

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-FEBRUARY 12, 1991

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, February 12, 1991 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 067 91
Approve
Minutes

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

Corre-
spondence

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

CHARLES PALMER, DIRECTOR, REHOBOTH ART LEAGUE
RE: Appreciation for Council's continued support of the League and the Councilmanic Grant, given by Mr. Cole, that will be used for the annual Members' Fine Craft Exhibit.

DONALD V. COLLINS, PRESIDENT, SUSSEX COUNTY FARM BUREAU
RE: A letter opposing a buffer zone requirement.

KEVIN C. DONNELLY, PLANNER, DEPARTMENT OF AGRICULTURE, DIVISION OF RESOURCE MANAGEMENT, DOVER
RE: A copy of the Land Evaluation and Site Assessment (LESA) analysis for Conditional Use No. 955, filed on behalf of M. J. Webb Farms, Inc., to operate a 64.58 acre borrow pit. The following concerns were listed for Council's consideration regarding the proposed use: size of the borrow pit, enforcement of borrow pit mining guidelines, plans for an aquaculture operation, haul route, disturbance of the wildlife area on-site, and restoration plan.

EDWARD T. JOHNSON, PRESIDENT, DELAWARE CHAPTER, SOCIETY FOR THE PRESERVATION AND ENCOURAGEMENT OF BARBER SHOP QUARTET SINGING IN AMERICA, INC.

RE: An invitation to the first of a series of special guest nights to introduce the unique style of four-part harmony. The programs will be held at the VFW Post 7234, Cedar Neck Road, Ocean View.

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Corre-
spondence

LESTER N. WRIGHT, DIRECTOR, DELAWARE HEALTH AND SOCIAL SERVICES, DOVER

RE: Public Hearing to be held Thursday, February 28, 1991, at 1:00 p.m. at the Department of Natural Resources and Environmental Control Auditorium, Richardson Robbins Building, 89 Kings Highway, Dover, for the purpose of receiving comments regarding the "Policy To Determine Shellfish Growing Area Classification In and Around Wet Slip Basins and Artificial Lagoons." This policy replaces the formerly proposed "Policy To Determine Shellfish Harvest Closure Areas Around Marinas".

DONALD F. CROSSAN, DEAN AND DIRECTOR, UNIVERSITY OF DELAWARE, COLLEGE OF AGRICULTURAL SCIENCES, NEWARK

RE: An invitation to attend the annual Farm and Home Field Day on Wednesday, August 14, 1991 at the Delaware Agricultural Experiment Station, Route 9, Georgetown. 1991 marks the 50th year of the establishment of the "Substation" as a unit of the Delaware Agricultural Experiment Station in Sussex County. The event will be commemorated at Field Day and the University will recognize the support of the Sussex County Council during the noon-time program.

DELAWARE RIVER BASIN COMMISSION, NEW JERSEY

RE: Notice of Commission Meeting and Public Hearing. The subject of the hearing will be A Proposal to Adopt the 1990 Water Resources Program. A list of projects presently under review by the staff of the Commission, in collaboration with other public agencies, was also received. No projects were listed for Sussex County.

DEPARTMENT OF THE ARMY, PHILADELPHIA DISTRICT CORPS OF ENGINEERS, PHILADELPHIA

RE: Announcing the start of the Feasibility Study entitled "Chesapeake and Delaware Canal - Baltimore Harbor Connecting Channels (Deepening) Delaware and Maryland". The study is being conducted by the Maryland Port Administration and the U. S. Army Corps of Engineers.

HANDICAP ADVOCACY NETWORK OF DELAWARE, INC., WILMINGTON

RE: The official newsletter entitled "HANDi" for the month of January, 1991.

MRS. BOURNE'S SECOND GRADE CLASS, WEST LAUREL SCHOOL

RE: A student's letter concerning the Anti-Drug Abuse Management Program.

JERMAINE ANDRE DARLING, FOURTH GRADE STUDENT, LAUREL SCHOOL

RE: Learning experiences from the anti-drug program.

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Corre-
spondence
(Con't.)

