

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 4, 1993

Call to Order The regular meeting of the Sussex County Council was held on Thursday, March 4, 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 083 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to
Approve approve the minutes of the previous meeting dated February 23,
Minutes 1993. Motion Adopted by Voice Vote.

Letters Mr. Schrader, Assistant County Attorney, read the following
correspondence:

ANN WHALEY, OCEAN VIEW.
RE: South Coastal Library.

JAMES B. TYLER, III, GEORGETOWN HISTORICAL SOCIETY, GEORGETOWN.
RE: Appreciation for Human Service Grant award.

ARTHUR KING, LAUREL ALUMNI ASSOCIATION, INC., LAUREL.
RE: Appreciation for Councilmanic Grant.

V. GEORGE CAREY, STATE REPRESENTATIVE, DOVER.
RE: Sussex County EMS Paramedic Program.

DAVID W. ENGLISH, AMERICAN RED CROSS, GEORGETOWN.
RE: Appreciation for Human Service Grant award.

M.C. BYRD, AMERICAN RED CROSS, GEORGETOWN.
RE: Requesting that the Red Cross flag be flown in front
of the Courthouse throughout March, Red Cross Month.

MILFORD MEMORIAL HOSPITAL, MILFORD.
RE: January/February newsletter entitled "Monitor".

South Coastal Library Ownership Carol Fitzgerald, County Librarian, Charles Bartlett, Mayor of Bethany Beach, and Elizabeth Baxter, President of the Friends of the South Coastal Public Library, Inc., were present to discuss ownership of the South Coastal Library. In June of 1988 an Agreement was entered into between the

South Coastal Library Ownership (con't) Sussex County Council and the "Friends of the South Coastal Public Library, Inc." in which the "Friends" were to develop and construct a public library structure and, upon completion of the construction, the "Friends" were to grant and convey the structure and all necessary utilities to the County. A proposal has been submitted by the Sussex County Towns of Bethany Beach, Millville, Ocean View and South Bethany for local management and control of the Library. The Sussex County Library Advisory Board has met to discuss this proposal and recommended that the Library remain a County affiliate. It was the consensus of Council to follow the recommendation of the Library Advisory Board.

Literacy Grant Proposal Ms. Fitzgerald, County Librarian, and Ms. Shumate, Literacy Coordinator, discussed a Sussex County Department of Libraries Literacy Grant Proposal in the amount of \$7,827.00. The grant money will be used for instructional materials for the Project Reads program.

M 084 93 Approve Literacy Grant Request A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to grant permission to the Sussex County Department of Libraries to apply to the Delaware State Department of Public Instruction for a grant in the amount of \$7,827.00 to be used for instructional materials for the Project Reads program.

Motion Adopted: 5 Yea.

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

Proposed Bond Ordinance Mr. Stickels, County Administrator, Mr. Baker, Finance Director, and Mr. Gefaell of R. W. Corby & Company, Inc., reviewed a Proposed Ordinance authorizing the proposed general obligation refunding bonds.

Proposed Bond Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF SUSSEX COUNTY FOR THE PURPOSE OF REFUNDING CERTAIN EXISTING DEBT OF THE COUNTY AND AUTHORIZING ALL NECESSARY ACTION IN CONNECTION THEREWITH". 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:

Adminis-
trator's
Report
(con't)

1. Recyclers of the Month

Mr. Alexander Dolski of Millsboro, Delaware, and Mr. David Potter, Jr. of Millsboro, Delaware, were the recipients of the two \$50 U.S. Savings Bonds for participating in the County's Recycling Program during the month of February. Four hundred thirty people participated in the program during the month.

2. Luncheon Meeting - University of Delaware

A meeting has been scheduled for April 20, 1993, at 12:00 noon. The meeting will take place at the University of Delaware Research and Education Center, Georgetown, Delaware. The purpose of the meeting will be to discuss research and extension activities that affect Sussex County farmers.

3. Subdivision Approvals

The Planning and Zoning Commission has approved the following subdivisions:

(a) Beacon Meadows - Beacon Meadows is a 58 lot Agricultural Residential subdivision located in Dagsboro Hundred at the northwest corner of the intersection of Routes 472 and 412. Streets in this subdivision are private, and it has individual septic and wells. The total acreage for this subdivision is 45.62 acres.

(b) The Woodlands of Red Mill - The Woodlands of Red Mill is a 123 lot Medium Density Residential subdivision located in Broadkill Hundred on the west side of Route One, 760 feet north of Route 88. Streets in this subdivision are private, and it has a community wastewater disposal system and central water. The total acreage for this subdivision is 51.55 acres.

(c) Sussex Meadows - Sussex Meadows is a 46 lot Agricultural Residential subdivision located in Baltimore Hundred on the west side of Route 84, north of Route 370. Streets in this subdivision are private, and it has a community wastewater disposal system and central water. The total acreage for this subdivision is 42.68 acres.

Bid
Award

Mr. Wood, County Engineer, and Ms. Sheridan, Operations Supervisor, discussed the bid award recommendation for effluent filters for the South Coastal Regional Wastewater Facilities.

