

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 6, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 6, 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 503 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve approve the minutes of the meeting dated November 22, 1994. Minutes Motion Adopted by Voice Vote.

M 504 94 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Approve to approve the minutes of the meeting dated November 29, 1994. Minutes Motion Adopted by Voice Vote.

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

SEAFORD HISTORICAL SOCIETY, SEAFORD, DELAWARE.

RE: Appreciation for Council's recent donation and an invitation to a tour of the Ross Mansion on Sunday, December 18, 1994, at 5:00 p.m.

MRS. SIGMUND BRYN, REHOBOTH BEACH, DELAWARE.

RE: A donation of \$50.00 to the Sussex County Paramedics in appreciation of their services on October 13, 1994.

DIXIE CARLISLE, GEORGETOWN MATURE LIFESTYLE CENTER, GEORGETOWN, DELAWARE.

RE: Appreciation for Council's \$500.00 Human Service Grant.

MARY L. MALLOCH, ANKH, INC., GEORGETOWN, DELAWARE.

RE: Appreciation for Council's \$500.00 Human Service Grant.

JOHN E. CALDWELL, SPCA, STANTON, DELAWARE.

RE: Appreciation for Council's \$1,000.00 Human Service Grant.

HAROLD W. T. PURNELL AND LOU MAZZINI, SUSSEX FAMILY BRANCH YMCA, REHOBOTH BEACH, DELAWARE.

RE: Appreciation for Council's \$2,000.00 Human Service Grant.

JOSEPH DUFFY, BIG BROTHERS/BIG SISTERS OF DELAWARE, INC., WILMINGTON, DELAWARE.

RE: Appreciation for Council's \$1,000.00 Human Service Grant.

Corre- HEATHER TAYLOR, AMERICAN CANCER SOCIETY, GEORGETOWN, DELAWARE.
spondence RE: Appreciation for Council's \$2,500.00 Human Service Grant.
(con't)

DIAZ BONVILLE, CITY OF REHOBOTH BEACH/LEWES DECCASA PROGRAM,
REHOBOTH BEACH, DELAWARE.
RE: Appreciation for Council's \$1,500.00 Human Service Grant.

CHARLES WILLIAMS, STATE OF DELAWARE, DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL AND WATER
CONSERVATION, DOVER, DELAWARE.

RE: The status of the Assawoman Canal dredging project.

Ellendale Mr. Saveikis, Division of Water Resources, Department of Natural
Water Resources and Environmental Control, reported to Council on the
Tests results of DNREC's Division of Water Resources and Delaware
Health and Social Services' Division of Public Health sampling
of twenty-eight drinking water wells in the Ellendale area.
The drinking water wells were tested for nitrate and bacterial
contamination to determine if failing septic systems are causing
community-wide drinking water contamination. The results of
the sampling showed no unusual or widespread bacterial or
nitrate contamination. Of twenty-eight wells tested, only one
(an outdoor pump exposed to many potential sources of bacteria)
showed bacterial contamination and only four were found to have
nitrate levels above the EPA's acceptable public health level.
Overall, the results show a "water profile" typical for Sussex
County, where wells generally show some nitrates. In addition,
drinking water at Ellendale, like water found elsewhere in
Sussex County, can show high levels of iron. Another health
concern in the Ellendale area is whether failing septic systems
cause other health risks. State and County officials agree
that the area needs central wastewater treatment and could
benefit from a water supply system. Because of limited
resources, State and County officials may have to pursue one
before the other. The tests performed were designed to deter-
mine which is the more immediate need. Based on the results,
the State and the County will work to find funding for an
affordable wastewater treatment system.

League Mrs. Hooper and Mrs. Burton were present on behalf of the
of Women League of Women Voters of Sussex County to solicit funding
Voters for their directory listing Sussex County officials, Sussex
Directory State Representatives, Sussex County town officials, school
board members, and voting information.