JOSE HERNANDEZ, MRS. MASSEY'S CLASS, NORTH LAUREL SCHOOL
RE: Learning experiences provided by the anti-drug
educational booklet.

KRISTIN WINDER, NORTH LAUREL ELEMENTARY SCHOOL
RE: Learning experiences provided by the anti-drug
educational booklet.

Proposed
Proclama-
tion

Mr. Stickels, County Administrator, read in its entirety
a Proposed Proclamation entitled "PROCLAIMING FEBRUARY,
1991 AS NATIONAL COMMUNITY COLLEGE MONTH".

M 068 91
Adopt
Proclama-
tion

A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
to Adopt the Proclamation entitled "PROCLAIMING FEBRUARY,
1991 AS NATIONAL COMMUNITY COLLEGE MONTH". Motion Adopted:
5 Yea.

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

Long
Neck
Sanitary
Sewer
District

Mr. Green, Chief of Utility Construction, distributed a
summary of all changes made to date for the Long Neck Sanitary
Sewer District Contracts No. 3, No. 4, and No. 6. Mr. Green
also explained each credit allowance in accordance with
today's proposed Change Orders.

M 069 91
Change
Order 1,
Contract
No. 3,
Long
Neck
SSD

A Motion was made by Mr. Benson, seconded by Mr. Cole, based
upon the recommendation of the Inspection Engineer, KCI
Technologies, Inc., and the Sussex County Engineering
Department, that the Sussex County Council President be
authorized to issue Change Order No. 1 for the Long Neck
Sanitary Sewer District, Contract No. 3, to Onshore
Construction Company, Inc. for switching to a different
pipe supplier for a credit amount of \$1,150.00, decreasing
this contract amount to \$2,753,604.00. Motion Adopted:
5 Yea.

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

M 070 91
Change
Order 4,
Contract
No. 4

A Motion was made by Mr. Benson, seconded by Mr. Cole, based
upon the recommendation of the Inspection Engineer, KCI
Technologies, Inc., and the Sussex County Engineering
Department, that the Sussex County Council President be

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M 070 91
Change
Order 4,
Contract
No. 4,
Long
Neck
SSD
(Con't.)

authorized to issue Change Order No. 4 for the Long Neck Sanitary Sewer District, Contract No. 4, to Teal Construction Company, Inc. for the use of an alternate road patch design for a credit amount of \$9,500.00, decreasing this contract amount to \$4,338,338.51. Motion Adopted: 5 Yea.

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

M 071 91
Change
Order 6,
Contract
No. 6,
Long
Neck
SSD

A Motion was made by Mr. Benson, seconded by Mr. Cole, based upon the recommendation of the Inspection Engineer, KCI Technologies, Inc., and the Sussex County Engineering Department, that the Sussex County Council President be authorized to issue Change Order No. 6 for the Long Neck Sanitary Sewer District, Contract No. 6, to L. A. Merrell Construction Company, Inc. for change from walk-in enclosure to standard enclosure for generator, for a credit amount of \$2,000.00, decreasing this contract amount to \$5,194,133.45. Motion Adopted: 5 Yea.

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

Dagsboro-
Frankford
Sanitary
Sewer
Update

Mr. Archut, Chief of Planning and Permits, distributed for Council's review an updated "Project Cost Summary" for the Dagsboro-Frankford Sanitary Sewer District. Mr. Archut reported that he had met with each Town individually and made this information available for them too. Construction is expected to begin this summer and costs are still within the figure that the referendum was based on. The information given today was only for informational purposes, and no action was needed.

Proposed
Proclama-
tion

Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation entitled "PROCLAIMING THE WEEK OF FEBRUARY 17 - 23, 1991 AS A WEEK IN SUSSEX COUNTY TO HONOR MR. GLENN W. BARRENTINE, SR.".

M 072 91
Adopt
Proclama-
tion

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF FEBRUARY 17 - 23, 1991 AS A WEEK IN SUSSEX COUNTY TO HONOR MR. GLENN W. BARRENTINE, SR.". Motion Adopted: 5 Yea.

