

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-FEBRUARY 16, 1993

Call to Order

The regular meeting of the Sussex County Council was held on Tuesday, February 16, 1993, 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 063 93
Approve Minutes

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to approve the minutes of the previous meeting dated February 9, 1993. Motion Adopted by Voice Vote.

Corre-
spondence

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

KATHARINA T. CORRASCO, EXECUTIVE DIRECTOR, NANTICOKE SENIOR CENTER, INC., SEAFORD, DELAWARE

RE: Thanking Council for the generous donation and extending an invitation to visit the Nanticoke Senior Center anytime, but especially on March 17, 1993, for lunch at 12:00 noon in celebration of their 22nd Anniversary.

H. RAY WREDE, JR., PRESIDENT, DELAWARE SENIOR OLYMPICS, DOVER, DELAWARE

RE: Soliciting donations for the Delaware Senior Olympics competition.

ALICE BRUCE, ASSISTANT SECRETARY, SUSSEX COUNTY VOLUNTEER FIREMEN'S ASSOCIATION

RE: Requesting assistance in sending the Presidents of the Sussex County Firemen's Association and the Sussex County Fire Chiefs' Association to the International Fire Instructor's Conference in Cincinnati, Ohio, and a representative of the Sussex County Ambulance Association to the EMS CARE '93 Conference in Maryland.

County News Article

President Dukes brought to Council's attention an article that appeared in the February 1, 1993, edition of County News in which Robert L. Stickels, County Administrator, was recognized as the recipient of the first Distinguished Leadership Award for a Professional Planner from the Delaware Chapter of the American Planning Association. County News is a national publication.

Proposed Ordinance Amusement Places

Mr. Stickels, County Administrator, submitted to Council a Proposed Ordinance relating to amusement places in B-1 Neighborhood Business Districts and C-1 General Commercial

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Proposed Ordinance Amusement Places (Continued) Districts and prohibited devices. Chapter 115 of the Sussex County Code is proposed to be amended to prohibit the use, for amusement purposes, of mobile or fixed type cranes or lifting devices, not designed, not approved for, not manufactured for, or not intended to carry, transport, or in any fashion move individual(s) or person(s).

Proposed Ordinance Amusement Places Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, RELATING TO AMUSEMENT PLACES IN B-1 NEIGHBORHOOD BUSINESS DISTRICTS AND C-1 GENERAL COMMERCIAL DISTRICTS, AND RELATING TO PROHIBITED DEVICES". The Proposed Ordinance will be advertised for Public Hearing.

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

1. Proposed NACo Resolution

Included with the report was a copy of a letter and "RESOLUTION ON SUPERFUND REAUTHORIZATION" which was sent to the National Association of Counties. The Resolution requests that the federal government make changes in the Superfund National Priorities Program. It is Mr. Stickels' intention that the National Association of Counties adopt this Resolution and make it part of their national platform.

2. Rescheduling Council Meeting

The Council meeting of Tuesday, March 2, 1993, will be rescheduled until Thursday, March 4, 1993. The rescheduling is necessary, as Council members will be in Washington from Friday, February 26, until Tuesday, March 2, 1993, attending the National Association of Counties Legislative Conference.

Paramedics 1992 Annual Report Mr. Stevenson, Paramedic Director, presented to Council the Sussex County Emergency Medical Services - Paramedics Annual Report for 1992. To assist with the presentation were Deputy Director Michael Harris and Paramedics Lin Martin and Wayne Naumann.

Change Orders Dagsboro/Frankford Mr. Green, Director of Utility Construction, County Engineering Department, and Peter A. Bozick, Jr., P.E., George, Miles & Buhr, discussed Change Order Nos. 2 and 3 for the Dagsboro/Frankford Sanitary Sewer District.

M 064 93 Authorize Change Order No. 2 Dagsboro/Frankford A Motion was made by Mr. Collins, seconded by Mr. Cole, that based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, the Sussex County Council authorizes the

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M 064 93 President of the Sussex County Council to issue Change Order
(Continued) No. 2 for the Dagsboro/Frankford Sanitary Sewer District to
Pierson Construction of Delaware, Inc. for various
construction related items in the amount of \$18,702.87,
increasing this contract amount to \$5,827,483.87.

Motion Adopted: 5 Yea.

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

M 065 93 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Authorize that based on the recommendation of the Inspection Engineer,
Change George, Miles & Buhr, and the Sussex County Engineering
Order Department, the Sussex County Council authorizes the
No. 3 President of the Sussex County Council to issue Change Order
Dagsboro/ No. 3 for the Dagsboro/Frankford Sanitary Sewer District to
Frankford Pierson Construction of Delaware, Inc. for additional
construction costs, as a result of contaminated soil located
at the Getty Station in Dagsboro, in the amount of
\$27,141.37, increasing this contract amount to
\$5,854,625.24, and a 45 day time extension for paving,
extending the contract completion date to May 6, 1993.

Motion Adopted: 5 Yea.

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

Request for Mr. Archut, Director of Planning and Permits, County
Extension Engineering Department, requested Council's permission to
of Fenwick post notices to extend the Fenwick Island Sanitary Sewer
Island District to include contiguous property owned by Mr. Marvin
Sewer Long. Mr. Long has asked that .98± acres of his property,
District located approximately 916 feet east of the centerline of
River Run Road, be incorporated into the District.

M 066 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, that
Authorize the Sussex County Engineering Department is authorized to
Posting of post notices for the extension of the Fenwick Island
Notices for Sanitary Sewer District to include .98± acres, approximately
Extension 916 feet east of the centerline of River Run Road.
of Fenwick

Motion Adopted: 5 Yea.

