

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 3, 1996

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 3, 1996, at 10:00 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following 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.

New Facility Mr. Dukes announced that this was the first meeting to be held in the County's new facility, the Sussex County Administrative Office Building.

M 506 96 Amend and Adopt Agenda A Motion was made by Mr. Collins, seconded by Mr. Benson, to Amend the Agenda to include the agenda item "Bethany Marina - Beneficial Acceptance"; to permit Mr. Michael Izzo and Mr. Tom Baker to present agenda items listed under Mr. Robert Green; and to Adopt the Agenda, as amended.

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 96 Approve Minutes A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting dated November 19, 1996. Motion Adopted by Voice Vote.

Correspondence Mr. Bayard, County Attorney, read the following correspondence:

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR AND WASTE MANAGEMENT, AIR QUALITY MANAGEMENT SECTION, DOVER, DELAWARE.

RE: Public Hearing announcement concerning a proposal for various amendments to the Delaware Motor Vehicle Emission Inspection Program, contained in the State of Delaware Regulations Governing the Control of Air Pollution.

SUSSEX FAMILY YMCA, REHOBOTH BEACH, DELAWARE.

RE: Letter of appreciation for Human Service Grant.

ANKH, Inc., Georgetown, Delaware.

RE: Letter of appreciation for Human Service Grant.

Corre-  
spondence  
(con't)

DELAWARE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,  
STANTON, DELAWARE.

RE: Letter of appreciation for Human Service Grant.

COMMUNITY LEGAL AID SOCIETY, INC., WILMINGTON, DELAWARE.

RE: Letter of appreciation for Human Service Grant.

JANET M. SCOTT, CHAIRMAN, COMMISSIONERS, SELBYVILLE PUBLIC  
LIBRARY, SELBYVILLE, DELAWARE.

RE: Letter acknowledging praise expressed for the invaluable  
assistance given by Pamella Russell, Systems Administrator,  
during the automation process.

Issuance  
of  
County  
Building  
Permits/  
Town  
Building  
Permits

Mr. Stickels, County Administrator, discussed a request  
from the Town of Frankford that the County not issue  
building permits within their town limits until such  
time as a permit from the Town has been obtained. It  
was noted that, in the past, similar requests have been  
made by other municipalities. Mr. Parker, Director of  
Assessments, has recommended that the County establish  
a county-wide policy to require proof of a town permit  
being issued prior to the issuance of a County building  
permit. Mr. Stickels advised that similar problems  
exist with Certificates of Compliance and Occupancy Permits.

M 508 96  
Approve  
Policy  
for  
Issuance  
of County  
Building  
Permits

A Motion was made by Mr. Collins, seconded by Mr. Benson,  
that the Sussex County Assessment Division will not issue  
a building permit to any property owner in an incorporated  
town without obtaining a town building permit prior to  
County issuance, effective January 2, 1997; and Be It  
Further Moved that Certificates of Compliance and/or  
Occupancy Permits shall not be issued until the local  
government has given its approval, effective January 2,  
1997.

Motion Adopted: 5 Yea.

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

CDBG  
Applica-  
tions

Mr. Stickels, County Administrator, reported to Council  
concerning State of Delaware Community Development Block  
Grant applications. In the past, the County has assisted  
communities in procuring grants for the purpose of keeping  
administrative costs down. Mr. Stickels requested per-  
mission from Council to continue this service.

M 509 96  
CDBG

A Motion was made by Mr. Cole, seconded by Mr. Collins,  
that the Sussex County Council authorizes the Sussex County  
Community Development Division to assist local Sussex County

M 509 96 governments in the preparation and administration of Community  
Assist Development Block Grant applications.  
Local

Sussex Motion Adopted: 5 Yea.  
County

Govern- Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
ments/ Mr. Collins, Yea; Mr. Stevenson, Yea;  
CDBG Mr. Dukes, Yea

CDBG Mr. Stickels, County Administrator, discussed the Sussex County  
Funding Community Development and Housing Division's participation in  
State and Federally funded programs. The Division has targeted  
one hundred houses for rehabilitation in FY `96 leaving approxi-  
mately 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 510 96 A Motion was made by Mr. Cole, seconded by Mr. Benson, to  
Adopt Adopt Resolution No. R 025 96 entitled "RESOLUTION REQUESTING  
Resolu- THE DELAWARE STATE HOUSING AUTHORITY TO CONTINUE TO FUND KENT  
tion No. AND SUSSEX COUNTY LOCAL GOVERNMENTS".  
R 025 96

