

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 13, 1994

Call to Order The regular meeting of the Sussex County Council was held Tuesday, December 13, 1994, at 10:00 a.m. at Woodbridge Elementary School, Greenwood, 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 516 94 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve approve the minutes of the previous meeting dated December 6, Minutes 1994. Motion Adopted by Voice Vote.

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

KENT SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.
RE: Appreciation for Human Service Grant.

DELAWAREANS UNITED TO PREVENT CHILD ABUSE, GEORGETOWN, DELAWARE.
RE: Appreciation for Human Service Grant.

READ ALOUD DELAWARE, GEORGETOWN, DELAWARE.
RE: Appreciation for Human Service Grant.

DELAWARE AGRICULTURAL MUSEUM AND VILLAGE, DOVER, DELAWARE.
RE: Appreciation for Human Service Grant.

BOYS/GIRLS CLUB OF WESTERN SUSSEX, SEAFORD, DELAWARE.
RE: Appreciation for Human Service Grant.

FAMILY & CHILDREN SERVICES OF DELAWARE, INC., WILMINGTON, DELAWARE.
RE: Appreciation for Human Service Grant.

DELAWARE NATURE SOCIETY, MILFORD, DELAWARE.
RE: Appreciation for Human Service Grant.

CASA SAN FRANCISCO, MILTON, DELAWARE.
RE: Appreciation for Human Service Grant.

LEWES LITTLE LEAGUE, LEWES, DELAWARE.
RE: Appreciation for Mr. Cole's and Mr. Benson's Councilmanic Grants.

Corre- THE PIONEER CLUB OF SUSSEX COUNTY/VISUALLY IMPAIRED,
spondence GEORGETOWN, DELAWARE.
(con't) RE: Appreciation for Human Service Grant.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Amendments to Comprehensive Plan and Basin
Regulations - Water Supply Charges Regarding the Transfer of
Certificates of Entitlement.

Delaware Mr. Stickels, County Administrator, informed Council that
Employee the State of Delaware, Department of State, Division of
of the Historical and Cultural Affairs, Bureau of Archives and
Year for Record Management, has named Donna Stevenson "Delaware
Records Employee of the Year for Records Management". Mr. Parker,
Management Director of Assessments, explained that Ms. Stevenson was
placed in charged of records management for the County
several years ago. Since that time, Ms. Stevenson has
reviewed and filmed thousands of County documents. Ms.
Stevenson works with the Bureau of Archives in Dover on
a daily basis and through her work with this department,
the State of Delaware has recognized her as the Outstanding
Records Management Employee in the State of Delaware.

First Mr. Davis of the Sussex County Engineering Department dis-
State cussed the efforts of the First State Resource Conservation
RC&D and Development Council. This Council was established in
Council the State of Delaware in 1970 as a non-government rural
development association for the purpose of helping communities
address their needs that aren't addressed by other programs.
Mr. Davis serves as Sussex County's representative on the
RC&D Council. Mr. Davis advised that in 1990, the RC&D
Council became aware of the need to help alleviate emergency
housing conditions in a timely manner in the State of Delaware.
A Home Repair Committee was established and very low income
households were targeted to receive help. The RC&D Council
relies on grants and donations to purchase building materials
and volunteers to perform the labor. Mr. Davis reported that
the program has been very successful.

1994 Mr. Stickels, County Administrator, reported that a letter
Volume has been received from Sarah Jackson, Secretary of Finance,
Cap State of Delaware, regarding reassignment of any remaining
Alloca- 1994 volume cap allocation. In order to maximize usage of
tion its Private Activity Bond Volume Cap for 1994, the State is
requesting that any portion of the Volume Cap assigned to
Sussex County which will not be allocated either to a quali-
fied project prior to year-end or identified as eligible for
carry forward be reassigned to the Delaware State Housing
Authority for the purpose of issuing single family mortgage

1994 revenue bonds at a future date. The State assigned Volume Cap \$15,000,000 to Sussex County for Industrial Revenue Bonds Allocation in 1994. Mr. Stickels recommended that the Council authorize the reassignment of \$13,000,000 of the 1994 Volume Cap Allocation and that the Council reserve \$2,000,000 for the (con't) First State Poultry Project.

