

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, February 18, 1997

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, February 18, 1997, at 10:00 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware with the following present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

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

Amend Agenda      Mr. Stickels, County Administrator, proposed that the Agenda be amended to include the "Introduction of Proposed Zoning Ordinances".

M 077 97      A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Agenda      approve the Agenda with the proposed amendment. Motion Adopted by Voice Vote.

M 078 97      A Motion was made by Mr. Collins, seconded by Mr. Jones, to Adopt Minutes      Adopt the minutes of the previous meeting dated February 11, 1997.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Corre-      Mr. Bayard, County Attorney, read the following correspondence:  
spondence

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.  
RE: Notice of Commission Meeting and Public Hearing on applications for approval, none of which pertain to Sussex County.

LEWIS M. PURNELL, FRIENDS OF DELAWARE LIBRARIES, WILMINGTON, DELAWARE.  
RE: Letter in support of the development and construction of the Richard S. Cordrey Regional Library and Technology Center to be located at the Sussex Technical High School.

GILBERT HOLT, SUPERVISOR, POWER PLANT, BOARD OF PUBLIC WORKS, LEWES, DELAWARE.  
RE: Letter of appreciation to Carol Lewis of the Emergency Operations Center.

- Presenta- Mrs. Walls, President, Sussex County Return Day, presented to  
tion Council a Certificate of Appreciation in recognition of  
Council's support of the Sussex County Return Day celebration  
in Georgetown, Delaware.
- Presenta- Mrs. Walls and Mrs. Messick of the Georgetown Historical Society  
tion presented to Council a Return Day "throw" in recognition of  
Council's support of the Sussex County Return Day celebration  
in Georgetown, Delaware.
- Request Mayor Pepper, Town of Georgetown, requested, in cooperation with  
to Use Delaware Technical & Community College, the use of the Sussex  
Airport County Airport for the July 4th celebration scheduled for the  
4th and 5th of July, 1997. This request has been approved by  
the Airport Committee.
- M 079 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to  
Approve approve the use of the Sussex County Airport for the July 4th  
Use of Celebration, contingent on the County obtaining liability  
Airport insurance.  
for  
July Motion Adopted: 5 Yea.  
4th  
Cele- Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
bration Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea
- Proposed Mr. Rogers introduced a Proposed Ordinance entitled "AN ORDINANCE  
Ordinance TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED 'SUB-  
DIVISION OF LAND', TO ADD PROVISIONS RELATING TO THE SUNSETTING  
OF SUBDIVISION APPROVAL". The Proposed Ordinance will be adver-  
tised for Public Hearing. The Planning & Zoning Commission will  
hold a Public Hearing on April 10, 1997. The Sussex County  
Council will hold a Public Hearing on April 29, 1997.
- Property Mr. Stickels, County Administrator, asked Council to consider  
Assess- authorizing the initiation of a Property Assessment Zoning  
ment Program. It was the consensus of Council that this issue be  
Program placed on the February 25, 1997 agenda.
- Adminis- Mr. Stickels, County Administrator, read the following informa-  
trator's tion in his County Administrator's Report:  
Report
1. Register in Chancery  
  
Shirley S. Sommers, Deputy Register in Chancery, has in-  
formed Personnel that she will be retiring the end of  
February. David L. Wilson, Sr., Register in Chancery,

Adminis-  
trator's  
Report  
(con't)

would like to extend an invitation to friends and fellow employees to wish Shirley well in her retirement on Friday, February 28, 1997, in the Register in Chancery Office in the Courthouse, Georgetown, from 12:00 noon to 3:00 p.m.

2. Public Workshop

A reminder that Mr. Dukes, Mr. Collins, and Mr. Jones will be meeting with representatives from the towns of western Sussex County at 7:00 p.m. on Wednesday, February 19, 1997, at Seaford City Hall. The workshop will be open for public attendance, although there will not be any public participation.

3. Sussex County Land Use Public Hearing

The Sussex County Council will be conducting a Public Hearing on Thursday, February 20, 1997, at Delaware Technical & Community College, Jack F. Owens Campus, Georgetown, Delaware, in the Campus Theater, starting at 7:00 p.m. The public is encouraged to attend and participate in this Public Hearing.