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. South Coastal Regional Wastewater Facility

The Department of Natural Resources and Environmental Control conducted an inspection of the South Coastal Regional Wastewater Facility on Wednesday, October 2, 1996, for National Pollutant Discharge Elimination System (NPDES) compliance. The Facility was evaluated as satisfactory in all areas. During the 24-hour composite sample, Total Suspended Solids of effluent were at 2.0 parts per million. The Biochemical Oxygen Demand of the effluent was at 8.1 parts per million. The permit allows for a maximum of 23 parts per million and an average of 15 parts per million. The Fecal Coliform bacteria count was less than 10 colonies per 100 milliliters of effluent. The permit allows for an average of 200 colonies in 100 milliliters of effluent.

The efficient manner in which the South Coastal Regional Wastewater Facility is maintained by the maintenance staff is a direct result of this excellent report. Without a conscientious, hardworking staff, the South Coastal

Adminis-  
trator's  
Report  
(con't)

Facility would not have such a consistently high quality effluent and receive excellent evaluations from the State and the United States Environmental Protection Agency. The operators of the treatment plant who should take credit for this report are Rex Powell, Gary Hickman, Charlie Parsons, Jerry Gray, and Al Goepel.

2. Associated Builders and Contractors, Inc. - Excellence in Construction Award

The construction firm of George & Lynch was honored on Thursday, November 7, 1996, for their excellence in construction of the Wolfe Neck Spray Irrigation Wastewater System, constructed as part of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. This project was the only project recognized by the Associated Builders and Contractors in the Public Works/Environmental category. This award is the third award that the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District has received.

3. Retirement Dinner

The Sussex County Council will be hosting a retirement dinner in honor of Mr. Ralph Benson and Mr. William D. Stevenson, Sr. on Saturday, January 25, 1997. Mr. Benson and Mr. Stevenson have a combined total of 40 years of service to the citizens of Sussex County. The dinner will take place at the Sussex Pines Country Club, Georgetown, Delaware. Festivities will start with a cash bar at 6:00 p.m. followed by dinner at 7:00 p.m. Anyone wishing to attend the dinner should contact Robin Griffith at 855-7743. The cost of the dinner will be \$18.50 per person.

4. Proposed Ocean View Sanitary Sewer District

The Town Council of Ocean View will be conducting a referendum to approve or disapprove a recommendation to the Sussex County Council to proceed with the establishment of the Ocean View Sanitary Sewer District. The referendum is scheduled to take place in the Ocean View Town Hall on Saturday, December 14, 1996, between the hours of 10:00 a.m. and 5:00 p.m. It is Mr. Stickels' understanding there are no provisions for absentee ballots. State law prohibits the County from establishing a sanitary sewer district without having the approval of the governing body within the corporate limits.

Adminis-  
trator's  
Report  
(con't)

5. Carolling on The Circle

A reminder that Carolling on The Circle will take place on Monday, December 9, 1996, at 7:00 p.m. This year's theme is "Sussex Countians Helping Sussex Countians." Any individual or organization who needs help in transporting food items should contact Dale McDowell at 855-7777.

6. Recycling of Manufactured Homes

Mr. Stickels took this opportunity to update Council on the progress of establishing a recycling program for manufactured homes. On Friday, October 18, 1996, Mr. Lawrence Lank, Director of Planning and Zoning, and Mr. Robert Betts, Sussex County Zoning Inspector, met with representatives of the First State Manufactured Housing Institute, the mobile home retail industry, and Robert McLeod, County Administrator for Kent County. The purpose of the meeting was to investigate the possibility of establishing a recycling program for manufactured homes. With the number of manufactured homes being developed in Kent and Sussex Counties, it is believed that if a recycling program is not established, disposal of old manufactured homes could become a problem. During the meeting, items such as zoning requirements, cost, and environmental regulations were discussed.

A second meeting was held on Thursday, October 31, 1996, with representatives from the First State Manufactured Housing Institute, manufactured home sales representatives, environmental representatives from the Department of Natural Resources, and Robert Betts and Franklin Bunting, Sussex County Zoning Inspectors. Once again discussion centered around zoning, disposal costs, and Department of Natural Resources' regulations. The Department of Natural Resources and Environmental Control was briefed on the types of materials that need to be disposed of. The Department has requested until Wednesday, December 11, 1996, to develop standards for materials that will be recycled.

