

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 15, 2002

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, January 15, 2002, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Finley B. Jones, Jr.	President
Lynn J. Rogers	Vice President
George B. Cole	Member
Dale R. Dukes	Member
Vance Phillips	Member
Robert L. Stickels	County Administrator
David Baker	Finance Director
Eugene Bayard	County Attorney

M 034 02      A Motion was made by Mr. Rogers, seconded by Mr. Phillips, to amend the Agenda by changing the order of the Public Hearings scheduled for 1:30 p.m., as follows:  
Amend and Approve Agenda      Conditional Use No. 1431  
Randy D. Wilson

“AN ORDINANCE AMENDING CHAPTER 99, SECTION 13, OF THE SUBDIVISION CODE OF SUSSEX COUNTY, RELATING TO SUBMISSION OF PRELIMINARY PLAT AND PRESENTATION TO COMMISSION”

; and to approve the Agenda, as amended.

Motion Adopted:      5 Yea.

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

M 035 02      A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to approve the minutes of January 8, 2002, as distributed.  
Approve Minutes

Motion Adopted:      5 Yea.

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

Corre-  
spondence      Mr. Bayard read the following correspondence:

GEORGETOWN HISTORICAL SOCIETY, GEORGETOWN, DELAWARE.  
RE: Invitation to attend the dedication of the recently restored Gas Station located on the grounds of the Marvel Carriage Museum on January 24, 2002, at 11:00 a.m.

Corre-  
spondence  
(continued)

WILLIAM AND HELEN MILLER, LEWES, DELAWARE.

RE: Letter of thanks for repairs done to their home.

CLINTON TYMES, STATE DIRECTOR, DELAWARE SMALL BUSINESS DEVELOPMENT CENTER NETWORK, UNIVERSITY OF DELAWARE, NEWARK, DELAWARE.

RE: Letter in appreciation of contribution.

Mobile  
Home  
Demolition  
Program

Bob Betts and Ira Hitchens, Sussex County Constable's Office, and Phyllis McKinley, Executive Director of the First State Manufactured Housing Association (FSMHA) updated Council on the Mobile Home Demolition Program. In March, 2001 the County entered into a cooperative agreement with FSMHA to establish this program. At that time, FSMHA expressed their commitment to the project and advised that the Association would contribute \$8,000 to the project annually to provide funding for property owners who cannot afford to cover the costs of demolition.

Mr. Hitchens reported that 20 mobile homes have been demolished and the properties cleaned up, and that they are working on getting 25 –35 mobile homes demolished per month.

Mr. Betts reviewed a map showing properties that have been cleaned up; showing areas where clean-up and demolition is in various stages of completion; showing areas where contact with the property owner has recently been made; showing areas of multiple abandoned mobile homes sites; and showing properties where the owners are interested in receiving funding from the Association. Mr. Betts reported that, to date, it has not been necessary to utilize any of the funds made available; all costs have been paid by the property owners so far. Mr. Stickels noted that there are three property owners interested in obtaining funding through the program. Funding for approved demolition projects will be in the form of a non-interest loan with a lien placed on the property.

Mr. Stickels noted that it is the goal of the program to demolish 100 dilapidated mobile homes annually and that estimates show that there could be as many as 700 mobile homes countywide that need to be demolished.

Adminis-  
trator's  
Report

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

1. Government Closing

Sussex County government offices will be closed Monday, January 21, 2002, to allow employees to observe the birthday of Martin Luther King, Jr. County offices will reopen on Tuesday, January 22, 2002, at 8:30 a.m. There will be a Council meeting on January 22 starting at 10:00 a.m. in the Council Chambers.

2. READ-ALOUD

A READ-ALOUD Delaware volunteer training session will be held on Wednesday, January 30, 2002, at 1:00 p.m. in the Seaford Public Library. Volunteer readers are needed at various reading sites in Sussex County.