M 085 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Bid that based on the recommendation of the design engineers, Award George, Miles & Buhr, and the Sussex County Engineering Department, Effluent that the Sussex County Council President be authorized Filters to award a lump sum contract to purchase and install effluent SCRWF filters for the South Coastal Regional Wastewater Facilities to the low bidder, Hopkins Construction, Inc., in the amount of \$687,700.00.

Motion Adopted: 5 Yea.

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

Antenna Mr. Wood, County Engineer, discussed a proposed lease with Lease the Bethany Beach Volunteer Fire Company for antenna space at the County's wastewater treatment plant antenna site in Ocean View.

M 086 93 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, Enter that based on the recommendation of the Sussex County Engineering Department, Antenna that the President of the Sussex County Council be authorized to enter into a contract with Lease the Bethany Beach Volunteer Fire Company for the lease of Contract space on the South Coastal Treatment Plant tower for the installation and maintenance of one transmitting and one receiving antenna for radio voice communication purposes.

Motion Adopted: 5 Yea.

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

Bid Mr. Jones, Engineer III, County Engineering Department, Award discussed the bid award recommendation for Sussex County Project No. 92-10, Sussex County Industrial Park, Fire Service Water Main Extension.

M 087 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, that Bid based upon the recommendation of the Engineering Department, Award that Sussex County Council award the contract for Sussex Sussex County Project No. 92-10, Sussex County Industrial Park, Fire Service Water Main Extension to Teal Construction, Inc., Project the low bidder, at a cost of \$19,935.45 pending the signing No. of a letter agreement with Edgehill.
92-10

Motion Adopted: 5 Yea.

M 087 93 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea; Mr. Collins, Yea; Mr. Stevenson, Yea; Mr. Dukes, Yea

Proposed Rates Dagsboro Frankford SSD Mr. Archut, Director of Planning and Permits, discussed, for informational purposes, proposed rates for the Dagsboro-Frankford Sanitary Sewer District. The proposed rates are for the period April 1, 1993, to June 30, 1994. A Public Hearing on this matter will be held during the meeting of the County Council on March 23, 1993.

Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.60 ACRES, MORE OR LESS" (C/Z #1190) filed on behalf of L & L Properties, Inc. The Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Benson introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.4 ACRES, MORE OR LESS" (C/Z #1191) filed on behalf of Michael W. and Cindy E. Bunting. The Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Collins introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A FLEA MARKET WITH OUTSIDE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.00 ACRES, MORE OR LESS" (C/U #1035) filed on behalf of Robert L. and Melissa S. Richardson. The Ordinance will be advertised for Public Hearing.

Citizen's Request Ms. Venti, a member of the Citizens for Affordable Sewer, addressed Council and requested that the "Citizens" be permitted to participate in efforts for a more affordable sewer system for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

M 088 93 Recess At 12:10 p.m., a Motion was made by Mr. Stevenson, seconded by Mr. Benson, to recess until 1:30 p.m.

Reconvene Mr. Dukes called Council back into session at 1:35 p.m.

Public
Hearing
(C/U
#1026)

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SALE OF ANTIQUES, CRAFTS, AND PRODUCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.86 ACRES, MORE OR LESS" (C/U #1026) filed on behalf of Donnie L. Short and Debra L. Short. The Public Hearing was closed.

M 089 93
Adopt
Ordinance
No. 879
(C/U
#1026)

A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 879 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SALE OF ANTIQUES, CRAFTS, AND PRODUCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.86 ACRES, MORE OR LESS" (C/U #1026) filed on behalf of Donnie L. Short and Debra L. Short, with the following stipulations:

1. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.
2. The applicant shall provide verification of entrance approval from DelDOT.
3. No parking signs shall be placed along both sides of Route 404, if required by DelDOT.

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

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

1. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County.
2. There has been a long history of commercial activity on this property.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
C/U
#1027

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINOR AUTOMOTIVE REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN

Public Hearing (con't) DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 29,135 SQUARE FEET, MORE OR LESS" (C/U #1027) filed on behalf of Chester Kulas. The Public Hearing was closed.

M 090 93 Adopt Ordinance No. 880 (C/U #1027) A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Ordinance No. 880 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINOR AUTOMOTIVE REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 29,135 SQUARE FEET, MORE OR LESS" (C/U #1027) filed on behalf of Chester Kulas, with the following stipulations:

1. No commercial vehicles shall be repaired.
2. No vehicles shall be stored overnight outside of the garage on the site.
3. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.

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

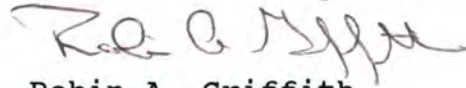
1. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing C/Z #1185 Action Deferred A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.55 ACRES, MORE OR LESS" (C/Z #1185) filed on behalf of JLJ Enterprises, Inc. The Public Hearing was closed and action was deferred. The record will remain open for two weeks to allow time for the applicant's attorney, Mr. Rutt, to submit a proposed deed with restrictions regarding future use of the land.

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M 091 93 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,
Adjourn to adjourn at 3:07 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council