A third meeting will be scheduled with all interested parties. Mr. Franklin Bunting, Sussex County Zoning Inspector, will be the lead representative for Sussex County in developing the recycling program. As the Program is developed, Mr. Stickels will keep Council informed.

7. Public Workshop - U.S. Truck Route 9 Extension, Georgetown

The Department of Transportation will be conducting a workshop regarding the extension of U.S. Truck Route 9 in

Adminis-  
trator's  
Report  
(con't)

Georgetown. The workshop will be held at the Georgetown Delaware Technical and Community College, Theater Lobby, on Wednesday, December 11, 1996, between the hours of 4:00 and 8:00 p.m.

The workshop will be used as a forum to discuss the proposed extension of U.S. Truck Route 9, from South Bedford Street to U.S. Route 9. Several alignment options that led to the development of the most recent alternative will be presented at the workshop. The proposed roadway extension will consist of one through-lane in each direction with paved shoulders.

8. Historic Preservation Planning Grant

The Delaware State Review Board for Historic Preservation Grant Selection Committee approved a grant to Sussex County in the amount of \$23,000. This funding will be matched by a County contribution of \$15,000 to fund the Sussex County Historic Preservation Planner position. The award of this grant will assure that the County Council will have sufficient funding for this position through July 1, 1998.

9. Sussex County Government Relocation

Sussex County government offices will be closed from 4:30 p.m. on Wednesday, December 4, 1996, until 8:30 a.m. on Monday, December 9, 1996, to allow government offices to relocate from the Sussex County Courthouse to the new Administrative Office Building on The Circle in Georgetown. Anyone who may have concerns regarding County business during this period can contact the Administrative Office at 855-7742.

County  
Pension  
Invest-  
ments

Mr. Baker, Finance Director, presented information regarding the return of the County pension investments. Wilmington Trust investments, after deduction of fees charged, returned 7.64 percent for the period January 1, 1996 through October 31, 1996. Fidelity Investments returned 8.00 percent for the same period. These returns are compared to comparable indexes of 8.41 percent.

State  
Pension  
Invest-  
ment  
Fund

A presentation was made by Ms. A. Dale Stratton, Chairman of the Board of Pension Trustees for the State of Delaware. Mr. David Craik, Deputy Pension Administrator, also attended. Ms. Stratton explained the nature of the State Pension Investment Fund. Performance-wise, the fund has performed in the top 10 percent of public funds for the fifth consecutive year. This has been done with a risk level in the medium, compared to other public funds. During Fiscal Year 1996, the fund achieved a 20.0 percent rate of return. It has averaged a

State Pension Investment Fund (con't)

return of over the last five years of 14.1 percent. As Ms. Stratton explained, the fund includes over \$3 billion in assets that are actively managed. The State Investment Committee meets approximately twenty times per year with the investment advisor to review the performance of the various managers. Ms. Stratton emphasized that this is a long-term investment and there are no guarantees. Assets are invested in a variety of equities, bonds, real estate investments, and private investments. Performance and risk are number one considerations. Some derivatives are used on certain occasions; some foreign investments are also made.

Pension Fund Committee Recommendation

Mr. Baker, Finance Director, advised that at the November 20, 1996, Pension Fund Committee Meeting, the Committee agreed to recommend to the County Council to invest the Fiscal 1997 pension contribution of approximately \$1,162,000 with the State of Delaware Pension Investment Pool. Mr. Baker reviewed for Council's consideration an "Agreement to Participate" in the Delaware Local Government Retirement Investment Pool and a Proposed Resolution entitled "A RESOLUTION TO AUTHORIZE INVESTMENTS IN THE DELAWARE LOCAL GOVERNMENT RETIREMENT INVESTMENT POOL CREATED BY THE STATE OF DELAWARE; DESIGNATING THE OFFICIAL RESPONSIBLE FOR THE DEPOSIT AND WITHDRAWAL OF SUCH FUNDS; AND MATTERS WHICH ARE GENERALLY RELATED TO THE POOL".

