

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 29, 1994

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, November 29, 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.

M 492 94      A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Approve Minutes      approve the minutes of the meeting dated November 15, 1994. Motion Adopted by Voice Vote.

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

MIT CATHELL, GEORGETOWN, DELAWARE.

RE: Letter soliciting funds for repairs made to the fountain on The Circle in Georgetown for the Return Day festivities.

Proposed      Mr. Stickels, County Administrator, introduced Mrs. Rosemary Procla-      Betts, Delaware's Mother of the Year. Mrs. Betts shared with mation      Council her experiences as "Mother of the Year". Mr. Stickels read in its entirety a Proposed Proclamation entitled "PROCLAIMING DECEMBER AS A MONTH TO HONOR FAMILIES IN SUSSEX COUNTY".

M 493 94      A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Procla-      Adopt the Proclamation entitled "PROCLAIMING DECEMBER AS A mation      MONTH TO HONOR FAMILIES IN SUSSEX COUNTY".

Motion Adopted: 5 Yea.

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

Fire      Mr. Reese, Chairman of Fire Prevention, Seaford Fire Department, Protec-      was present to discuss a Fire Protection Program that the Seaford tion      Fire Department is sponsoring. A segment of a video was shown Program      demonstrating a portion of the fire safety education program geared towards pre-school children.

Community Development Block Grant Mr. Stickels, County Administrator, discussed the Sussex County Community Development and Housing Division's participation in State and Federally funded programs. The Division has targeted one hundred houses for rehabilitation in FY '95 leaving approximately five hundred applicants on the waiting list. The County encourages the Delaware State Housing Authority to continue supporting housing rehabilitation as the number one priority for Community Development Block Grant funding exclusively for local governments in Kent and Sussex County.

M 494 94 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Resolution No. R 028 94 entitled "RESOLUTION REQUESTING THE DELAWARE STATE HOUSING AUTHORITY TO CONTINUE TO FUND KENT AND SUSSEX COUNTY LOCAL GOVERNMENTS".

No.  
R 028 94 Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; 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. Mildred King Memorial Luncheon

County offices will be closed on Tuesday, December 6, 1994, from 11:45 a.m. to 1:15 p.m. to allow the employees to attend the Mildred King Memorial Luncheon to be held at Jones Hall, Wesley United Methodist Church, Georgetown.

2. West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

On Monday, November 28, 1994, bids were opened for West Rehoboth Bid Package "E". This is a construction contract for fourteen lift and pump stations. The results of the Bid Opening are as follows:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Teal Construction Dover, Delaware	\$1,636,275.00
Marques Construction Newfoundland, New Jersey	\$1,779,030.95
Kuhn Construction Hockessin, Delaware	\$1,808,605.00

Adminis-  
trator's  
Report  
(con't)

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Lisbon Contractors Danboro, Pennsylvania	\$1,852,700.00
MGK Industries Devault, Pennsylvania	\$1,886,125.00
L. A. Merrell Hartly, Delaware	\$1,914,000.00
Dugan Construction Moorestown, New Jersey	\$2,479,400.00

The apparent low bidder is Teal Construction at \$1,636,275.00. The engineer's estimate for this contract was \$2,240,000.00.

The bids are currently being reviewed and a recommendation will be submitted to Council on December 13, 1994.

Fore-  
sight  
2000  
Computer  
System

Mr. Green, Recorder of Deeds, and Ms. Harrington, Deputy Recorder of Deeds, advised Council of an ongoing project in their Department. The Foresight 2000 Computer System is a computer records keeping system that accurately records, securely stores and instantly retrieves documents such as deeds, mortgages and Certificates of Incorporation. To date, the following records have been stored in the system: deeds back to the year 1953; mortgages back to the year 1968; and Certificates of Incorporation back to the year 1899. Benefits of the system include time savings, reduced work force, and efficiency.

Shady  
Park -  
Fenwick  
Island  
SSD

Mr. Green, Director of Utility Construction, discussed Construction Administration and Construction Inspection Agreements between Sussex County Council and Shady Park, Inc. for Shady Park, Phase III, Section II B, located in the Fenwick Island Sanitary Sewer District.

M 495 94  
Execute  
Agree-  
ments  
with  
Shady  
Park,  
Inc.

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the President of the Sussex County Council execute an Agreement between Sussex County Council and Shady Park, Inc. for Construction Administration and Construction Inspection Services for wastewater facilities to be constructed in Shady Park, Phase III, Section II B, located in the Fenwick Island 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

Old Business C/U No. 1092 Conditional Use No. 1092 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING (3 UNITS) AND AN OFFICE FOR TOW TRUCKING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.7 SQUARE FEET, MORE OR LESS" filed on behalf of John Darlington was discussed. A Public Hearing was held on this Application on November 1, 1994, at which time the Public Hearing was closed and action was deferred to allow time for the Applicant and the Opposition to submit proposed findings of fact.