4. Industrial Revenue Bond Application

The Sussex County Industrial Revenue Bond Committee will meet on Friday, February 21, 1997, at 8:30 a.m. in the Sussex County Council Chambers, County Administrative Office Building, Georgetown, Delaware, to discuss an application for refinancing Seaford Comfort Inn on behalf of Gateway Partnerships. Industrial Revenue Bond Committee meetings are open to the general public.

Public  
Hearing/  
Sub-  
division  
Applica-  
tion/  
Donald  
Martin

A Public Hearing was held on an appeal of the Sussex County Planning & Zoning Commission's decision to deny an application of Donald M. Martin for the subdivision of land in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred by dividing 4.58 acres into four lots, located at the end of Pit Road, 1,720 feet southeast of Road 530. The Planning & Zoning Commission denied this application based on the fact that a non-conforming business is still located on the site. An appeal of the Commission's decision was made to the County Council. There were no public comments and the Public Hearing was closed. No action was taken. The County Council will take this matter under advisement. (Mr. Dukes did not participate in this Public Hearing due to a possible conflict of interest.)

Public Hearing/  
Sub-division  
Application/  
Timothy Ramia

A Public Hearing was held on an appeal of the Sussex County Planning & Zoning Commission's decision to deny an application of Timothy Ramia (Timothy Ramey Construction) to consider the subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred by dividing 22.28 acres into 31 lots, located on the west side of an unnamed road, 175 feet west of Johnson's Drive within Patty Cannon Estates Sub-division, on the south side of Road 78, 1,260 feet southeast of Road 490A. The Planning & Zoning Commission denied this application based on the fact that vacant lots are available in a nearby subdivision. An appeal of the Commission's decision was made to the County Council. Public comments were heard and the Public Hearing was closed. No action was taken. The County Council will take this matter under advisement.

Boundary Extension  
Request/  
Bethany Beach  
SSD

Mr. Archut, Assistant County Engineer, requested authorization to post notices for the extension of the Bethany Beach Sanitary Sewer District boundary to include the Town of Ocean View and that portion of Country Estates outside of the Town of Ocean View's boundaries. For Council's information, Mr. Archut provided a map outlining and describing the proposed extension.

M 080 97  
Post Notices  
for Boundary  
Extension  
of the  
Bethany Beach  
SSD

A Motion was made by Mr. Cole, seconded by Mr. Rogers, that the Sussex County Engineering Department is authorized to post notices for the extension of the Bethany Beach Sanitary Sewer District boundary to include the Town of Ocean View and that portion of Country Estates outside of the Town of Ocean View's boundaries, as presented on February 18, 1997.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Modifi-  
cations  
and  
Contract/  
George,  
Miles &  
Buhr/  
West  
Rehoboth

Mr. Izzo, County Engineer, presented for Council's consideration three proposals regarding the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District:

- A modification to the Facilities Plan and Design Portion of the George, Miles & Buhr contract, representing cost under-runs.
- A modification to the Construction Administration Coordination portion of the George, Miles & Buhr contract, representing cost over-runs.
- A contract with George, Miles & Buhr for design services for Phase III.

M 081 97    A Motion was made by Mr. Rogers, seconded by Mr. Collins, based on the recommendation of the County Engineering Department, and contingent upon the receipt of approvals from Rural Development and the Delaware Department of Natural Resources and Environmental Control, that the Sussex County Council approves Modification No. 5 to the Facilities Plan and Design portion of the George, Miles & Buhr contract which references the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, which decreases the contract amount by \$22,684.94, thereby revising the contract total from \$5,724,430.00 to \$5,701,745.06.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

M 082 97    A Motion was made by Mr. Cole, seconded by Mr. Jones, based on the recommendation of the County Engineering Department and contingent upon the receipt of approvals from Rural Development and the Delaware Department of Natural Resources and Environmental Control, that the Sussex County Council approve Modification No. 7 to the Construction Administration Coordination portion of the George, Miles & Buhr Contract which references the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, which increases the contract amount by \$60,315.94 thereby revising the contract total from \$4,477,580.93 to \$4,537,896.87.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

M 083 97    A Motion was made by Mr. Cole, seconded by Mr. Rogers, based on the recommendation of the County Engineering Department, and contingent upon the receipt of approvals from Rural Development and/or the Delaware Department of Natural Resources and Environmental Control, that the Sussex County Council authorizes its President to execute a contract with George, Miles & Buhr in an amount not to exceed \$1,552,100.00, to provide design services for Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

Citi- Rev. Harmon addressed Council regarding the participation of  
zen's blacks in County projects such as the West Rehoboth Expansion  
Concerns of the Dewey Beach Sanitary Sewer District.