M 511 96 Adopt Resolution No. R 024 96 and Approve Agreement to Participate

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, that the Sussex County Council Adopts Resolution No. R 024 96 entitled "A RESOLUTION TO AUTHORIZE INVESTMENTS IN THE DELAWARE LOCAL GOVERNMENT INVESTMENT POOL CREATED BY THE STATE OF DELAWARE; DESIGNATING THE OFFICIAL RESPONSIBLE FOR THE DEPOSIT AND WITHDRAWAL OF SUCH FUNDS; AND MATTERS WHICH ARE GENERALLY RELATED TO THE POOL" and approves an "Agreement to Participate" in this Pool, whereby any two of the following persons are authorized to deposit and withdraw funds from this Pool: President Dale R. Dukes, Vice President George J. Collins, and D. B. Baker, Finance Director.

Motion Adopted: 5 Yea.

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

M 512 96 Approve Investment/Pension Fund

A Motion was made by Stevenson, seconded by Mr. Collins, that the Sussex County Council approves the investment of the Fiscal 1997 Pension Fund contribution of approximately \$1,163,000 in the Delaware Local Government Retirement Investment Pool.

Motion Adopted: 5 Yea.

M 512 96 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Bell Atlantic-Delaware Centrex Agreement Mr. Townsend, Internal Auditor, advised that the County's present contract with Bell Atlantic - Delaware for the centrex lines equipment expired on December 31, 1994. The County elected not to renew the contract until it was decided if the County would continue using the Bell Atlantic centrex equipment system or purchase another system. The County presently has 195 centrex lines at a cost of \$13.63 per line, equaling \$2,657.85, plus 22 trunk lines at \$5.91 per trunk, equaling \$130.02, making a total monthly charge of \$2,787.87. Mr. Townsend reviewed two proposed service contract options with Bell Atlantic - Delaware:

- o A 60-month contract, utilizing 195 lines at \$12.90 per centrex line at a cost of \$2,515.50, plus 22 trunk lines at \$6.00 per trunk line, equaling \$132.00, making a total monthly charge of \$2,647.50.
- o A 36-month contract, utilizing 195 lines at \$13.20 per centrex line at a cost of \$2,574.00, plus 22 trunk lines at \$6.00 per trunk line, equaling \$132.00, making a total charge of \$2,706.00.

The savings per month with the 60-month contract will be \$140.37. Over the 60-month period, the savings will accumulate to \$8,422.00. On a 36-month contract, the monthly savings will be \$81.87, with an accumulated savings over the 36 months of \$2,947.32.

M 513 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, that  
Approve the President of the Sussex County Council be authorized to  
Bell execute an agreement with Bell Atlantic - Delaware for the  
Atlantic-Centrex II Service Contract over a period of sixty months  
Delaware beginning December 3, 1996, as presented to the Sussex County  
Centrex Council on December 3, 1996.  
Agreement

Motion Adopted: 5 Yea.

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

Lease/ Jones Boys Aviation/ Paul Warnell Mr. Calio, Director, Economic Development & Industrial Air Park, discussed the reassignment of a hangar lease at the Sussex County Airport from Jones Boys Aviation, Inc. to Mr. Paul Warnell. The lease was for twenty years at \$500 per year; twelve years are remaining on the lease. Mr. Calio noted that the lease stipulates that the improvements

Lease (con't) belong to the County after twenty years; if the County thinks the structure has no economic value, the lessee may remove the structure. These stipulations are a concern of Mr. Warnell's. For this reason, Mr. Calio proposed a new lease for a term of twenty years at \$1,000 per year. The lease amount would increase every five years based on the Consumer Price Index but would not exceed eight percent.

M 514 96 A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the termination of the Jones Boys' lease once the second lease is signed; to approve a new lease to Paul Warnell, T/A Mid-Atlantic, and to authorize the President of the Sussex County Council to sign the lease subject to the insurance clause being approved by the County's insurance carrier.

Approve Lease Termination - Jones Boys/ Approve New Lease/ Paul Warnell  
Motion Adopted: 5 Yea.

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

West Rehoboth/ Change Order Mr. Izzo, Acting County Engineer, discussed Change Order No. 5, a balancing change order, for Construction Package E of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 515 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, based on the recommendation of the Consulting Engineer, George, Miles & Buhr and the Sussex County Engineering Department, that for Construction Package E of Sussex County Project No. 89-15, Sussex County approves balancing Change Order No. 5 in the amount of \$19,025.00, reducing the final contract total to \$1,824,648.96, and grants Final Acceptance to Teal Construction, Inc., for the wastewater facilities constructed in the West Rehoboth Expansion of the Dewey 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

Laurel Landfill Mr. Collins requested that an update on the Laurel Landfill be presented to Council in the near future.

