

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 12, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 12, 1995, 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 538 95 A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Approve approve the minutes of the previous meeting dated December 5, Minutes 1995. Motion Adopted by Voice Vote.

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

SUSSEX PREGNANCY CARE CENTER, INC., GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

CRISIS HOUSE, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

BIG BROTHERS/BIG SISTERS OF DELAWARE, INC., WILMINGTON, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

AMERICAN RED CROSS IN DELAWARE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

BOY SCOUTS OF AMERICA, DEL-MAR-VA COUNCIL, INC., WILMINGTON, DELAWARE.
RE: Letter in appreciation of Human Service Grant.

JOSEPH R. BIDEN, JR., UNITED STATES SENATE, WASHINGTON, D.C.
RE: Letter in response to Mr. Stickels' letter in opposition to consolidating rural development assistance into Federal block grants.

Delaware Mr. McCabe, Administrator, Delaware Local Government Records Local Program, presented Council with a plaque recognizing Sussex Government County for "Excellence in Records Management". This award Records was presented to Sussex County for outstanding service and Program contributions to Delaware's Records Management Program. Presentation Mr. McCabe informed Council that 125 local government agencies competed for this award.

Request for Reassignment of 1995 Volume Cap

Mr. Stickels, County Administrator, reported that a letter has been received from Secretary Jackson, State of Delaware, Department of Finance, requesting that any portion of the 1995 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. The State assigned \$15,000,000 to Sussex County for Industrial Revenue Bonds in 1995. On August 15, 1995, Sussex County Council authorized the reassignment of \$12,000,000, reserving the remaining \$3,000,000 for potential projects. The remaining \$3,000,000 was to be reassigned by December 15, 1995, contingent on the County not having any eligible projects.

M 539 95

Authorize Reassignment of 1995 Volume Cap

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, that the Sussex County Council authorizes the reassignment of \$3,000,000 of the 1995 Volume Cap Allocation as requested by the State of Delaware, Department of Finance.

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. Carolling on The Circle

For those who were not able to attend Carolling on The Circle, Comcast Cablevision of Delmarva, Inc., will be broadcasting the 1995 carolling on a tape delayed broadcast. Cable subscribers in Rehoboth, Milford, Seaford, and Georgetown will be able to watch the broadcast on Channel 4, Thursday evening, December 14, 1995, at 7:30 p.m.

2. Public Hearing - West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Sewer Assessment and Service Rates

The assessment hearing for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District scheduled for Tuesday, December 19, 1995, will be held in Superior Courtroom No. 1 in the Courthouse on The Circle, Georgetown, Delaware. The meeting originally scheduled for Room 115 has been relocated at the request of the

Adminis-
trator's
Report
(con't)

Citizens for Affordable Sewer (CAS). CAS was concerned that there was not sufficient space in the Council Chambers. Courtroom No. 1 has the capability of seating over 200 people.

The Council meeting will also be held in Courtroom No. 1 at 10:00 a.m., with the hearing starting at 11:00 a.m.

3. Sussex County Paramedics - Fourth Annual "Operation Christmas Stocking" Project

The Sussex County Paramedics have started their Fourth Annual "Operation Christmas Stocking" Project. The Paramedics collect nonperishable foods, new or used clothing, and new or used toys for needy families in Sussex County. They also collect nonperishable food for a Christmas dinner for needy elderly couples who might not have a Christmas dinner.

This year's project is being headed by Paramedic Mike Milliken and Secretary Muriel Larson. Milliken says that in the past three years, with the help of the people of Sussex County, the Paramedics have fed 80 couples and treated over 20 children to the joys of Christmas.

Donations may be dropped off at any Paramedic station. Paramedics will also stop by and pick up any donation if the donator does not have a way to get it to the designated drop-off points. Call 854-5050 (and ask for Mrs. Larson) between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Leave your name, address, directions to your home, and a phone number. An off-duty Paramedic with identification will come to your home and pick up any donations.

Proposed
Possum
Point
Sanitary
Sewer
District

Mr. Archut, Director of Planning and Permits, advised that petitions to establish the Possum Point Sanitary Sewer District were prepared and distributed. Seventy-four (74) petitions were received; seventy-two (72) were verified as valid. Mr. Archut requested Council's permission to prepare a Tabletop Study establishing the cost of providing sanitary sewer service to the Proposed Possum Point Sanitary Sewer District.

M 540 95
Approve
Study/
Proposed
Possum
Point
SSD

A Motion was made by Mr. Benson, seconded by Mr. Collins, that the Sussex County Council hereby approves the Sussex County Engineering Department to prepare a Tabletop Study establishing the cost of providing sanitary sewer service to the Proposed Possum Point Sanitary Sewer District with information to be provided in a future Public Hearing.

M 540 95 Motion Adopted: 5 Yea.
(con't)

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

Sewer Mr. Archut, Director of Planning and Permits, provided a
Planning status report on Sussex County Sewer Planning Projects,
Projects as follows:
Status
Report

<u>Project Name</u>	<u>Status</u>
Ocean View	Petitions Being Reviewed
River Bend	Preliminary Inquiry by Property Owners
Possum Point	Petitions Being Reviewed
South Ocean View Sanitary Sewer District	Preliminary Planning Study Completed, Waiting For Response from RECD on Pre-application
Ellendale Sanitary Sewer District	Investigating Funding & Performing Cost Estimates
Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District	Waiting for Response From RECD on Application
Ocean Way Estates, Sections I & II	Under Design, to be Bid February, 1996
Prince George's Acres	Funding Identified, Investigating Design Alternatives
Route 26 Interceptor	Inactive
Fenwick Island Sewer Main Pipeline Upgrade	Inactive
White's Creek Manor/ North Millville Service Area	Reviewing Larger Service Area
Blades Sanitary Sewer District Annexation	County Council Extended Boundaries Subject to Capacity from Seaford

