

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 17, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, January 17, 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 031 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting dated January 10, 1995. Motion Adopted by Voice Vote.

Corre- Mr. Bayard, County Attorney, read the following correspondence:
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DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Commission Meeting and Public Hearing on applications for approval of several projects, none of which are located in Sussex County.

DEPARTMENT OF THE ARMY, 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. (Applicant: Joan Madeline Lewis. Waterway: Lewes and Rehoboth Canal.)

Request Mr. Stickels, County Administrator, introduced the Mayor of for the Town of Dewey Beach, Robert Frederick. Mayor Frederick Funding advised Council that the Town of Dewey Beach is seeking funds From for a Town Hall/Police Department building expansion. The Town of total project cost is \$100,000; \$50,000 will be raised by Dewey donations and the Town is hoping that \$50,000 in matching Beach funds will be provided by the State.

M 032 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Council- give \$1,000.00 from Mr. Cole's Councilmanic Account to the Grant Town of Dewey Beach for a Town Hall/Police Department building expansion.

Motion Adopted: 5 Yea.

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

Grain Sorghum Yield and Management Contest

Mr. Stickels, County Administrator, advised Council that Rexford T. Powell has placed first in the County and the State for the sorghum yield on the County's sludge disposal site located on Route 54 in Williamsville. The contest was sponsored by the National Grain Sorghum Producers. Mr. Powell and Ms. Sheridan were in attendance to discuss the sludge disposal process and the beneficial use of sludge as an agricultural product.

County Administrator's Report

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

1. Planning and Zoning Commission Approvals

The Pines at Long Neck received the approval of the Planning and Zoning Commission on Thursday, December 22, 1994, for a General Residential Planned Community (RPC) in Indian River Hundred, east side of Route 24, north of Route 22. The RPC will consist of 186 lots situated on 59± acres. The lots will be serviced with a central water system and central sewer connected to the Inland Bays Wastewater Facility.

The Planning and Zoning Commission also gave subdivision approval for Foxshire, an Agricultural Residential District located in Northwest Fork Hundred, west side of Route 562, north of Route 566, for 33 lots to be serviced by individual wells and septic systems.

It should be noted that during calendar year 1994, the Planning and Zoning Commission only approved one subdivision consisting of two lots and two RPC's.

2. Implementation of 900 Phone Service

Please be advised that on Monday, January 23, 1995, the County's new 900 phone service will begin operation. The new number is 1-900-555-5252. This phone service will offer, but will not be limited to, the following information: property assessment amounts, owners' names and addresses, and a general description of properties as described on property record cards and tax maps. The cost of this service will be \$1.50 per minute. Anyone having questions concerning this service should contact the Assessment Division at 855-7826. Property record information will still be offered to the public at no charge if they should choose to come in to the Assessment Division to do their own research.

Contract Amendment

Mr. Archut, Director of Planning and Permits, discussed an amendment to a Contract with Whitman, Requardt and Associates, dated February 10, 1991, for additional engineering study for the Proposed Ellendale Sanitary Sewer District Project. The additional study will include an independent cost evaluation

Contract Amend-ment (con't) of the alternative determined by the County and DNREC to be the most cost effective and feasible for providing wastewater facilities to serve the revised district. The additional study will increase the cost of the Contract from \$18,210.00 to \$25,710.00.

M 033 95 Amend Contract with Whitman, Reguardt & Assoc. A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council approves an increase in the current Whitman, Reguardt and Associates Contract, dated February 10, 1991, from \$18,210.00 to \$25,710.00 for supplemental cost evaluations for the Proposed Ellendale Sanitary Sewer District, subject to the review and approval of the terms by the Finance Department and the Legal Department.

Motion Adopted: 5 Yea.

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

Sussex County Project No. 95-01 Mr. Wood, County Engineer, discussed the bid results for Sussex County Project No. 95-01 entitled "Repair, Alteration and/or Installation of Electrical Items", as follows:

Bidder (Hourly Rates)	Pace Electric	Solar Heating
Item 1. Electrician	\$43.00	\$24.00
Item 2. Laborers	\$32.50	\$14.25
Item 3. Engineer Technician	\$45.00	\$34.00
Item 4. Bucket Truck w/Driver	\$72.50	\$36.00

M 034 95 Award Bid Sussex County Project No. 95-01 A Motion was made by Mr. Collins, seconded by Mr. Cole, based on the recommendation of the Engineering Department, that the President of the Sussex County Council be authorized to enter into a contract with Solar Heating, Inc./Sussex Electric for the Repair, Alteration, and/or Installation of Electrical Items as required at facilities owned or leased by Sussex County, in accordance with rates and conditions outlined in contract bid documents for Sussex County Project No. 95-01, dated January 9, 1995.

Motion Adopted: 5 Yea.

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

Sussex County Project No. 95-02 Mr. Wood, County Engineer, discussed the bid results for Sussex County Project No. 95-02 entitled "Repair, Alteration and/or Installation of Plumbing, Heating, Air Conditioning, Sheet Metal, and Other Related Items", as follows:

Sussex County Project No.	Bidder (Hourly Rates)	M&M Valve & Pump	Solar Heating
95-02 (con't)	Item 1. Plumber Rate	\$45.00	\$24.00
	Item 2. Sheet Metal Worker	\$35.00	\$24.00
	Item 3. Laborers Rate	\$45.00	\$14.50
	Item 4. Eng. Tech. Rate	\$47.50	\$29.00

M 035 94 Award Bid Sussex County Project No. 95-02
 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, based on the recommendation of the Engineering Department, that the President of the Sussex County Council be authorized to enter into a contract with Solar Heating, Inc./Sussex Electric for the Repair, Alteration and/or Installation of Plumbing, Heating, Air Conditioning, Sheet Metal, and Other Related Items as required at facilities owned or leased by Sussex County, in accordance with rates and conditions outlined in contract bid documents for Sussex County Project No. 95-02, dated January 9, 1995.