Bethany Marina Mr. Tom Baker of the Engineering Department discussed granting Beneficial Acceptance for Bethany Marina Townhouses - Phase II, located in the Bethany Beach Sanitary Sewer District.

M 516 96 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 Bethany Marina Townhouses - Phase II, located in the Bethany Beach Sanitary Sewer District.

Grant Beneficial Acceptance/  
Bethany Marina

Motion Adopted: 5 Yea.

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

Villages of Old Landing Mr. Tom Baker of the Engineering Department discussed the execution of a Construction Administration and Construction Inspection Agreement between Sussex County Council and Villages of Old Landing Development Corporation.

M 517 96 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. 81-04, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Villages of Old Landing Development Corporation for wastewater facilities to be constructed in Villages of Old Landing - Phase I, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Execute Agreements/  
Villages of Old Landing

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. 1164 Conditional Use No. 1164 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO AN EXISTING RETAIL BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 17,966 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1164) filed on behalf of Doris E. Searles was discussed. A Public Hearing was held on this application on October 1, 1996, at which time action was deferred.

M 518 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR EXPANSION TO AN EXISTING RETAIL BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 17,966 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1164) filed on behalf of Doris E. Searles.

Proposed Ordinance (C/U No. 1164)

M 518 96 Motion Denied: 5 Nay.  
(con't)

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

Findings of Fact The Council found that the conditional use was not appropriate legislative action based on the following findings of fact:

1. The evidence established that the site of this proposed conditional use includes a delicatessen/convenience store which is a pre-existing, non-conforming use. The evidence further established that the pre-existing, non-conforming use and this conditional use, if approved, would both be on a property smaller than the minimum lot area required for an AR-1 residential lot or for a conditional use for business purposes in an AR-1 zone.
2. The evidence established that the site, given its non-conforming size, will not provide adequate space for drive-ways, off-street parking and loading areas.
3. The evidence established that the location of the existing block building proposed for the conditional use will not meet front yard setback requirements for either Route 24 or Road 510.
4. The evidence established that it does not make good planning sense and is not an exercise of good planning judgment to locate another business at this site.

Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BARBER SHOP, BEAUTY SHOP, AND AUTO STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.27 ACRES, MORE OR LESS" (Conditional Use No. 1175) filed on behalf of Thelton D. and Barbara Savage. The Proposed Ordinance will be advertised for Public Hearing.

M 519 96 Council- A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to  
manic Grant give \$600.00 from Mr. Benson's Councilmanic Account to the Lewes  
Fire Department, Inc. for the purchase of 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 520 96 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$500.00 from Mr. Dukes' Councilmanic Account to Laurel Pop Warner Football and Cheerleading for operating expenses.

Motion Adopted: 5 Yea.

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

M 521 96 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$200.00 from Mr. Dukes' Councilmanic Account to the Queen of Sheba, Chapter No. 4, Order of the Eastern Star, for their needy children project.

Motion Adopted: 5 Yea.

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

Sussex  
County  
History

Mr. Stickels, County Administrator, presented the following report:

This will be the third time the residents of Sussex County have received either a new courtroom or enlarged courtroom space in Georgetown. Each time, this was accomplished by the government responsible without raising taxes to the residents of Sussex County. The first time a Courthouse was built in Georgetown was in 1791. Members of the Delaware House of Assembly received a petition with over 900 signatures from Sussex County residents requesting that the County seat be moved from Lewes to a more centrally located area. The first petitions were submitted in 1786. By 1791, the General Assembly selected an area known as Pettyjohn's Field as the site for the new County seat, known today as Georgetown. To fund the building for new County seat offices, properties around the new facility were auctioned. In addition, funds were raised by borrowing, with lenders being paid back from the proceeds of a lottery. The maximum amount of dollars allowed to be raised from the lottery was \$3,000. By 1837, Levy Court had requested permission to, once again, have a lottery to build a new Courthouse and jail in Georgetown. Plans for a new building called for a brick structure of two stories to measure 40 feet by 42 feet. The act that allowed for the lottery permitted an expenditure of \$10,000. The lottery was successful and the residents of Sussex County did not see their taxes raised. The legislation that allowed for the Levy Court to build a new Courthouse also empowered them to sell the old Courthouse. On March 7, 1837, the old Courthouse was removed from its site on The Circle and relocated to where it stands today on South Bedford Street. The building has been used for a private residence and

