

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-FEBRUARY 6, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, February 6, 1990, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

The meeting was opened by repeating the Lord's Prayer and the Pledge of Allegiance to the Flag.

M 065 90
Approval
of Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

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

WILLIAM S. SCARBOROUGH, R.D. 2, BOX 485, FREDERICA
RE: Opposition to Change of Zone No. 1044 filed on behalf of R. Marvin Ingram.

DIVISION OF VOLUNTEER SERVICES, DEPARTMENT OF COMMUNITY AFFAIRS, DOVER
RE: "The Delaware Volunteer" newsletter for Winter 1990.

Consulting
Services
for West
Rehoboth
Expansion
of the
Dewey
Beach
Sanitary
Sewer
District

Mr. Stickels, County Administrator, discussed the contract proposal presented at the January 30th meeting that would have allowed George, Miles and Buhr to immediately begin Preliminary Services and do a Topographic Survey, as Consulting Engineers, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. They had previously completed two studies, done as part of the preliminary work to establish the West Rehoboth Sanitary Sewer District as petitioned by the residents. The proposed sewer was rejected by referendum vote in April, 1985. As a result of the previous work, there was a question if this would be a continuation of a project or if it was necessary to rebid.

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Consulting
Services
(Con't.)

It was the recommendation of the County Administrator, after researching the history of the Proposed West Rehoboth Sanitary Sewer District dating back to 1969, that advertising for Consulting Services for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District should be done. As required by law, the advertising will appear for two consecutive weeks, with a deadline of February 28th for submission of all proposals. A recommendation from the Selection Committee will be made following a review of all proposals submitted.

Long
Neck
Sanitary
Sewer
District

Mr. Stickels, County Administrator, read a Status Report on the Long Neck Sanitary Sewer District Project. The project is proceeding on schedule and on budget. Construction should begin no earlier than April of 1990, with a scheduled completion date of April 1992.

Proposed
Resolution

Mr. Stickels, County Administrator, reviewed a Proposed Resolution entitled "REQUESTING THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF A NEW BRIDGE OVER THE CHESAPEAKE AND DELAWARE CANAL".

M 066 90
Adopt
Resolution
No. R 007 90

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 007 90 entitled "REQUESTING THE GOVERNMENT OF THE UNITED STATES OF AMERICA TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF A NEW BRIDGE OVER THE CHESAPEAKE AND DELAWARE CANAL". Motion Adopted: 5 Yea.

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

Administra-
tor's
Report

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

1. A memorandum from the Office of the Budget Director listing State projects that have applied to the State Clearinghouse for federal funds.
2. A memorandum from DNREC listing pending applications for subaqueous and/or wetlands projects. Planning and Zoning will review the applications.
3. Ground Breaking will take place on Wednesday, February 14th at 1:30 p.m. for the Higher Education Building, Delaware Tech, Georgetown.

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Administra-
tor's
Report
(Con't.)

4. Sussex Job Exchange has submitted FY '90 Proposals. Included in the proposals are requests for funds to assist in employing thirty (30) people through the Blue Collar Program and thirty-five (35) people through the Job Training Partnership Act.

C/Z #1039

Change of Zone No. 1039 filed on behalf of Norris L. Niblett was discussed. Public Hearing was held January 16, 1990, and action was deferred.

M 067 90
Adopt
Ordinance
No. 658
C/Z #1039

A Motion was made by Mr. Dukes, seconded by Mr. Mariner, to Adopt Ordinance No. 658 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 4.35 ACRES, MORE OR LESS" (C/Z #1039) filed on behalf of Norris L. Niblett. Motion Adopted: 5 Yea.

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

Findings
of Facts
C/Z #1039

The findings of facts and the recommendations of the Planning and Zoning Commission are hereby incorporated into the record and into the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County and the proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that the site is surrounded by commercial uses and districts, the rezoning will add to the tax base and benefit the area, and no adverse impact is anticipated in the neighborhood.
2. There will be no significant impact on traffic.

M 068 90
Subdivision
No. 87-11

A Motion was made by Mr. Dukes, seconded by Mr. Mariner, to Adopt the Plat Plan for Subdivision No. 87-11, Ellis Pond Estates. Motion Adopted: 5 Yea.

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M 068 90
(Con't.)

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

M 069 90
Subdivision
No. 89-8

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt the Plat Plan for Subdivision No. 89-8, Country Manor Section II. Motion Adopted: 5 Yea.

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

M 070 90
Subdivision
No. 89-18

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to Adopt the Plat Plan for Subdivision No. 89-18, J's Haven. Motion Adopted: 5 Yea.

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

Fieldwood
Street
Lighting

Mr. Archut, Chief of Planning and Permits, had a request from the homeowners of the Fieldwood Addition Subdivision asking the County to establish the Fieldwood Addition Street Lighting District.

M 071 90
Fieldwood
Street
Lighting
Estimated
Charges

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Sussex County Council approve the estimated charges of \$23.66 per year, per improvement for the proposed Fieldwood Addition Street Lighting District. Motion Adopted: 5 Yea.