M 517 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, that Reassign- the Sussex County Council authorizes the reassignment of ment of \$13,000,000 of the 1994 Volume Cap Allocation, as requested 1994 by the State of Delaware Secretary of Finance; and be it Volume further moved that the unused volume cap be carried forward Cap for the purpose of issuing single family mortgage revenue Allocation bonds by the Delaware State Housing Authority. tion

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. Holiday Schedule

County offices will be closed Monday, December 26, 1994, and Tuesday, December 27, 1994, in observance of Christmas Eve and Christmas Day. Additionally, County offices will close Monday, January 2, 1995, in observance of New Year's Day.

2. Statewide Planning Conference

The State of Delaware Cabinet Committee on State Planning Issues has scheduled a day-long conference on Wednesday, December 14, 1994, from 9:00 a.m. to 2:00 p.m. at the Sheraton Inn, Dover, Delaware. Long-range planning efforts currently ongoing in Delaware are critical to the people of the State of Delaware. At the State and local level, governments in Delaware are striving to ensure that a high quality of life is achieved and maintained over the next 25 years. Representatives, both public and private, statewide will be participating in this workshop.

3. Carolling on The Circle

Mr. Stickels thanked the Carolling on The Circle Committee for their time and effort in making Carolling on The

Adminis-
trator's
Report
(con't)

Circle successful. On Monday, December 12, 1994, over 6,000 items of food were collected to help feed families in Sussex County. The following individuals participated in the Carolling on The Circle Committee: Janet Adams, Richard Banks, Jackie Blocker, Jayne Dickerson, Pam George, Mabel Givens, Robin Griffith, Kelly Kruger, Jennifer Layton, Susanne Messick, Joni Moore, Dennis Norwood, Peggy Pepper, Diana Pettyjohn, Robert Stickels, and Ray Webb.

Deposit
Account

Mr. Baker, Finance Baker, submitted for Council's approval a Proposed Resolution authorizing the opening of a deposit account with Wilmington Trust Company for the purpose of depositing bond proceeds from the RDA loan for the West Rehoboth Sewer Project.

M 518 94
Adopt
Resolu-
tion No.
R 031 94

A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adopt Resolution No. R 031 94 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 DUKES, PRESIDENT; GEORGE J. COLLINS, VICE PRESIDENT; AND 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. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Airframe
Manage-
ment,
Inc.
Lease
Agree-
ment

Mr. Calio, Director of Airport and Industrial Park Operations, and Mr. Ritterson of Airframe Management, Inc. discussed a Lease Agreement between Sussex County Council and Airframe Management, Inc. for the erection of condominium airplane hangars at the Sussex County Airport. Airframe Management, Inc. will market individual hangars as condominiums to users of the airport. The term of the Agreement For Option To Lease is six months, beginning on the date of land availability, at a cost of \$421.03. The Agreement may be renewed for one additional six-month option term at a cost of \$421.03. The Ground Lease is for a term of twenty-five years with one renewal option of twenty-five years. Airframe Management, Inc. will pay the County \$4,210.00 for the 1.053 acre per year with an annual percentage increase equal to the most recent Consumer Price Index.

M 519 94
Authorize
Lease
Agreement

A Motion was made by Mr. Collins, seconded by Mr. Cole, that the Sussex County Council, based on the recommendation of staff, hereby authorizes the President of the Sussex County Council to enter into an Agreement For Option To

M 519 94 Lease with Airframe Management, Inc. for a parcel at
(con't) Sussex County Airport; and be it further moved that the
Sussex County Council hereby authorizes the President of
the Sussex County Council to enter into a Ground Lease
with Airframe Management, Inc. upon execution of the
Option.

Motion Adopted: 4 Yea, 1 Nay.

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

Public License Agreement (911) Mr. Glenn Gillespie, Director of Emergency Operations, was present in reference to the renewal of the Public License Agreement for operation of the Enhanced 911 Emergency Reporting Center between the State of Delaware and the Sussex County Council which will expire December 31, 1994.

M 520 94 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Extend Public License Agreement (911) to authorize the President of the Sussex County Council to
extend the present Public License Agreement between the
State of Delaware, Department of Public Safety, and the
Sussex County Council for operation of the Enhanced 911
Emergency Reporting Center for a period of two years,
January 1, 1995, to December 31, 1996.

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 Bid Package E Mr. Wood, County Engineer, discussed West Rehoboth Bid Package E, a construction contract for fourteen lift and pump stations. The results of the bid opening were presented to Council on November 29, 1994. Mr. Wood recommended that the bid be awarded to the low bidder, Teal Construction, in the amount of \$1,636,275.00.