Sussex  
County  
History  
(con't)

also a print shop. In 1962, the State of Delaware purchased the building. In 1976, it went through major historical renovations. While the new Courthouse was being built in 1837, Levy Court relocated their offices to the Brick Hotel. The Brick Hotel is now the site of Wilmington Trust Bank. Building commissioners responsible for overseeing the new Courthouse being built in 1839 were William D. Waples, David Hazzard, and George R. Fisher. Construction took a period of 2 years, from 1837 to 1839. The architect for the new structure, William Strickland, was dissatisfied with the plain appearance of the building, which he blamed on limited funds available. Mr. Strickland maintained that if there was more money available, he would have introduced a few columns and some other decorations. The columns that are currently on the Courthouse were added in 1914 when Levy Court did an addition to the building and remodeled. Building commissioners at that time were Lewis W. Mustard, John H. Truitt, and Harry K. Fooks.

In 1969, Levy Court, again, expanded the facility and remodeled. Offices were added and the building almost doubled in size. Serving on that building committee were Martin W. Johnson, Sr., Daniel L. Wolcott, James B. Carey, William J. Hopkins, Richard L. Timmons, R. Glen Mears, Jr., John L. Briggs, Frank S. Parker, and William B. Chandler, Jr.

The County Council was requested by the State of Delaware to consider providing additional Courtroom and holding cell space in the Sussex County Courthouse in the Spring of 1988.

Negotiations were started with the State for the sale of the Sussex County Courthouse. It was determined that if the County Council was to build a new facility, the purchasing of land, the design of the building, and the construction would take approximately six years. In the meantime, the County Council agreed to build an addition to the existing Courthouse. The addition would include an enlarged courtroom for the Court of Common Pleas, a new courtroom for Superior Court, and new holding cells. The work for the addition started in June of 1989, and was completed in March of 1990. The cost of the new facility was \$1 million. The County financed the project through the sale of bonds, and the State of Delaware agreed to repay the County for the cost of the bonds and related costs over a twenty year period.

The County Council began investigating the purchase of land in several locations in Georgetown. Five sites were reviewed and considered. The first site was the property located on East Market Street that was adjacent to the Little League Complex. The second site that was reviewed was the property owned by First State Motors, located in the middle of the downtown business section on the north and south side of East Market Street. The third site was the northeast corner of The Circle, to include the Bedford Building and the Circle Shop. The fourth area considered was the

Sussex  
County  
History  
(con't)

Wilmington Trust Building located on DuPont Highway, formerly the Corporate Headquarters of the Sussex Trust Company. The final site that was investigated was the southeast side of The Circle, to include the old Post Office, the Goslee Insurance Building, and the Sipple tombstone sale lot.

Many people in Georgetown wanted the County government to stay on The Circle. The purchase of the northeast corner was difficult because of the size of the land being restrictive and the number of different property owners that had to be dealt with. The southeast corner of The Circle was more realistic. On August 8, 1989, the County purchased the Goslee Insurance property and the Sipple property. On June 22, 1993, the County purchased the old Post Office located on The Circle. These three properties provided the County with sufficient land to build a new County Administrative Building. On January 7, 1994, the County purchased the south side of the First State Motors property on East Market Street. This property will be used for parking for the new facility. On March 15, 1994, the County Council selected R. Calvin Clendaniel Associates to design the building. A budget for the project was set at \$7.3 million.

The County Council agreed to sell the Courthouse to the State of Delaware on June 10, 1994 for \$4.3 million. In addition to the sale, the County was able to borrow \$3 million from the Farmers Home Administration with a 40-year payback. This loan, along with the sale of the Courthouse, allowed the County Council to go forward with the project. One of the biggest problems the County Council had with constructing the new building was the design requirements. The County Council wanted to construct a building with a colonial appearance. The State of Delaware Historic Planning Office wanted the building to be of modern or federal design. After months of negotiations, the County Council and Historic Planning Office came to an agreement, with the County being able to design a building with a modified colonial appearance. The new building would not have any towers or columns, such as those that are on the current Courthouse. Because the old Post Office was on land adjacent to property where the Eagle Hotel once was located, the County was required to do an historic investigation. This investigation cost the County over \$70,000. Nothing of value was discovered at the site. The investigation revealed the same information that had been gathered from the site when the Post Office was built in the 1930's.