M 505 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Council- give \$1,250.00, \$250.00 from each Councilmanic Account, to
Grant the League of Women Voters of Sussex County for the publica-
tion of their directory.

Motion Adopted: 5 Yea.

M 505 94 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Historic Mr. Stickels, County Administrator, discussed the Historic
Preser- Preservation Planning Grant Request that the County submitted
vation to the State of Delaware, Historic Preservation Office. The
Planning purpose of the request is to reestablish the position of
Grant Historic Preservation Planner in Sussex County. The County
Request has received notification of tentative award pending approval
of Delaware's application by the State Clearinghouse Committee
and the National Park Service. The Federal grant award
recommended for the County's project is \$22,500. The minimum
matching share required for this grant, with a 60/40 Federal/
County matching ratio, is \$15,000. Funding for the County's
portion of the project will be included in the FY '96 budget
proposal. This position will be filled upon final approval
of the grant request and approval of the County Council.

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

1. Council Meeting - December 13, 1994

A reminder that the Council meeting for December 13, 1994, will be held in Greenwood at the Woodbridge Elementary School starting at 10:00 a.m. in the school auditorium. Sufficient time will be allowed to discuss issues that may be pertinent to the western portion of Sussex County; however, the meeting will not be limited to just issues of Western Sussex County.

2. Department of Natural Resources - FY ' 96 Budget

On Friday, December 2, 1994, the Secretary of Delaware's Department of Natural Resources and Environmental Control, Christophe A. G. Tulou, presented to the State Budget Office a budgetary request of \$25 million. A portion of that funding would have a positive impact on Sussex County if it is granted by the General Assembly. County Administration has requested consideration for funding of the following projects:

- o Ellendale Sanitary Sewer District - \$3.3 million.
- o Rehoboth/Dewey Sanitary Sewer District Denitrification Project - \$666,200.
- o Funding of the Route 13 Corridor Planning Study - \$150,000.
- o Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District - \$100,000.

Adminis-
trator's
Report
(con't)

- o South Coastal Regional Wastewater Facility Pumping Station No. 26 and Force Main - \$640,000.
- o Ocean Way Estates Sanitary Sewer District - \$486,000.

Mr. Stickels encourages the residents of Sussex County to contact their State senators and representatives asking their support for these projects. Any or all of this funding would soften the cost impact for the users.

In addition to the projects that have been requested by Administration, other projects requested by Secretary Tulou in Sussex County include:

- o Wastewater management construction grants statewide - \$500,000.
- o Drinking water system for the Ellendale area - \$880,000.
- o Beach preservation - \$1 million.
- o Reconstruction of tax ditches - \$1 million.
- o Renovation and replacement of infrastructure at Cape Henlopen State Park - \$1 million.
- o Reconstruction of the Indian River Inlet Marina - \$3.75 million.
- o Purchase of 9.7 acres, Doxsee site, Lewes - \$700,000.
- o Statewide loan program for repair of failing septic and disposal systems - \$250,000.

Contract
C -
West
Rehoboth

Mr. Wood, County Engineer, and Mr. Bozick of George, Miles & Buhr, discussed the bid results and recommendation for Construction Contract C of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Project. At the meeting of September 27, 1994, the bid was awarded to Kuhn Construction Company in the amount of \$3,544,750 contingent on the review and approval of the contract bid documents by the Department of Natural Resources and Environmental Control, the Environmental Protection Agency, and the Rural Development Administration. The County has been notified that the award of the bid to Kuhn Construction was not approved by the approving agencies. Mr. Wood requested permission to reject any and all previous bids and to rebid the project pending approval of the approving agencies.

M 506 94 A Motion was made by Mr. Benson, seconded by Mr. Collins, based on the recommendation of the Consulting Engineers, George, Miles & Buhr, and the Engineering Department that the County Council authorizes the Engineering Department to reject all bids and the contingent award on Construction Contract C of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Project, based on the failure to obtain approval of the recommended bidder by the approving agencies, Rural Development Administration and Delaware Department of Natural Resources and Environmental Control, and to rebid the contract with amended conditions and specifications pending approval of the Environmental Protection Agency and other approving agencies.

