

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE, JANUARY 28, 1992

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, January 28, 1992, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

Dale R. Dukes	President
Ralph E. Benson	Vice President
George B. Cole	Member
George J. Collins	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 029 92
Approve
Minutes

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to approve the minutes of the previous meeting dated January 21, 1992. Motion Adopted by Voice Vote.

Corre-
spon-
dence

Mr. Bayard, County Attorney, read the following correspondence:

GEORGE G. KEEN, PRESIDENT, SUSSEX COUNTY ASSOCIATION OF REALTORS, GEORGETOWN

RE: Policy established to keep members informed - Political Affairs Committee will be attending all County Council meetings.

HERBERT (JOE) SCHAEFER, MAYOR, TOWN OF SOUTH BETHANY

RE: Appreciation for the extraordinary efforts of Mr. Stickels and his people after the January 4th storm.

FRANK H. MORRIS, CHAIRMAN, SHORE DISTRIBUTORS, INC., SALISBURY

RE: "Thank you" for a job being well done.

SERIES OF CORRESPONDENCE FROM CONCERNED CITIZENS

RE: West Rehoboth Sewer Project

Adminis-
trator's
Report

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

1. Delaware Solid Waste Authority Workshop Meeting

Delaware Solid Waste Authority has advised that the workshop for the proposed FY '93 Budget has been rescheduled. The new date is Wednesday, February 5, 1992. It was necessary to reschedule the meeting because there was not sufficient room for the approximately 300 people who attended the originally scheduled workshop on Tuesday, January 21, 1992.

2. Change of Zone No. 1114 - Bayville Shore Development Corporation

Correspondence has been received from John A. Sergovic, Jr., Attorney for Bayville Shore Development Corporation, that they wish to withdraw their application. Change of Zone No. 1114

Adminis-
trator's
Report
(con't)

was an application for a HR-2/RPC rezoning for a portion of the lands. Bayville Shore Development Corporation is going to reapply for a RPC overlay of the lands.

3. Tax Map Fee

Effective February 1, 1992, anyone requesting a tax map from the Assessment Department will be charged a fee of \$10.00 per copy. The current fee of \$3.00 that was implemented in 1973 is not adequate to cover costs at this time. This fee will also bring Sussex County in line with charges being implemented in Kent County for the same service.

4. Peninsula General Hospital Medical Center Board of Trustees

Mr. Dan H. Akin, President of PGHMC, has requested that the County Council designate a Council member to represent Sussex County on the Board of Trustees. Councilman Cole has served on the Board for the last three years. Prior to Mr. Cole's appointment, the Council was represented by Oliver E. Hill.

5. Value Engineering Report Status

Roy F. Weston, Inc. is scheduled to complete the Value Engineering Report on Tuesday, January 28, 1992. Upon completion of the report, they will deliver the document to George, Miles and Buhr. George, Miles and Buhr will review the report and make recommendations to the County Engineering Department on Monday, February 3, 1992. The Engineering Department will review the report, incorporate recommendations, and submit a final report to the Department of Natural Resources on Thursday, February 20, 1992. Once DNREC has commented on the study, a public hearing will be scheduled in March to allow for comments. After a public presentation has been made, a determination will be made if the Memorandum of Understanding will need to be adjusted to allow for additional time. This schedule is longer than first anticipated for completion of the Value Engineering Report, however, cost-saving procedures must not be overlooked. A thorough investigation has resulted in this report taking a longer period to complete.

M 030 92
Appoint-
ment
PGHMC

A Motion was made by Mr. Cole, seconded by Mr. Benson, to appoint Mr. Collins as the Council member to represent Sussex County on the Board of Trustees of Peninsula General Hospital Medical Center.

Motion Adopted: 5 Yea.

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

Sediment Control & Stormwater Management Fees

Mr. Stickels, County Administrator, discussed Sediment Control and Stormwater Management fees. Fees currently being charged by the Conservation District conflict with Ordinance No. 769. In accordance with Ordinance No. 769, fees are to be calculated on disturbed acreage. The Conservation District is calculating fees on gross acreage. Elizabeth Horsey and William Vanderwende of the Conservation District were present for the discussion.

M 031 92 Sediment Control & Stormwater Management Fees

A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to continue with the fees currently being charged under the Sediment Control and Stormwater Management Program.

Motion Adopted: 3 Yea, 2 Nay.

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

Council's decision will require an amendment to Ordinance No. 769.

Bid Opening 92-03

A Bid Opening was held on Sussex County Project No. 92-03, tractor for general use at the Sussex County Airport. The following bids were received:

Sussex County Project No. 92-03

Sussex Equipment Co. \$17,900.00
Laurel, Delaware

David A. Banks, Inc. \$18,788.00
Georgetown, Delaware

The bids will be reviewed and then submitted through Mr. Calio, Director of Airport & Industrial Park Operations, to the State of Delaware Department of Transportation Aeronautical Division for approval and purchase.