Motion Adopted: 5 Yea.

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

Bid Results Contract "C" West Rehoboth Project
 Mr. Wood, County Engineer, advised Council of bid results for Contract "C" of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, as follows:

	CONTRACTOR	COMBINED	PS-210	PS-210-209
Dugan Const.		\$3,219,066.90	\$1,228,033.45	\$2,005,033.45
Hopkins Const.			\$1,249,791.00	
Kuhn Const.		\$3,592,250.00	\$1,310,000.00	\$2,245,125.00
L.A. Merrell		\$3,541,014.00	\$1,550,177.00	\$2,240,837.00
Marquis Const.		\$3,361,063.40	\$1,457,031.70	
MGK Industries			\$1,191,500.00	
Lisbon Const.		\$2,940,000.00		

It was noted that this was a re-bid. The bids will be reviewed and a recommendation made on January 24, 1995.

Old Business C/U No. 1096
 Conditional Use No. 1096 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR 117 DRY BOAT STORAGE SLIPS WITHIN AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF

Old Business C/U No. 1096 (con't) LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.99 ACRES, MORE OR LESS", filed on behalf of Angola Community Partners, L.L.C., was discussed. A Public Hearing was held on this application on January 3, 1995, at which time the Public Hearing was closed and action was deferred to allow time for the applicant and the opposition to submit proposed findings of fact and recommendations.

M 036 95 Adopt Ordinance No. 1008 (C/U No. 1096) A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 1008 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR 117 DRY BOAT STORAGE SLIPS WITHIN AN EXISTING MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.99 ACRES, MORE OR LESS" (Conditional Use No. 1096) filed on behalf of Angola Community Partners, L.L.C., with the following conditions:

1. The owner of the Angola Beach and Angola Estates Mobile Home Communities shall offer slips for the storage of boats within the conditional use granted storage area to tenants of the two communities, but shall make the slips first available to tenants of the Angola Beach Mobile Home Community desiring to store their boats. The landlord shall grant a first option to secure the available slips for each season to the tenants of the Angola Beach Mobile Home Community. In the event the tenants of the Angola Beach Mobile Home Community do not secure all of the slips available in the conditional use storage area in a reasonable time prior to the beginning of each season, the landlord may offer any slips not secured for occupancy by tenants of the Angola Beach Mobile Home Community to tenants of the Angola Estates Mobile Home Community.
2. The boat storage area shall be limited to boats owned by tenants of the Angola Beach Mobile Home Community and the Angola Estates Mobile Home Community.
3. In the event a further expansion of boat storage area is desired by the owner of the Angola Beach and Angola Estates Mobile Home Communities, the applied for boat storage expansion area shall be located in the Angola Estates Mobile Home Community.
4. The owner of the conditional use property shall install within one year of the grant of the conditional use appropriate plantings, which upon maturing are designed to screen the storage area.

Motion Adopted: 4 Yea, 1 Nay.

M 036 95 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Nay; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings of Fact The Council found that the Conditional Use was appropriate legislative action based upon the following findings of fact:

County Council finds that the owner/lessor of Angola Beach Mobile Home Community, Angola Community Partners, L.L.C. ("Applicant"), imposed effective January of 1994, a rule which prohibited the storage of boats on individual lots at the Angola Beach Mobile Home Community due to its concern with safety and aesthetics caused by the storage of boats on individual mobile home lots.

The Council finds that the promulgation of such rule was authorized by the Delaware Mobile Home Code, and that such rule, prior to being promulgated, was reviewed and endorsed by the Tenants' Associations of the Angola Beach and Angola Estates Mobile Home Communities.

As a result of the promulgation of the rule, there are inadequate existing wet slips available at Angola Beach to provide for the dockage of all boats owned by tenants of the Angola Beach and Angola Estates Mobile Home Communities.

The Applicant proposes a boat storage area to be placed on 1.99 acres out of a total of 6.6 acres of open space, which has not previously been used for any beneficial recreational use.

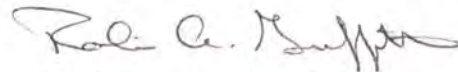
The Council finds that boat storage is an appropriate use of lands to serve the recreational needs of the boat owning tenants of the Angola Beach and Angola Estates Mobile Home Communities. The area submitted for approval under Conditional Use No. 1096 is at an appropriate location in close proximity to the existing boat ramp at the Angola Beach Mobile Home Community. A convenient boat storage area within the properties owned by Angola Community Partners, L.L.C. is an appropriate conditional use of property to serve the boat storage needs of the tenants at the Angola Beach and Angola Estates Mobile Home Communities.

The boat storage area will prevent congestion in the streets so as not to require boat owners to remove their boats from the communities to public storage areas outside the community. The grant of the Conditional Use will conserve resources and allow for the convenient storage of recreational boats for those tenants who desire to utilize boats in the affected communities.

Findings of Fact (con't) Accordingly, the Sussex County Council finds that the grant of the applied for Conditional Use is an appropriate legislative action to secure the convenience, safety and welfare of the residents in the affected communities.

M 037 95 Adjourn A Motion was made by Mr. Collins, seconded by Mr. Cole, to adjourn at 11:07 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council