

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 8, 1998

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 8, 1998, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
George J. Collins	Member
Lynn J. Rogers	Member

The meeting was opened by repeating the Lord's Prayer and Pledge of Allegiance to the Flag.

M 554 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve Agenda approve the Agenda, as presented.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 555 98 A Motion was made by Mr. Rogers, seconded by Mr. Jones, to Approve Minutes approve the minutes of the previous meeting, dated December 1, 1998.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

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

JOSEPH L. MURABITO, DIRECTOR, DELAWARE STATE FIRE SCHOOL,
DOVER, DELAWARE.

RE: Letter of appreciation for allowing Sussex County's EMS Division Haz Mat Decontamination Team to assist with the simulated Hazardous Materials scenarios during the Hazardous Materials Technician Refresher Course.

JOHN F. TARBURTON, SECRETARY OF AGRICULTURE, STATE OF DELAWARE,
DEPARTMENT OF AGRICULTURE, DOVER, DELAWARE.

RE: Letter of appreciation to Sussex County employee, Dennis Norwood, for the work he is doing in the parcel mapping for Sussex County.

Corre-
spondence
(con't)

BRUCE HOBLER, PH.D., PRESIDENT, MURRAY'S HAVEN PROPERTY OWNERS ASSOCIATION, OCEAN VIEW, DELAWARE.
RE: Letter requesting inclusion in the planning and implementation of the proposed sewer system for Bay Colony, Ocean View, Cedar Neck and North Millville.

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.
RE: Public Notice to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for work at White Creek.

M 556 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Authorize authorize an Executive Session to be held on December 15, Executive 1998, at 9:00 a.m., for the purpose of discussing personnel. Session

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

1998
Volume
Cap

Mr. Stickels, County Administrator, reported that a letter has been received from Mr. John Carney, State of Delaware, Department of Finance, requesting that any portion of the 1998 Volume Cap assigned to Sussex County which will not be allocated either to a qualified project prior to year-end or identified as eligible for carryforward be reassigned to the State for reallocation between the Delaware State Housing Authority and/or the Delaware Economic Development Authority. This request is being made to allow the State to maximize its usage of its 1998 Private Activity Bond Volume Cap. The State assigned \$15,000,000 to Sussex County for 1998, none of which has been used. Mr. Stickels recommended that Council authorize the reassignment of its unallocated Private Activity Bond Volume Cap.

M 557 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, that Reassign the Sussex County Council, pursuant to the provisions of 29 1998 Delaware Code, Section 5091(f), hereby assigns to the State of Volume Delaware \$15,000,000 of its unallocated Private Activity Bond Cap Volume Cap for 1998.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Report

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

Adminis-
trator's
Report
(con't)

1. Holiday Schedule

County offices will be closed Thursday, December 24, and Friday, December 25, 1998, in observance of the Christmas holiday. Offices will reopen on Monday, December 28, 1998, at 8:30 a.m. Offices will be closed Friday, January 1, 1999, in observance of New Year's Day. Offices will reopen on Monday, January 4, 1999, at 8:30 a.m.

There will not be a Council meeting on Tuesday, December 29, 1998. The next regularly scheduled Council meeting will be Tuesday, January 5, 1999, at 10:00 a.m. At that time, the new Councilmen will be sworn in and Council will elect officers for next year.

2. Water Utility Notice

I have received notice from the Department of Natural Resources and Environmental Control (DNREC) that Tidewater Utilities, Inc., has applied for a Certificate of Public Convenience and Necessity to provide public water service to the Hunter's Run and Waterside R.P.C. developments situated east of County Road 361 and west of the Assawoman Canal in Sussex County. The application may be inspected at DNREC's offices, Suite 200, 5 East Reed Street, Dover, Delaware. Unless Mr. A. J. Farling receives a request for a public hearing by December 28, 1998, the Department will not conduct a public hearing.

3. 16th Annual Carolling on The Circle

On Monday, December 7, 1998, the Sussex County Council sponsored the 16th Annual Carolling on The Circle. This year over 30,000 food items were collected for the food pantries throughout the County. The Delmarva Mobile Home Association donated 17,400 items, Sussex County Council 8,100 items, Sussex Central High School 2,404 items, Sussex County employees 1,208 items, Georgetown Elementary School 709 items, and Sussex Central Middle School 611 items. Eight food pantries will be the beneficiaries of the food items that were raised. They are Georgetown Crisis House, First State Community Action Agency, Bridgeville United Methodist Church, Christian Store House, St. John's Seaford Missions, Casa San Francisco, and Georgetown Circuit.

I would like to thank the Carolling on The Circle Committee, consisting of Diana Pettyjohn, Dale McDowell, Robin Griffith, Kevin Short, Helen Walls, Ray Webb, and Jim Truelove, for making this the most successful food drive the County has had.

Bank
Account

Mr. Baker, Finance Director, discussed the opening of a new interest-bearing deposit account at Wilmington Trust Company for the proceeds of the Bond Anticipation Notes for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Phase III.