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

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Subdivision
Proposal

Mr. Stickels, County Administrator, reviewed a proposal entitled "Revisions of Subdivision Process and the Use of Residential Planned Community (RPC)". The following points were made in the proposal:

- The Coastal and Western Land Use Plans recommend the use of RPCs.
- County Council does not have the enabling legislation to hold public hearings on major subdivisions. Major subdivisions are considered as a matter of right.
- Revisions to the Subdivision Ordinance could be made to limit the total number of lots in a major subdivision to twenty-four (24).
- Requirements could be imposed to any development larger than twenty-four (24) lots to require RPC application. This would give the County Council the ability to make land use decisions on the application.
- In review of the RPC site plans, the County Council may stipulate densities, phasing, buffers, fire protection, open space commercial areas, etc.

After discussion, it was the consensus of the County Council members that a Proposed Ordinance revising the subdivision process should be drafted for introduction.

Proposed
Ordinance -
Campgrounds
& Parks

Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, DELAWARE RELATING TO SPECIAL REQUIREMENTS FOR CONDITIONAL USES FOR A PARK OR CAMPGROUND FOR MOBILE CAMPERS, TENTS, CAMP TRAILERS, TOURING VANS AND THE LIKE". The Proposed Ordinance will be advertised for Public Hearing.

Buffer
Strips

A discussion was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY RELATING TO THE ESTABLISHMENT OF LANDSCAPED BUFFER STRIPS". The Council was in agreement to table this Proposed Ordinance until such time as the revisions of the subdivision process, as discussed above, could be addressed.

M 073 91
Proposed
Ordinance
Tabled
Relating
to Buffer
Strips

A Motion was made by Mr. Benson, seconded by Mr. Cole, to table action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY RELATING TO THE ESTABLISHMENT OF LANDSCAPED BUFFER STRIPS". Motion Adopted: 5 Yea.

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M 073 91
(Con't.)

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

Adminis-
trator's
Report

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

1. Department of Natural Resources and Environmental Control, Wetlands and Aquatic Protection Branch - An outline of projects that have pending applications for subaqueous and/or wetlands projects.
2. Subdivision Approvals - The Planning and Zoning Commission has approved the following subdivision applications:
 - (a) Subdivision Application No. 88-31 - Thetavest, Inc. - 135.5 acres zoned AR-1 Agricultural Residential in Cedar Creek Hundred were subdivided into sixty-six (66) lots. Individual lots will each have on-site septic and water service. This subdivision had received preliminary approval before January 1, 1990.
 - (b) Subdivision Application No. 88-30 - James Morgan - 17.5 acres zoned GR General Residential in Cedar Creek Hundred were subdivided into thirty-five (35) lots with central water and central septic.
3. Delaware Solid Waste Authority Workshop - The workshop will be held Wednesday, February 13, 1991 at the Department of Natural Resources and Environmental Control's Auditorium, 89 Kings Highway, Dover, Delaware. The purpose of the workshop is to discuss proposed tipping fees for FY '92. A public hearing will be held at the same location on Thursday, February 21, 1991 at 7:00 p.m.

It has been the practice of the Solid Waste Authority in the past to conduct workshops in Sussex County. However, with the consolidation of a bi-county program, it appears that Sussex County will be required to go to Kent County for workshops and public hearings now. The County Administrator and Transfer Station Supervisor will be attending the workshop and will make known their displeasure with having to travel to Kent County for meetings.

Flag
Display

Mr. Stickels, County Administrator, displayed a flag that reads "WE SUPPORT OUR TROOPS - COME HOME SOON". The flag will be flying with the other flags in front of the Courthouse.

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M 074 91
Withdrawn

A Motion was made by Mr. Stevenson to give \$1,000.00, \$200.00 from each of five (5) Councilmanic Accounts, to the Sussex County Commerce Semi-Pro Baseball Team. The Motion was withdrawn.