Motion Adopted: 4 Yea, 1 Abstention.

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

Silver Mr. Green, Director of Utility Construction, discussed Conditional Acceptance of the water and wastewater facilities constructed in Silver Lake Dunes located in the Dewey Beach Sanitary Sewer District.

M 507 94 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 the water and wastewater facilities constructed in Silver Lake Dunes, located in the Dewey Beach Sanitary Sewer and Water District.

Motion Adopted: 5 Yea.

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

Proposed Mr. Benson introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9,506 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1249) filed on behalf of Braven O. Duffie. The Proposed Ordinance will be advertised for Public Hearing.

M 508 94 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$600.00 from Mr. Benson's Councilmanic Account to the Ellendale Volunteer Fire Company for the purchase of hose and fittings.

Motion Adopted: 5 Yea.

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

M 509 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$400.00 from Mr. Collins' Councilmanic Account to the Millsboro Fire Company 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 510 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$200.00 from Mr. Collins' Councilmanic Account to the Laurel School District to help fund an on-site trainer for the athletic program.

Motion Adopted: 5 Yea.

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

M 511 94 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$500.00 from Mr. Dukes' Councilmanic Account to the Seaford Baseball Boosters for renovations to the Seaford High School baseball field.

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 94 Recess At 11:15 a.m., a Motion was made by Mr. Benson, seconded by Mr. Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:30 p.m.

Public Hearing (C/U No. 1094) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALE AND WHOLE-SALE NURSERY PRODUCTS, FARM PRODUCTS, FERTILIZERS, POTS, GARDENING EQUIPMENT AND ETC. TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" (Conditional Use No. 1094) filed on behalf of Ernest and Nelsa Hosse. The Public Hearing was closed and action was deferred.

Public Hearing (C/Z No. 1244) 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 TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19,927.60 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1244) filed on behalf of Lloyd H. Hickman. The Public Hearing was closed.

M 513 94 Adopt Ordinance (C/Z No. 1244) A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt Ordinance No. 995 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19,927.60 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1244) filed on behalf of Lloyd H. Hickman.

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

1. The applicant established by substantial evidence that a need exists for additional parking to serve adjoining commercial development and that the change of zone will have no adverse impact on the character of the neighborhood, property values therein, the environment or the traffic in the area.
2. The change of zone will be consistent with neighboring development and with the Coastal Sussex Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing Ordinance Relating to Wetlands A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 99, ARTICLE I, SECTION 99-6 OF THE CODE OF SUSSEX COUNTY, PROVIDING THAT A DISCLOSURE STATEMENT BE INCORPORATED INTO DEEDS FOR LOTS WITHIN SUBDIVISIONS THAT CONTAIN WETLANDS". Mr. Lank advised that the text of the Proposed Ordinance has been amended, as follows:

When land being subdivided contains wetlands, either state or federal, the deeds for lots to be conveyed, containing wetlands, shall include a disclosure statement that reads: "This site contains regulated wetlands. Activities within these wetlands may require a permit from the U.S. Army Corps. of Engineers and/or the State of Delaware."

The Public Hearing was closed.

M 514 94 Adopt Ordinance No. 996 A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 996, as amended, entitled "AN ORDINANCE AMENDING CHAPTER 99, ARTICLE I, SECTION 99-6 OF THE CODE OF SUSSEX COUNTY, PROVIDING THAT A DISCLOSURE STATEMENT BE INCORPORATED INTO DEEDS FOR LOTS WITHIN SUBDIVISIONS THAT CONTAIN WETLANDS".

Motion Adopted: 5 Yea.

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

M 515 94 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn at 2:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council