M 558 98
Adopt
Resolu-
tion No.
R 025 98

A Motion was made by Mr. Jones, seconded by Mr. Collins, to Adopt Resolution No. R 025 98 entitled "AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON TRUST COMPANY BEARING THE SIGNATURES OF ANY TWO OF DALE R. DUKES, PRESIDENT; FINLEY B. JONES, JR., VICE PRESIDENT; OR D. B. BAKER, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 559 98
Adopt
Resolu-
tion No.
R 026 98

A Motion was made by Mr. Jones, seconded by Mr. Collins, to Adopt Resolution No. R 026 98 entitled "CASH MANAGEMENT ACCOUNT RESOLUTION".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Submer-
sible
Pumping
Equip-
ment/
Bid
Results

Mr. Hawkes, Director of Maintenance, Engineering Department, reported the following bid results for Sussex County Project No. 98-09, Submersible Pumping Equipment, as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Pump & Power Equipment Corporation	Pumps \$52,336.00
	Trade-in <u>4,500.00</u>
	Net Cost \$47,836.00

ITT Flygt Corporation -----Bid Rejected-----

M 560 98
Award
Bid/
Submer-
sible
Pumping
Equip-
ment

A Motion was made by Mr. Jones, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project No. 98-09, entitled "Submersible Pumping Equipment" be awarded to the low bidder, Pump & Power Equipment Corporation, at the bid amount of \$47,836.00.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Old
Business
C/U No.
1254

Conditional Use No. 1254 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PET CREMATORY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.49 ACRES, MORE OR LESS" filed on behalf of Bethany Beach Kennels, c/o George M. Baldwin, was discussed. A Public Hearing was held on this application on September 15, 1998, at which time action was deferred.

M 561 98
Adopt
Ordinance
No. 1275
(C/U No.
1254)

A Motion was made by Mr. Collins, seconded by Mr. Rogers, to Adopt Ordinance No. 1275 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PET CREMATORY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 19.49 ACRES, MORE OR LESS" (Conditional Use No. 1254) filed on behalf of Bethany Beach Kennels, c/o George M. Baldwin, with the following conditions:

1. The business operation shall comply with all environmental laws.
2. The use shall be limited to small animals, not exceeding 200 pounds.
3. All animals shall be stored in freezers until cremated.
4. There shall be no incineration of any medical waste, hazardous waste, or any waste other than animal remains.
5. The crematory unit shall be limited to one (1) unit, not to exceed the capacity of 200 pounds.
6. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 3 Yea, 2 Nay.

Vote by Roll Call: Mr. Cole, Nay; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Nay;
Mr. Dukes, Yea

Findings
of Fact

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

1. The applicant established that the proposed use, with the conditions imposed, will have no adverse impact upon the character of the surrounding area, property values therein, traffic or the environment.
2. The proposed use, despite the objections of nearby property owners, will be sporadic in terms of activity and will serve the public convenience and various animal shelters and state agencies.

Findings
of Fact
(con't)

3. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 562 98
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Jones, to give \$150.00 from Mr. Cole's Councilmanic Account to Rehoboth Beach Main Street, Inc. for the Fourth Annual Community Unity Dinner.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 563 98
Council-
manic
Grant

A Motion was made by Mr. Rogers, seconded by Mr. Jones, to give \$400.00 from Mr. Rogers' Councilmanic Account to the Milton Historical Society for repairs to the Lydia Cannon Museum.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 564 98
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$250.00 from Mr. Collins' Councilmanic Account to the Town of Millsboro for the replacement of Bradford Pear trees.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 565 98
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$600.00, \$300.00 each from Mr. Collins' and Mr. Dukes' Councilmanic Accounts, to the Laurel Public Library for the purchase of display racks.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 566 98
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$500.00 from Mr. Collins' Councilmanic Account to Delaware Hospice for the purchase of a Christmas Tree at the Festival of Trees.

M 566 98 Motion Adopted: 5 Yea.
(con't)

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 567 98 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to
Council- give \$200.00 from Mr. Jones' Councilmanic Account to the
manic Totally Sports Softball Team for funding to help defer
Grant expenses to a tournament in Virginia.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

Workshop Mr. Jones requested that a workshop be scheduled to review
the County's ordinances; ordinances that are outdated,
ordinances that are not enforced, ordinances that cannot
be enforced, etc. Mr. Jones encouraged Council members to
review the County's ordinances and develop a "hit list".
It was the consensus of Council that a workshop be scheduled
in January, 1999.

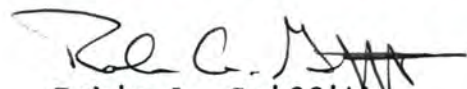
M 568 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, to
Council- give \$500.00, \$100.00 from each Councilmanic Account, to
manic the Delaware Technical & Community College Roadrunners for
Grant their annual spring training trip.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Collins, Yea; Mr. Jones, Yea;
Mr. Dukes, Yea

M 569 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to
Adjourn adjourn at 10:45 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council