M 521 94 A Motion was made by Mr. Stevenson, seconded by Mr. Cole,
Award West Rehoboth Bid Package E based on the recommendation of the Consulting Engineers,
George, Miles & Buhr, and the County Engineering Department,
that the Council President be authorized to enter into a
Construction Contract with Teal Construction, Inc., the low
bidder, for Construction Package E of the West Rehoboth
Expansion of the Dewey Beach Sanitary Sewer District, in

M 521 94 (con't) the amount of \$1,636,275.00, contingent upon the review and approval of the contract bid documents by Department of Natural Resources and Environmental Control and Rural Development Administration.

Motion Adopted: 5 Yea.

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

Contract Nos. 2&3 West Rehoboth Mr. Green, Director of Utility Construction, discussed substantial completion, for Contract Nos. 2 and 3, for the wastewater facilities constructed in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 522 94 Grant Substantial Completion Contract Nos. 2&3 West Rehoboth A Motion was made by Mr. Collins, 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 Council grant Substantial Completion for Contract Nos. 2 and 3, effective December 7, 1994, 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. 1090 Conditional Use No. 1090, entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE TO FORESTED LAND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 351.00 ACRES, MORE OR LESS" filed on behalf of Townsends, Inc. was discussed. A Public Hearing was held on this application on September 27, 1994, at which time the Public Hearing was closed and action was deferred. Mr. Collins did not participate in the discussion of this application due to a conflict of interest.

M 523 94 Adopt Ordinance No. 997 (C/U No. 1090) A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to adopt Ordinance No. 997 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF SLUDGE TO FORESTED LAND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 351.00 ACRES,

M 523 94 MORE OR LESS" (Conditional Use No. 1090) filed on behalf of
(con't) Townsends, Inc., with the following conditions:

1. The applicant will obtain all required DNREC permits and will comply with all DNREC regulations.
2. Buffer area will be as follows:
 - A. 100 foot wide buffer on south and west.
 - B. 200 foot buffer along the adjoining lots.
3. Sludge applied to the site will be limited to that which is produced at the Townsend, Inc. wastewater treatment facility near Millsboro, Delaware.
4. All application of sludge will be during the hours of 7:00 a.m. until 6:00 p.m., Monday through Saturday.

Motion Adopted: 4 Yea, 1 Not Participating.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Not Participating;
Mr. Stevenson, Yea; Mr. Dukes, Yea

Findings
of Fact

The findings of fact and recommendations of the Planning and Zoning Commission were incorporated in the record. The County Council found that the proposed conditional use is in accordance with the Comprehensive Development Plan; it promotes the health, safety, morals, convenience, order, prosperity and welfare of present and future inhabitants of Sussex County; and it is for the general convenience and welfare of the inhabitants of Sussex County.

The Council found that the site would not adversely affect adjacent and neighboring properties since it is adjacent to woodlands and agricultural lands.

The Council found that the proposed land application of sludge is supported by the Department of Agriculture due to its positive effect on agriculture and the economy. The site has a high LESA score, indicating suitability for long-term agriculture use, such as woodlands.

The Council found that soils on the site are suitable for the proposed use.

The Council found that the application is supported by DNREC. DNREC will regulate and monitor the operation to ensure compliance with applicable rules and regulations.

Findings
of Fact
(con't)

The Council found that evidence submitted at the public hearing shows that the sludge is to be applied in controlled quantities. Nutrients are used up by the forest and stored in the wood fiber. There is no negative impact on the environment, ground water, or wildlife. Nitrates are used in tree growth.

The Council found that the sludge will come from Townsends' wastewater treatment facility at its poultry plant. The application of sludge from agriculture wastewater treatment facilities is a common and environmental sound agriculture practice.

The proposed site is located in an AR-1 agricultural residential zoning district. The purpose of such a zoning district is to provide a full range of agricultural activities and to protect agricultural lands. The sludge is produced at the applicant's poultry plant and is to be applied on forest land owned by the applicant.

The Council found that the proposed use follows the Coastal Sussex Land Use Plan for the following reasons:

1. The site is located in the agricultural district on the Land Use map.
2. The preservation of agricultural lands and woodlands are both goals of the Land Use Plan.
3. Agri-business is a major employer in Sussex County. The applicant is a major agri-business in Sussex County. Making agri-business profitable over the long run provides stability for employment and is a major factor in preserving farm land.
4. The land use plan recognizes that land disposal of sewer effluent has merit in Sussex County under controlled conditions.