Status
Report
(con't)

<u>Project Name</u>	<u>Status</u>
Route 13 Corridor Sanitary Sewer Study	Funding Approved, Whitman, Requardt & Associates Gathering Data
West Fenwick Study Area	Preliminary Design to be Done to Establish Invert Elevation of 10-Inch Gravity Collector
South/West Frankford Request	On Hold Until January 1996
Contractural Agreements for Sewer Service with Private Parties	On Hold Until February 1996

Sub-
stantial
Comple-
tion of
Treatment
Plant

Mr. Wood, County Engineer, and Mr. Green, Director of Utility Construction, discussed substantial completion of the Treatment Plant Building (the Wolfe Neck Regional Wastewater Treatment Plant) for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. It was noted that this would be for the Administration Building, only.

M 541 95
Grant
Sub-
stantial
Com-
pletion
of
Wolfe
Neck
Treat-
ment
Plant

A Motion was made by Mr. Cole, seconded by Mr. Benson, based on the recommendation of the Consulting Engineers, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council grant "Substantial Completion" of the Wolfe Neck Regional Wastewater Treatment Plant, Administration Building only, effective December 8, 1995.

Motion Adopted: 5 Yea.

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

Con-
tracts
2 & 3/
West
Rehoboth

Mr. Wood, County Engineer, and Mr. Green, Director of Utility Construction, discussed Final Acceptance and Close-Out for Contracts 2 and 3 of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District project.

M 542 95
West
Rehoboth
Contracts
2 & 3
Final
Accep-
tance

A Motion was made by Mr. Cole, seconded by Mr. Benson, based on the recommendation of the Consulting Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, for Sussex County Project No. 89-15, that Sussex County grant approval of Change Order No. 12R in the amount of \$10,005.36, bringing the final contract

M 542 95 total to \$3,582,444.60, and grant "Final Acceptance" for
(con't) Contract Nos. 2 and 3, to Northeast Construction Company,
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

Old Business C/U No. 1137 Conditional Use No. 1137 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF MATERIALS AND EQUIPMENT FOR A MASONRY COMPANY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.86 ACRES, MORE OR LESS", filed on behalf of Lawrence McKinney. A Public Hearing on this application was held on November 14, 1995, at which time the Public Hearing was closed and action was deferred. Mr. Bayard, County Attorney, was to meet with Mr. Rutt, Attorney for the Applicant, regarding whether the Conditional Use can be limited to the McKinneys and not go to future owners of the property. (Mr. Stevenson was not present during this Public Hearing.

M 543 95 Adopt Ordinance No. 1067 (C/U No. 1137) A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 1067 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF MATERIALS AND EQUIPMENT FOR A MASONRY COMPANY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.86 ACRES, MORE OR LESS" (Conditional Use No. 1137) filed on behalf of Lawrence McKinney, with the following conditions:

1. There shall be only one business conducted on the site by the applicant.
2. By prior deed, the applicant has created a binding restrictive covenant imposing on the property the following condition:

This parcel shall hereafter be subject to the covenant and restriction which shall run with the land that no owner, assignor, successor, heir, tenant or other party with interest shall be permitted to own, operate, or conduct any business or commercial activity on the parcel without first obtaining all necessary

M 543 95
(con't)

zoning and/or permit approvals from the necessary government entities having jurisdiction over the activity intended. Further, no existing business or commercial activity can be assigned, conveyed, granted, sold or bequeathed and operated without the new owner, operator or grantee first obtaining the approvals herein required.

3. There will be no Sunday hours except in emergencies.
4. The hours of operation shall be from 6 a.m. to 6 p.m., Monday through Saturday.
5. There will be no signs.
6. Applicant will not remove trees from the site except as needed for construction of the building which will house the business, a residence, and necessary access roads.
7. There will be no outside storage or stockpiling of material associated with the business.

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Abstained;
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 by substantial evidence that the proposed use is necessary for the development and growth of his business.
2. With the conditions herein imposed, the proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.

M 544 95
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$600.00, \$300.00 from Mr. Stevenson's Councilmanic Account and \$300.00 from Mr. Benson's Councilmanic Account, to the Carlisle Fire Company, Inc., to defray the salary costs of two full-time paid EMT's.

Motion Adopted: 5 Yea.

M 544 95 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 545 95 A Motion was made Mr. Stevenson, seconded by Mr. Benson, to
Council- give \$200.00 from Mr. Stevenson's Councilmanic Account to
manic the Historic Georgetown Association for expenses associated
Grant with operating costs and projects.

Motion Adopted: 5 Yea.

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

M 546 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Council- to give \$200.00, \$100.00 from Mr. Dukes' Councilmanic
manic Account and \$100.00 from Mr. Collins' Councilmanic Account,
Grant to the Laurel Pee Wee Pop Warner Football Team for the
purchase of jackets.

Motion Adopted: 5 Yea.

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

M 547 95 A Motion was made by Mr. Cole, seconded by Mr. Collins,
Council- to give \$200.00, \$100.00 from Mr. Collins' Councilmanic
manic Account and \$100.00 from Mr. Cole's Councilmanic Account
Grant to the Indian River High School Football Boosters to pro-
vide funding for items such as socks, t-shirts, trophies,
etc.

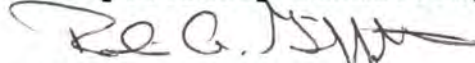
Motion Adopted: 5 Yea.

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

Agenda Item It was proposed that recommendations regarding residen-
tial strip development and related service roads be
developed for discussion at a future Council meeting.

M 548 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to
Adjourn adjourn at 11:20 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council