Administrator's Report (continued)	For additional information or to register for the training session, call 856-2527.
3. <u>Maryland Route 404</u>	I thought the Council would be interested in knowing that the Associated Press has reported that Route 404 in Caroline County, Maryland, will be upgraded with the help of federal funds. Maryland Senator Barbara Mikulski has secured \$4 million for the project in the federal transportation bill. The money will be used to help pay for a portion of the widening project of Wye Mills to the Delaware state line. This federal funding adds credibility to the County's request to the State of Delaware Department of Transportation for upgrading of our east-west roads to go along with the limited north-south access roadway.
Route 404 Improvements	DelDOT has scheduled a CIP hearing for Wednesday, February 20, 2002, in the Conference Room at DelDOT's South District facility located on the corner of DuPont Highway and South Bedford Street starting at 6:00 p.m.
Ocean View Expansion	Mr. Cole referred to the Maryland Route 404 project and suggested that the State of Delaware coordinate improvements to Delaware Route 404 at the same time. Mr. Stickels will make that recommendation at the CIP hearing on February 20th.
M 036 02 Approve Change Order/ Regional Pump Station/ Ocean View Expansion/ BBSSD	Mr. Izzo, County Engineer, reviewed balancing change orders for two projects completed last year: (1) Regional Pump Station – Ocean View Expansion of the Bethany Beach Sanitary Sewer District and (2) Holts Landing Sanitary Sewer District.
	A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based on the recommendation of the consulting engineers, Whitman, Requardt and Associates, LLP, and the County Engineering Department, that the Sussex County Council approves the balancing change order for Contract 99-08, Regional Pump Station at Ocean View, that provides a credit in the amount of \$3,060.00 and a final contract total of \$2,194,305.07.
	Motion Adopted: 5 Yea.
	Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Award	Mr. Izzo reported that Hopkins Construction, the contractor for the project, received a regional award for the construction of the Regional Pumping Station facility in Ocean View.
M 037 02 Approve Change Order/ Holts Landing SSD	A Motion was made by Mr. Phillips, seconded by Mr. Dukes, based on the recommendation of the consulting engineers, Whitman, Requardt, and Associates, LLP, and the County Engineering Department, that the Sussex County Council approves the balancing change order for Contract 99-10, Holts Landing Sanitary Sewer District, that provides a credit of \$51,228.45 and establishes a final contract amount of \$928,247.88.

M 037 02 (continued)	Motion Adopted: 5 Yea.  Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Bay View Estates and Sea Country Estates SSD	Mr. Archut, Assistant County Engineer, discussed a proposed contract for the design services for the Bay View Estates and Sea Country Estates Sanitary Sewer Districts. Mr. Archut pointed out that the Engineering Department is proposing one contract for the design services for both sewer districts since the two areas are very close together and both will connect to the Fenwick Island Sanitary Sewer District. Mr. Archut noted that referendums passed for both districts with overwhelming support.
M 038 02 Execute Amendment/ Design Contract/ Bay View Estates and Sea Country Estates SSD	A Motion was made by Mr. Cole, seconded by Dukes, based upon the recommendation of the Engineering Department, that the Sussex County Council authorizes its President to execute Amendment No. 10, dated November 27, 2001, to its contract with Whitman, Requardt and Associates, LLP, to provide design services for the Bay View Estates and Sea Country Estates Sanitary Sewer Districts.
Proposed Millville/ North Millville SSD/ Boundary Recom- mendation	Motion Adopted: 5 Yea.  Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Proposed Millville/North Millville Sanitary Sewer District	Mr. Archut, Assistant County Engineer, reviewed the recommended boundaries in the Proposed Millville/North Millville Sanitary Sewer District. The area proposed to be served includes more than 1,000 homes. A public meeting was held on November 10, 2001 to assess the interest and support for an extension of the Bethany Beach Sanitary Sewer District to include the Millville and North Millville areas and to define the boundaries for sewer service in the area. Mr. Archut reported that over 300 people were present at the public meeting and that people in the area are very interested in receiving sewer service. Mr. Archut reported that, at the conclusion of the meeting, the record was left open for written requests for sewer service; 147 favorable responses have been received from property owners in the area.
	Mr. Archut requested permission from Council to do the Preliminary Engineering Study to determine the project's costs. A formal public hearing will be held on the final proposed boundaries.
	Mr. Izzo referred to the proposed 402-home subdivision the Town of Millville recently annexed. Mr. Izzo advised that, in 1990, the County Council adopted the South Coastal Area Planning Study. This study was performed to determine the geographic extent that could be served by the South Coastal Regional Wastewater Facility. Mr. Izzo advised that the land annexed by the Town of Millville falls outside of the boundaries adopted, and for this reason, the Engineering Department is reluctant to recommend that the property be included within the Proposed North Millville/Millville Sanitary Sewer District until further information is obtained.

Proposed  
Millville/  
North  
Millville  
SSD/  
Boundary  
Recom-  
mendation  
(continued)

Mr. Izzo reported that the Engineering Department proposes to update the South Coastal Area Planning Study and to include a special work item to see if capacity is available to serve the annexed land.

Mr. Izzo reported that construction is not scheduled to begin until 2007 and that residents of Whites Creek Manor and other communities are concerned and have expressed that they need sewer service prior to 2007. Mr. Izzo stated that it may be possible to phase an area ahead of an entire district; however, the information is not available at this time to make a determination. Mr. Izzo advised that two studies will be taking place concurrently, the Preliminary Engineering Report for the Proposed North Millville/Millville Sanitary Sewer District and the study to look at the entire South Coastal Planning Area. The Preliminary Engineering Report is scheduled to be completed in August, 2002.

It was the consensus of Council to move forward with the Preliminary Engineering Report on the boundaries of the Proposed North Millville/Millville Sanitary Sewer District.

