Motion be amended to allow two (2) weeks for comments from the Technical Advisory Committee after their December 17, 1990 meeting.

The Motion died for lack of a second.

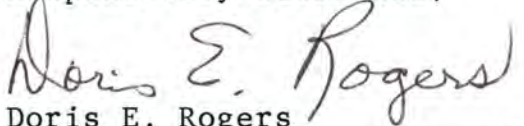
C/U #
954
Hearing
Closed

The Public Hearing for Conditional Use No. 954 was closed and action deferred.

M 527 90
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to adjourn at 6:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,


Doris E. Rogers
Clerk of the County Council