Transfer Station Report

Mr. Stickels, County Administrator, read in its entirety a Transfer Station Report dated January 28, 1992. Due to the continuing increase in costs imposed by the Delaware Solid Waste Authority for the disposal of waste, Council requested that Mr. Stickels investigate the possibility of discontinuing the trash transfer station services and evaluate alternative services to be provided the residents of Sussex County if the trash transfer stations were to be eliminated. It was the consensus of Council to take the report under advisement for a period of one week.

Public Hearing CDBG

A Public Hearing was held to give all citizens an opportunity to participate in the development of an application to the State of Delaware Community Development Block Grant Program (formerly the H.U.D. Small Cities CDBG Program), for a grant under the provisions of the Community Development Act of 1977. The primary objective of the Community Development Program is the development of viable

Public
Hearing
CDBG
(con't)

urban communities, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.

In accordance with Section 106 (d)(2)(D) of the Housing and Community Development Act of 1974, as amended, Sussex County Council will adopt a three (3) year Community Housing and Development Plan.

In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with a respect to undertakings that may affect historic properties of significance to such agencies and individuals.

The following projects will be submitted to the State of Delaware Division of Housing for funding:

APPLICATION No. 1, Unincorporated:

West Rehoboth	\$ 151,000	Housing Rehab/Demo
Ellendale	85,000	Housing Rehab
Blades	70,000	Housing Rehab
Millsboro	50,000	Housing Rehab
Scatter Site	175,100	Housing Rehab/Demo
Administration	68,900	

APPLICATION No. 2, Incorporated:

Greenwood	80,000	Housing Rehab
-----------	--------	---------------

APPLICATION No. 3:

Bridgeville	80,000	Housing Rehab
-------------	--------	---------------

APPLICATION No. 4:

Georgetown	304,040	Housing Rehab/Infras.
------------	---------	-----------------------

The Public Hearing was closed.

M 032 92
Adopt
Resolu-
tion
R 008 92
CDBG

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt the following Resolution:

No. R 008 92 entitled "ENDORISING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS".

Motion Adopted: 5 Yea.

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

LNSSD Mr. Green, Utility Construction Division Director, reviewed Change Order No. 7 for the Long Neck Sanitary Sewer District, Contract 5, to Renda Contracting Co., Inc.

M 033 92 A Motion was made by Mr. Cole, seconded by Mr. Benson, based on the Change Order No. 7 LNSSD recommendation of the Inspection Engineer, KCI Technologies, Inc., and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 7 for the Long Neck Sanitary Sewer District, Contract 5, to Renda Contracting Co., Inc., for a 60 day time extension with zero (0) dollars, for no change in the contract amount.

Motion Adopted: 5 Yea.

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

M 034 92 A Motion was made at 12:04 p.m. by Mr. Cole, seconded by Mr. Recess Benson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Recon- President Dukes called the Council back into session at 1:30 p.m.
vene

Public A Public Hearing was held on Proposed Ordinance entitled "AN Hearing (C/U #994) ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE, REPAIR AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES/REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.12 ACRES, MORE OR LESS" (C/U #994) filed on behalf of Charles E. Turner, Jr. The Public Hearing was closed and action was deferred.

Public A Public Hearing was held on Proposed Ordinance entitled "AN Hearing (C/Z #1148) ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.769 ACRES, MORE OR LESS" (C/Z #1148) filed on behalf of Norris L. Niblett, Donald Ralph, and Schwan's Sales Enterprises, Inc. The Public Hearing was closed.

M 035 92 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Ordinance No. 812 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.769 ACRES, MORE OR LESS" (C/Z #1148) filed on behalf of Norris L. Niblett, Donald Ralph, and Schwan's Sales Enterprises, Inc.

Motion Adopted: 5 Yea.

M 035 92 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings of Fact The Council found that the change of zone was appropriate legislative action based upon the following findings of facts:

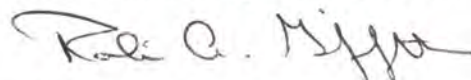
1. The applicant established by substantial evidence that the immediate neighborhood is developed as general commercial property.
2. The applicant established that because its septic system failed and was replaced by a mound system requiring use of most of its parking lot on the adjoining C-1 parcel, it needed additional parking for its existing activities and to assure sufficient traffic safety.
3. The applicant established that the proposed change of zone will have no adverse impact on the character of the neighborhood, property values therein or the environment in the area.
4. The proposed change of zone is consistent with the purposes and goals of the Western Sussex Land Use Plan.
5. The findings of fact and recommendations of the Planning & Zoning Commission are incorporated herein.

Public Hearing Federal Wetlands A Public Hearing was held on 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". The Public Hearing was closed and action was deferred.

Public Hearing Lot Area A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE IV AND TABLE I RELATING TO LOT AREA IN AR-1 AND AR-2 AGRICULTURAL RESIDENTIAL DISTRICTS". The Public Hearing was closed and action was deferred.

M 036 92 Adjourn A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to adjourn at 3:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council