Mr. Stickels advised that requests will be accepted from outside the proposed boundaries; however, engineering studies would have to be paid for by the property owners/developers.

Mr. Archut referred to the subdivision known as Woodcrest, advising that that pipelines are in place in a section of that development and each property in that section has a sewer connection available to it. He noted, however, that the Woodcrest subdivision is not located within the boundaries of the proposed sewer district. The Engineering Department is considering this as a work item to look at annexing this area into the Ocean View Sanitary Sewer District and allowing the properties to connect.

Mr. Cole expressed concern that only part of the subdivision is included and that sewer rates should be the fair and equitable for all property owners in the subdivision.

Russell Banks and David Banks, owners of the Proposed Dove's Landing Subdivision, the property annexed into the Town of Millville, addressed Council regarding obtaining sewer service.

Mr. Archut and Mr. Izzo reiterated that this property is an area outside of the original South Coastal planning area adopted by the County; that the County cannot over-commit to capacity; and that extensions of sewer service are geared towards replacing existing septic systems and not undeveloped land. It was noted that their request (and similar requests) can be considered once additional information is obtained through the Preliminary Engineering Study and the updated South Coastal Area Planning Study.

M 039 02  
Recess

At 11:07 a.m., a Motion was made by Mr. Dukes, seconded by Mr. Rogers, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

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

Attorney Mr. Schrader, Assistant County Attorney, was present.

Public Hearing C/U No. 1431 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 A MASONRY CONTRACTOR'S HOME OFFICE AND STORAGE OF EQUIPMENT IN STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.3782 ACRES, MORE OR LESS" (Conditional Use No. 1431) filed on behalf of Randy D. Wilson.

The Planning & Zoning Commission held a Public Hearing on this application on December 27, 2001 at which time they recommended that the application be approved with four conditions. The report of the Planning & Zoning Commission was made a part of the record of this public hearing.

Bonnie Wilson was present on behalf of the application. Mrs. Wilson stated her husband applied for a conditional use following a complaint from a neighbor that they were operating a business at their home; that her husband has a masonry business; that they do not keep any hazardous chemicals on site; that pallets are not stored on the site long-term; that they are periodically removed from the site; that materials are stored behind a building; that the block garage on Road 629 will be torn down; and that they are planning to purchase Lot 34 owned by George and Catherine Adams, and combine it with the rest of the property.

There were no public comments and the Public Hearing was closed.

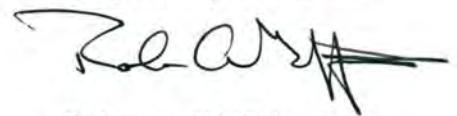
M 040 02 A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1517 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MASONRY CONTRACTOR'S HOME OFFICE AND STORAGE OF EQUIPMENT IN STORAGE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.3782 ACRES, MORE OR LESS" (Conditional Use No. 1431) filed on behalf of Randy D. Wilson, with the following conditions

1. There shall be no outside storage.
2. Business hours shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday. There shall be no weekend business hours.
3. Signage shall be limited to two 27" by 32" signs, with one sign on Route 36 and one on Route 629.
4. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

M 040 02 (continued)	<b>Vote by Roll Call:</b> Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
Findings of Fact	The Council found that the conditional use was appropriate legislative action based on the following findings of fact: <ol style="list-style-type: none"><li>1. The applicant established by substantial evidence that the proposed use will have no adverse impact of any sort with the conditions imposed.</li><li>2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.</li></ol>
Public Hearing/ Subdivision Ordinance	A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 99, SECTION 13, OF THE SUBDIVISION CODE OF SUSSEX COUNTY, RELATING TO SUBMISSION OF PRELIMINARY PLAT AND PRESENTATION TO COMMISSION".  Mr. Schrader explained that the proposed amendment to the Subdivision Ordinance provides for the elimination of the requirement that at the second meeting of each month, the Planning and Zoning Commission hear subdivision applications. The elimination of this requirement will allow all applications of any kind to be heard in chronological order, based upon the filing date.
	There were no public comments and the Public Hearing was closed.
M 041 02 Adopt Ordinance No. 1518	A Motion was made by Mr. Dukes, seconded by Mr. Rogers, to Adopt Ordinance No. 1518 entitled "AN ORDINANCE AMENDING CHAPTER 99, SECTION 13, OF THE SUBDIVISION CODE OF SUSSEX COUNTY, RELATING TO SUBMISSION OF PRELIMINARY PLAT AND PRESENTATION TO COMMISSION".  <b>Motion Adopted:</b> 5 Yea.
	<b>Vote by Roll Call:</b> Mr. Phillips, Yea; Mr. Cole, Yea; Mr. Dukes, Yea; Mr. Rogers, Yea; Mr. Jones, Yea
M 042 02 Adjourn	A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to adjourn at 1:58 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the Council