M 496 94 Adopt Ordinance No. 994 (C/U No. 1092) A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 994, as amended, entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.7 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1092) filed on behalf of John Darlington, with the following conditions:

1. The property shall be inspected by DNREC to ensure compliance with DNREC regulations relating to septic systems.
2. No vehicles shall be stored on the premises (this does not apply to the operational, personal vehicles utilized on a daily basis by residents of the two dwelling apartments).
3. The property shall be limited to one home occupation, to be reviewed by the Director of Planning and Zoning to ensure compliance with applicable provisions of the Zoning Code.

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 reviewed Proposed Findings of Fact which were submitted by the applicant and by Richard H. Anthony, who had appeared in opposition to the application. The Council noted that the applicant had previously amended his application to request a conditional use which would permit two (2) residential dwelling units rather than three (3), and an office for a tow trucking business.

Findings  
of Fact  
(con't)

The Council approved a conditional use which would allow the applicant two (2) residential dwelling units only, with conditions. In denying the request for a conditional use which would allow an office for a tow trucking business, the Council recognized that a home occupation, as that term is used in the Zoning Code, would allow limited use of a residential dwelling for office purposes.

The County Council specifically adopted the applicant's proposed findings with respect to the two residential dwelling units, finding that the property, which is located on the northeast side of Route One, across from Route Five, has a history of use as a two unit dwelling. The Council found that evidence was submitted by the applicant that the property was purchased by the applicant in July, 1994, and that the listing sheet for the sale of the property identified the property as having two dwelling units. The Council found that evidence was admitted that prior to the property being used as a two dwelling unit, the building housed a restaurant and/or convenience store and a dwelling apartment.

The Council also found that the applicant provided testimony in the form of an affidavit from his contractor and testimony from the real estate agent who sold the property to the applicant that there were two separate dwelling units, both with kitchens, bathrooms and separate entrances.

The Council found that, due to the pre-existing two unit multi-family nature of the structure, it is appropriate to grant a Conditional Use for two multi-family dwelling apartments as they presently exist. The Council also found that the proposed property use is not out of character with surrounding and nearby uses, and would not negatively affect surrounding and nearby properties.

The County Council found that the 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 use is for the general convenience and welfare of the inhabitants of Sussex County.

Milton  
Fire  
Depart-  
ment

Mr. Harold Salmons, representing the Milton Fire Department, Inc., was present to discuss the issuance of certain bonds by the Fire Company, in the maximum aggregate principal amount not to exceed \$350,000, the proceeds of which will be used to pay a portion of the costs of a new ladder fire truck and to pay a portion of the costs of issuing the Bonds. It is the

Milton  
Fire  
Depart-  
ment  
(con't)

intent of the Fire Company that the interest on the Bonds qualify for exclusion from gross income of the owners thereof for federal income tax purposes. To exclude the interest portion of its payments from gross income, several requirements must be met in accordance with the Internal Revenue Code. One of the requirements is that the issuance of the Bonds be approved by the applicable elected representative of a governmental unit (Sussex County Council). In addition, the Fire Company must qualify as a "qualified volunteer fire department" under Code Section 150(e).

M 497 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
Adopt Adopt Resolution No. R 029 94 entitled "RESOLUTION APPROVING A  
Resolu- WRITTEN AGREEMENT FOR FIREFIGHTING SERVICES WITH THE MILTON  
tion No. FIRE DEPARTMENT, INC."  
R 029 94

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

A Public Hearing was held on the Proposed Resolution entitled "RESOLUTION APPROVING THE ISSUANCE OF UP TO \$350,000 OF BONDS BY MILTON FIRE DEPARTMENT, INC." The Public Hearing was closed.

M 498 94 A Motion was made by Mr. Collins, seconded by Mr. Cole, to  
Adopt Adopt Resolution No. R 030 94 entitled "RESOLUTION APPROVING  
Resolu- THE ISSUANCE OF UP TO \$350,000 OF BONDS BY MILTON FIRE DEPART-  
tion No. MENT, INC."  
R 029 94

Motion Adopted: 5 Yea.

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

M 499 94 A Motion was made by Mr. Collins, seconded by Mr. Cole, to give  
Council- \$500.00, \$100.00 from each Councilmanic Account, to the George-  
manic town Town Council to contribute to the costs associated with  
Grant the repair of the fountain on The Circle in Georgetown.

Motion Adopted: 5 Yea.

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

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M 500 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, to give  
Council- \$300.00, \$150.00 each from Mr. Cole's and Mr. Collins' Council-  
manic Accounts, to the Indian River High School Football Boosters  
Grant to help fund the purchase of football equipment.

Motion Adopted: 5 Yea.

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

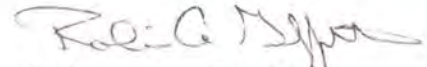
M 501 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
Council- give \$200.00 from Mr. Dukes' Councilmanic Account to Laurel  
manic Pop Warner for the purchase of jackets for football players  
Grant and cheerleaders.

Motion Adopted: 5 Yea.

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

M 502 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
Adjourn adjourn at 11:30 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council