Proposed Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE  
Ordinance TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESI-  
DENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES NOT  
EXCEEDING 25 UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND  
LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING  
3.08 ACRES, MORE OR LESS" (Conditional Use No. 1177) filed on  
behalf of Bertie E. Dawson, c/o Col. Richard A. Dawson. The  
Proposed Ordinance will be advertised for Public Hearing.

Proposed Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE  
Ordinance TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1  
GENERAL COMMERCIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT  
FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND  
REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 20,000 SQUARE FEET,  
MORE OR LESS" (Change of Zone No. 1294) filed on behalf of Robert  
J. Ames. The Proposed Ordinance will be advertised for  
Public Hearing.

Public Mr. Rogers requested that a Public Hearing be scheduled to re-  
Hearing consider § 115-15.1 of the Sussex County Code regarding outdoor  
Request burning in the Coastal Zone area.

Cor- Mr. Rogers noted that the date for the bid opening on pro-  
rection posals for a new bookmobile, as reported in the February 11,  
1997 minutes, is incorrect; March 28, 1997 is a County holiday  
and County business will not be transacted on that day. Mr.  
Stickels, County Administrator, will report back to Council  
on this matter.

M 084 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to give  
Council- \$300.00, \$150.00 from Mr. Collins' Councilmanic Account and  
Grant \$150.00 from Mr. Dukes' Councilmanic Account, to the Laurel  
Alumni Association to provide funds for scholarships.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Jones, Yea; Mr. Collins, Yea;  
Mr. Dukes, Yea

M 085 97 At 12:20 p.m., a Motion was made by Mr. Collins, seconded by Mr.  
Recess Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Luncheon At 12:30 p.m., Council attended a Sussex County Independent  
Library Trustees Association luncheon.

Reconvene At 1:30 p.m., Mr. Dukes called Council back into session.

Attorney Mr. Jones, Assistant County Attorney, conducted the following three Public Hearings.

Public Hearing/  
Sub-division  
of Land A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED 'SUBDIVISION OF LAND', TO AMEND PROVISIONS RELATING TO THE DEFINITION OF MAJOR AND MINOR SUBDIVISIONS AND TO AMEND PROVISIONS RELATING TO THE APPROVAL OF CERTAIN SUBDIVISIONS". The Public Hearing was closed and action was deferred. The record will remain open for written comments.

Public Hearing/  
VRP  
District A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE XVII, WHICH PERTAINS TO THE VRP VACATION-RETIREMENT-RESIDENTIAL-PARK DISTRICT ZONING CLASSIFICATION, BY AMENDING SETBACK REQUIREMENTS". The Public Hearing was closed and action was deferred. Mr. Stickels, County Administrator, noted that comments from the Fire Marshall's office have not been received. The record will remain open for written comments.

Public Hearing/  
Mobile Home  
Placement A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED 'ZONING', TO AMEND PROVISIONS RELATING TO THE PLACE-MENT AND REGULATION OF MOBILE HOMES AND TO PROVIDE MINIMUM STANDARDS FOR MOBILE HOMES IN CERTAIN DISTRICTS". The Public Hearing was closed and action was deferred. The record was left open for written comments.

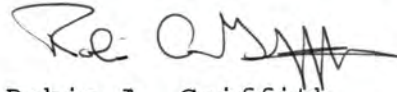
Delaware Inland Bays CCMP Dr. Richards, Executive Director of the Center for the Inland Bays, submitted to Council for informational purposes an Executive Summary of and Chapters 1-5 of the Delaware Inland Bays Comprehensive Conservation and Management Plan (CCMP). Dr. Richards highlighted priority environmental problems that the Plan identifies and how the County is involved in the CCMP process.

Land Use Plan Mr. Schafer of Whitman, Requardt & Associates discussed with Council the Land Use Plan Public Hearing scheduled for January 20, 1997. Mr. Schafer distributed to Council a draft of the County's Comprehensive Plan including the final report and recommendations of the Planning & Zoning Commission.

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M 086 97 At 5:30 p.m., a Motion was made by Mr. Collins, seconded by Mr.  
Adjourn Jones, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council