N 075 91
Council-
manic
Grant

A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to give \$800.00, \$200.00 from each of Mr. Benson's, Mr. Collins', Mr. Dukes', and Mr. Stevenson's Councilmanic Accounts, to Sussex County Commerce Semi-Pro Baseball Team to assist with the formation of the team for young men 18 years of age or older. Motion Adopted: 5 Yea.

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

M 076 91
Council-
manic
Grant

A Motion was made by Mr. Benson, seconded by Mr. Collins, to give \$100.00, from Mr. Dukes' Councilmanic Account, to Laurel School District to assist with expenses for the Fourth Annual Academic Achievement Dinner. Motion Adopted: 5 Yea.

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

M 077 91
Council-
manic
Grant

A Motion was made by Mr. Benson, seconded by Mr. Cole, to give \$700.00, from Mr. Benson's Councilmanic Account, to Lewes Fire Department, Inc. to assist in completing a new cascade system for filling air bottles. Motion Adopted: 5 Yea.

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

M 078 91
Amend
Motion
M 075 91

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to amend Motion M 075 91 by striking [\$800.00, \$200.00 from each of Mr. Benson's, Mr. Collins', Mr. Dukes', and Mr. Stevenson's Councilmanic Accounts] and inserting in lieu thereof \$1,000.00, \$250.00 from each of Mr. Benson's, Mr. Collins', Mr. Dukes', and Mr. Stevenson's Councilmanic Accounts. Motion Adopted: 5 Yea.

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

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Recess

President Dukes declared a recess at 11:45 a.m. until 1:30 p.m.

Reconvene

President Dukes called the Council back into session at 1:45 p.m. with an apology for the late start.

Public
Hearing
C/U #957

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES AND DISPLAY OF WOODEN PRODUCTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.36 ACRES, MORE OR LESS" (C/U #957) filed on behalf of Ronald H. Vassallo and Diane M. Vassallo. The Public Hearing was closed.

M 079 91
Adopt
Ordinance
No. 745
C/U #957

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 745 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES AND DISPLAY OF WOODEN PRODUCTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.36 ACRES, MORE OR LESS" (C/U #957) filed on behalf of Ronald H. Vassallo and Diane M. Vassallo with the following conditions:

1. The use shall be limited to retail display and sales of wood furniture products and wood outbuildings.
2. There will be no manufacturing on-site.
3. No storage of hazardous materials shall be permitted on-site.
4. There may be one unilluminated advertising sign on-site.
5. Any outdoor retail display on-site shall be set back at least forty (40) feet from Route 9, and twenty-five (25) feet from Route 290.

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 Facts
C/U #957

The Council found that the conditional use was appropriate legislative action based upon the following findings of facts:

1. The use creates no adverse traffic impact.

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Findings
of Facts
C/U 957
(Con't.)

2. The use has no impact on the immediate neighborhood or surrounding area.
3. The site has been the subject of a prior conditional use for retail sales of office equipment.
4. There is substantial neighborhood business activity in the immediate area.

Public
Hearing
Proposed
Ordinance
Relating
to
Dormitories

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, DELAWARE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 69, TITLE 9, DELAWARE CODE". The Public Hearing was closed. Mr. Bayard, County Attorney, advised Council to wait for revision of the Proposed Ordinance and the recommendation of the Planning and Zoning Commission before any action is taken.

M 080 91
Withdrawn

A Motion was made by Mr. Cole to reappoint Allen Burbage to the Board of Assessment Review. Mr. Cole withdrew the Motion to allow additional time to contact Mr. Burbage concerning the appointment.

M 081 91
Council-
manic
Grant

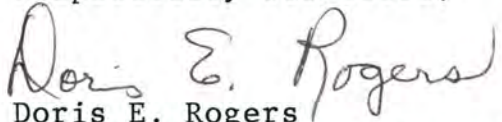
A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$100.00, from Mr. Collins' Councilmanic Account, to Laurel School District to assist with the Fourth Annual Academic Achievement Dinner. Motion Adopted: 5 Yea.

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

M 082 91
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Collins, to adjourn at 2:45 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,


Doris E. Rogers
Clerk of the County Council