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

Proposed
Resolution

Mr. Archut, Chief of Planning and Permits, read in its entirety a Proposed Resolution entitled "A RESOLUTION ESTABLISHING THE DATE, TIME AND PLACE OF A REFERENDUM TO BE HELD TO CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED FIELDWOOD ADDITION STREET LIGHTING DISTRICT".

M 072 90
Adopt
Resolution
No. R 008 90

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Resolution No. R 008 90 entitled "A RESOLUTION ESTABLISHING THE DATE, TIME AND PLACE OF A REFERENDUM TO BE HELD TO CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED FIELDWOOD ADDITION STREET LIGHTING DISTRICT". Motion Adopted: 5 Yea.

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M 072 90
(Con't.)

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

Midway
Estates
Lighting

Mr. Archut, Chief of Planning and Permits, discussed the Proposed Midway Estates Subdivision Street Lighting District.

M 073 90
Midway
Estates
Street
Lighting

A Motion was made by Mr. Cole, seconded by Mr. Benson, to approve for circulation the petition to submit the question of establishing the Proposed Midway Estates Street Lighting District to an election. Motion Adopted: 5 Yea.

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

Bay View
Park

Mr. Izzo, Assistant County Engineer, reported that the Bay View Park Suburban Community Improvements, Phase I, Bulkhead Construction has been satisfactorily completed.

M 074 90
Substantial
Completion
for Bay
View Park
Community
Improvements,
Phase 1

A Motion was made by Mr. Cole, seconded by Mr. Dukes, based upon the recommendation of the Sussex County Public Works Department, that Sussex County Project No. 87-07-A, Bay View Park Suburban Community Improvements, Phase I: Bulkhead Improvements, be granted substantial completion and all retainage be released. However, the contract shall not be closed out. Since the owner, the Bay View Park Homeowners Association, has requested that pending the completion of Phase II Road Construction, any unused funds within the project budget be used to execute a change order with J & J Bulkheading, Inc. for additional work. All guarantees for work already completed are subject to the original substantial completion date of January 26, 1990. Motion Adopted: 5 Yea.

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

Proposed
Ordinance
C/U #931

Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXTENSION TO A MOBILE HOME PARK (LAUREL VILLAGE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 37.95 ACRES, MORE OR LESS" (C/U #931) filed on behalf of Chaski Associates, L.P. The Proposed Ordinance will be advertised for Public Hearing.

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Proposed
Ordinance
C/U #932

Mr. Dukes introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF AN EXISTING CERAMIC AND GIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.14 ACRES, MORE OR LESS" (C/U #932) filed on behalf of Louis A. and Sandra L. Rietzow. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/U #933

Mr. Mariner introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR AN OFFICE, STORAGE, AND PARKING FOR A GENERAL CONTRACTOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 11.64 ACRES, MORE OR LESS" (C/U #933) filed on behalf of Victor H. Laws, Sr./R & W Contractors. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1062

Mr. Cole introduced Proposed Ordinance 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS" (C/Z #1062) filed on behalf of James L. Moses. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1063

Mr. Mariner introduced Proposed Ordinance 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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.62 ACRES, MORE OR LESS" (C/Z #1063) filed on behalf of John H. Parker. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1064

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A RPC RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 20.67 ACRES, MORE OR LESS" (C/Z #1064) filed on behalf of Carl M. Freeman Associates, Inc. The Proposed Ordinance will be advertised for Public Hearing.

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Proposed
Ordinance
C/Z #1065

Mr. Cole introduced Proposed Ordinance 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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.72 ACRES, MORE OR LESS, OF A 5.44 ACRE TRACT" (C/Z #1065) filed on behalf of John J. Barranger II. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1066

Mr. Mariner introduced Proposed Ordinance 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.38 ACRES, MORE OR LESS" (C/Z #1066) filed on behalf of Dennis N. O'Neal. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1067

Mr. Benson introduced Proposed Ordinance 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.14 ACRES, MORE OR LESS" (C/Z #1067) filed on behalf of Joseph Wayne Melvin. The Proposed Ordinance will be advertised for Public Hearing.

Bid
Opening -
Georgetown
Marble and
Granite
Works
Framed
Structure

Mr. Wood, County Engineer, opened the one (1) bid received for the Demolition Contract for the framed structure known as the Georgetown Marble & Granite Works. The bid was read as follows:

Ed Lester, Broker, G.R.I., Lester Realty, Georgetown, Delaware

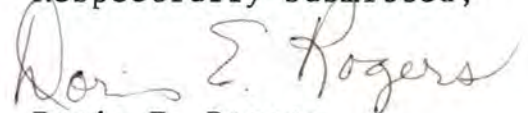
Two hundred seven dollars (\$207) for the purchase of the Georgetown Marble and Granite Works building - to be removed sixty (60) days after bid award

Mr. Wood will review the bid and a recommendation will be made.

M 075 90
Adjourn

A Motion was made by Mr. Dukes, seconded by Mr. Benson, to adjourn at 11:05 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council