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

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Bid
Results
Industrial
Park Fire
Service
Water
Main
Extension

Mr. Wood, County Engineer, introduced Garth Jones, Engineer III, County Engineering Department, to report on bid results for Sussex County Project No. 92-10, Sussex County Industrial Park Fire Service Water Main Extension (to serve the Edgehill property and other tenants of the Industrial Park). The Bid Opening was held at 9:00 a.m. on February 16, 1993, and the following bids were received:

<u>Bidder</u>	<u>Total Bid</u>
Teal Construction, Inc. Dover, DE	\$19,939.45
A. P. Croll and Son, Inc. Georgetown, DE	23,770.82
Bunting and Murray Selbyville, DE	27,758.36
Willow Oak, Inc. Lewes, DE	20,485.10
David Horsey and Sons, Inc. Laurel, DE	24,628.19
Kuhn Construction Hockessin, DE	24,710.00
Marvel Contracting Little Creek, DE	26,215.26
Melvin Joseph Construction Georgetown, DE	33,959.54
Hopkins Construction, Inc. Bridgeville, DE	26,317.82
Kaye Construction, Inc. Seaford, DE	22,173.00

The bids will be reviewed for a recommendation.

C/Z #1169

Change of Zone No. 1169, filed on behalf of Victor J. Little, Jr., was discussed. A Public Hearing was held before the County Council on September 1, 1992, at which time the Public Hearing was closed and action was deferred. The record was left open until October 1, 1992, to allow time for additional information from DelDOT regarding a traffic impact study.

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C/Z #1169 (Continued) It was the consensus of Council that Change of Zone No. 1169 be amended to reduce the application in size to 2.2 acres.

M 067 93 Amend C/Z #1169 and Adopt Ordinance No. 878 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to amend Change of Zone No. 1169 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.71 ACRES, MORE OR LESS" and adopt Ordinance No. 878 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.2 ACRES, MORE OR LESS", filed on behalf of Victor J. Little, Jr.

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 Fact C/Z #1169 The Council found that the change of zone was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that his ongoing business needs to expand and locate at a central site in a commercially developed area.
2. The applicant established by substantial evidence that the change of zone, as modified and with the applicant's undertaking with DelDOT, will cause no adverse impact on the character of the neighborhood, property values therein, traffic, or the environment in the area.
3. The proposed change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.
5. The site rezoned C-1 is limited in size to 2.2 acres, described as follows:

BEGINNING at a point on the northerly right-of-way of Route 9, a corner for these subject lands and lands now or formerly of R. D. Reifsnyder, et ux; thence south 89° 19' 51" west 326.55 feet along the northerly right-of-way of Route 9 to a point; thence north 08° 04' 25" west 300.00 feet along lands now or formerly of G. G. H. Properties to a point; thence north

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Findings
of Fact
C/Z #1169
(Continued)

89° 19' 51" east approximately 310.00 feet across lands of Victor J. Little, Jr. to a point on line with aforementioned Reifsnyder lands; thence south 12° 12' 16" east approximately 50.00 feet along lands of the aforementioned Reifsnyder to a point; thence continuing along said Reifsnyder lands south 12° 15' 32" east 245.59 feet to the point and place of beginning.

Proposed
Ordinance
C/U #1033

Mr. Collins introduced Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXTENSION TO CONDITIONAL USE NO. 1003 (BOAT STORAGE AND REPAIR) BY EXPANSION OF THE BOAT STORAGE AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 22.73 ACRES, MORE OR LESS" (C/U #1033) filed on behalf of John J. Marsh. The Proposed Ordinance will be advertised for Public Hearing.

Proposed
Ordinance
C/Z #1187

Mr. Stevenson 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 11.707 ACRES, MORE OR LESS" (C/Z #1187) filed on behalf of Lida M. Brown Heirs. The Proposed Ordinance will be advertised for Public Hearing.

M 068 93
Council-
manic
Grant

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$300.00 (from Mr. Benson's Councilmanic Account) to H. O. Brittingham P.T.O. towards the purchase of a multipurpose playground activity unit.

Motion Adopted: 5 Yea.

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

M 069 93
Council-
manic
Grant

A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$500.00 (\$100.00 from each Councilmanic Account) to the Sussex County Firemen's Association and \$500.00 (\$100.00 from each Councilmanic Account) to the Sussex County Fire Chiefs' Association to assist in sending the President of each association to the International Fire Instructor's Conference in Cincinnati, Ohio.

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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M 070 93
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$500.00 (\$100.00 from each Councilmanic Account) to the Sussex County Ambulance Association to assist in sending a representative to the EMS CARE '93 Conference being held in Maryland in May.

Motion Adopted: 5 Yea.

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

Lunch
Meeting

Mr. Stickels, County Administrator, announced that Council will be meeting at the Sussex Pines Country Club for a dutch treat lunch and presentation by Robert F. Jacobs, Tournament Director, Slam Dunk to the Beach.

M 071 93
Recess

At 11:24 a.m., a Motion was made by Mr. Collins, seconded by Mr. Stevenson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

President Dukes called Council back into session at 1:30 p.m.

Public
Hearing
RPC
District

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, RELATING TO RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT".

M 072 93
Public
Hearing
RPC
District
Recessed

A Motion was made by Mr. Cole, seconded by Mr. Benson, that the Public Hearing on Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, RELATING TO RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT" be recessed and the record left open until suggested changes have been incorporated and a revised version of the Proposed Ordinance is available for review, after which time further opportunity for public comment will be scheduled.

Motion Adopted: 5 Yea.

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

M 073 93
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to adjourn at 2:55 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Susan W. Webb

Susan W. Webb
Acting Clerk of the County Council