The County Council recognized that several persons appeared at the Public Hearing and expressed opposition to the application. County Council found, however, that the concerns of the opposition were adequately addressed by the applicant.

Old
Business
C/U
No. 1094

Conditional Use No. 1094 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALE AND WHOLESALE 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

Old Business (con't) ACRES, MORE OR LESS" filed on behalf of Ernest and Nelsa Hosse was discussed. A Public Hearing was held on this application on December 6, 1994, at which time the Public Hearing was closed and action was deferred.

M 524 94 Adopt Ordinance No. 998 (C/U No. 1094) A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to adopt Ordinance No. 998 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALE AND WHOLESALE 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, with the following conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. All appropriate agency approvals and/or permits shall be submitted with the final site plan.
3. All buildings shall be set back a minimum of 150 feet from the front property line as indicated on the site plan submitted with the application.
4. No parking shall be permitted within 40 feet of the right of way of Route 18.
5. One sign, not exceeding 32 square feet on both sides, may be permitted.
6. Items for sale shall be limited to nursery stock, produce and farm products, fertilizer, pots, and related gardening and landscaping equipment and items.

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 County Council found that the proposed conditional use is in accordance with a Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

Old Business Proposed Ordinance (Wetlands) The Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115, ARTICLE XXV, OF THE CODE OF SUSSEX COUNTY, PROVIDING FOR A BUILDING SETBACK LINE AT FEDERAL WETLANDS" was discussed. A Public Hearing was held on this Proposed Ordinance on January 28, 1992, at which time the Public Hearing was closed and action was deferred.

M 525 94 Adopt Proposed Ordinance Relating to Set-back Line at Federal Wetlands (Denied) A Motion was made by Mr. Cole, seconded by Mr. Collins, to adopt the amended version of the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115, ARTICLE XXV, OF THE CODE OF SUSSEX COUNTY, PROVIDING FOR A BUILDING SETBACK LINE AT FEDERAL WETLANDS".
Motion Denied: 3 Nay, 2 Yea.
Vote by Roll Call: Mr. Benson, Nay; Mr. Cole, Yea; Mr. Collins, Yea; Mr. Stevenson, Nay; Mr. Dukes, Nay

Old Business (Outdoor Burning) The Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE III, OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO OUTDOOR BURNING IN ALL DISTRICTS" was discussed. A Public Hearing was held on this Proposed Ordinance on January 4, 1993, at which time the Public Hearing was closed and action was deferred. Mr. Cole suggested amending the Proposed Ordinance to apply only in the Coastal Zone Area of Sussex County, as defined by the State Coastal Zone Act.

M 526 94 Adopt Ordinance No. 999 Relating to Outdoor Burning A Motion was made by Mr. Cole, seconded by Mr. Collins, to adopt Ordinance No. 999 entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE III, OF THE CODE OF SUSSEX COUNTY, DELAWARE, RELATING TO OUTDOOR BURNING IN ALL DISTRICTS", as amended.
Motion Adopted: 3 Yea, 2 Nay.
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea; Mr. Collins, Yea; Mr. Stevenson, Nay; Mr. Dukes, Nay

Findings of Fact The County Council adopted this Ordinance, amended to apply only in the Coastal Zone Area of Sussex County, as defined by the State Coastal Zone Act. In adopting this Ordinance, the County Council found that certain instances of outdoor burning can be detrimental to the health, safety, morals, convenience, order, prosperity and general welfare of the inhabitants of Sussex County. In particular, the County Council found that outdoor burning, during the months of April through September, in the highly congested, resort area of Eastern Sussex County, should be controlled.

M 527 94 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$100.00 from Mr. Cole's Councilmanic Account to Brownie Troop #1172 to be used to help a needy family at Christmas.

Motion Adopted: 5 Yea.

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

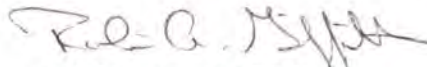
M 528 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$350.00 from Mr. Collins' Councilmanic Account to the Laurel Public Library to help overcome budget shortfalls.

Motion Adopted: 5 Yea.

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

M 529 94 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn at 12:25 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council