In the Fall of 1995, the County selected W. B. Venables and Sons as the contractor for the new Administrative Building. The new building would be constructed as an addition to the old Post Office. Including renovations to the Old Post Office and the new building, the new facility would provide approximately 61,000 square feet of office space for County government.

Sussex  
County  
History  
(con't)

The new building will house the County Council Chambers and the offices for Administration, Tax, Assessment, Planning and Zoning, Recorder of Deeds, Engineering, Public Works, Building Code, Accounting, Utility Billing, Sheriff, Clerk of the Peace, and Community Development and Housing. In addition to the new building, the County Council purchased the Wilmington Trust building, located on DuPont Highway, on March 29, 1996. This building houses Library Administration, Economic Development and Industrial Park Office, and the Paramedic Administrative Offices. The County Council has entered into a lease agreement with Delaware National Bank and Wilmington Trust to lease a portion of the building. The rent that is being collected currently from the two banks is sufficient to pay the interest and the debt service on the outstanding \$1 million loan for the facility. The new Administrative Building on The Circle and the former Wilmington Trust Building will provide the County government with sufficient office space for at least the next 30 years. The State of Delaware will take over the operations of the Sussex County Courthouse in January when the County Government moves to its new facility. The State is planning to do renovations to include new courtrooms in the Courthouse and return Superior Court and the Court of Chancery to the Sussex County Courthouse. Both of these courts are currently being housed, on a temporary basis, in the Family Court Building on The Circle. The purchasing of the former Wilmington Trust Building, the construction of a new Administrative Building, and the renovations of the Courthouse, will allow the State and the County Council to better serve the residents of Sussex County. All of this will be accomplished without having to raise taxes.

M 522 96 At 11:47 a.m., a Motion was made by Mr. Collins, seconded by Mr.  
Recess Benson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled  
(C/Z "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX  
No. 1290) HIGH DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT  
FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,  
SUSSEX COUNTY, CONTAINING 26.75 ACRES, MORE OR LESS" (Change of  
Zone No. 1290) filed on behalf of Bethany Proper, L.P. There  
were no public comments and the Public Hearing was closed.

M 523 96 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Adopt Adopt Ordinance No. 1116 entitled "AN ORDINANCE TO AMEND THE  
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-  
No. 1116 CULTURAL RESIDENTIAL DISTRICT TO A HR-RPC HIGH DENSITY RESI-  
(C/Z DENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN  
No. 1290) PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX  
COUNTY, CONTAINING 26.75 ACRES, MORE OR LESS" (Change of Zone  
No. 1290) filed on behalf of Bethany Proper, L.P., subject  
to the following conditions:

M 523 96  
(con't)

1. The density shall be Medium Density Residential and shall not exceed 113 residential units.
2. The Development shall be served by central water and public sewer.
3. The Federal wetlands lines shall be considered the building restriction line.
4. Development will require issuance of all required County and State permits.
5. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

Findings  
of Fact

The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

1. HR zoning is appropriate for this parcel of land. The purpose of HR Zoning is to permit a variety of housing types and provide for residential densities appropriate for areas served by public sewers and central water systems and wells located with respect to major roads, shopping, and centers of employment.
2. A RPC designation is appropriate for this parcel of land. The purpose of RPC is to encourage large scale development as a means to create a superior living environment and the use of design ingenuity while protecting existing and future uses.
3. The land of the applicant is appropriate for both the HR and the RPC designation and complies with the purposes of HR zoning and RPC designation.
4. The Proposed Development is in accordance with the Coastal Sussex Land Use Plan:
  - A. The site is located in the designated development district where development is directed.
  - B. The land is not located in the agriculture zone where development is not intended.

Findings  
of Fact  
(con't)

- C. The development will be served by central water and central sewer.
  - D. The development will utilize the Residential Planned Community (RPC) designation which is encouraged by the Plan and the development will maintain the density permitted in MR single family zoning districts of approximately four (4) units per acre.
  - E. The development will provide a small neighborhood business area providing for shopping needs to serve the development and nearby existing developments reducing traffic on major nearby roads and providing convenience to area residents.
  - F. The development will not cause any negative environmental impact. Storm water management will comply with all State and County regulations. All storm water management ponds will be located in uplands. No structures or other improvements, other than permitted road crossings, will be constructed in federally designated wet land areas. The site will be served by central water and sewer complying with the intent of the Coastal Conservation Zone.
  - G. The development is consistent with the nature of the area which contains existing residential developments including Residential Planned Communities and existing HR zoned developments.
5. The Proposed Development promotes the health, safety, morals, convenience, order, prosperity and general welfare based on the evidence and testimony presented by the applicant including the following:
- A. Based on the comments of the Delaware Department of Transportation, the development will not adversely impact traffic or the level of service of nearby intersections provided the applicant performs the road and entrance improvements required by DelDOT.
  - B. Adequate fire and police protection are available. The site is in close proximity to the Millville Volunteer Fire Department.
  - C. The project is located in an area which is appropriate for HR zoning. There are existing HR zoned land located west and east of the site. While HR zoning would permit twelve units to an acre, the proposed RPC would be developed at approximately four units to an acre or a total

Findings  
of Fact  
(con't)

of 113 units. The Coastal Sussex Land Use Map designates the area as being in the development zone where such density is appropriate.

- D. That adequate central water and County public sewer facilities are available to provide service to the site.
  - E. That the evidence submitted by the applicant addressing storm water management, drainage, setbacks and the availability of central water and sewer adequately protects against any negative environmental impact on wetlands or the Assawoman Canal.
  - F. That access is provided from the site to adjacent lands of the State of Delaware for possible future connection to the State Park System as requested by DNREC.
  - G. That adequate utility services, medical facilities, and shopping areas are available and that there will be a positive benefit to the Indian River School District due to tax benefits.
  - H. That adequate on site recreational facilities will be provided including a pool and tennis court. In addition to these recreational facilities, ocean beaches and state parks are easily accessible to the site.
  - I. That the development will provide a substantial direct economic impact to the County in terms of jobs, payroll, sewer fees, property taxes, school taxes, and will provide a substantial secondary economic impact to area businesses.
  - J. That the property is located in an existing residential area designated as the development district and the proposal will not adversely affect agriculture.
  - K. That the character of the existing area is residential including HR density, that the site is suitable and appropriate for the proposed use, and does not appear to have any adverse impact on property values or natural resources, and the proposed use is in accordance with the County's Land Use Plan.
6. The findings and conclusions stated herein are based on substantial evidence comprised of the reasons stated above, the testimony and evidence presented by the applicant, and the Findings of the Planning and Zoning Commission's recommendation of approval.

Absence Mr. Benson left the meeting at this time.

Public Hearing (C/Z No. 1291) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL - RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 45.54 ACRES, MORE OR LESS" (Change of Zone No. 1291) filed on behalf of Dyer, McCrea Ventures, L.L.C. Action was deferred and the Public Hearing record was left open for written comments until the December 10, 1996, Council meeting.

Recess At 4:00 p.m., Mr. Dukes declared a ten minute recess.

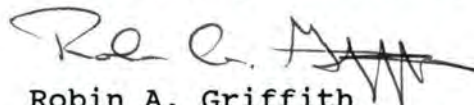
Reconvene At 4:10 p.m., Mr. Dukes called Council back into session.

Public Hearing/ Mobile Home or Trailer Parks A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115, ARTICLE XXIV, SECTION 115-172G(7) OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO DEFINING AUTHORIZED STRUCTURES IN CONDITIONAL USE MOBILE HOME PARKS OR TRAILER PARKS". Action was deferred and the Public Hearing record was left open for written comments until such time as the Planning and Zoning Commission has made its recommendation to the County Council.

Public Hearing/ Mobile Home or Trailer Parks A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115, ARTICLE XXIV, SECTION 115-172G(7) OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO THE HEIGHT LIMITATION OF AUTHORIZED STRUCTURES IN CONDITIONAL USE MOBILE HOME PARKS OR TRAILER PARKS". Action was deferred and the Public Hearing record was left open for written comments until such time as the Planning and Zoning Commission has made its recommendation to the County Council.

M 524 96 Adjournal A Motion was made by Mr. Collins, seconded by Mr. Cole, to adjourn at 5:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council