

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-MARCH 22, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Thursday, March 22, 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 137 90
Approval
of Minutes

A Motion was made by Mr. Mariner, seconded by Mr. Benson, 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:

US ARMY CORPS OF ENGINEERS, PHILADELPHIA
RE: Notice to solicit comments and recommendations concerning construction of a wooden floating dock system to provide mooring for 38 boats located west of Route 1 bypass and east of Mispillion Bridge (Route 14), City of Milford.

DELAWARE RIVER BASIN COMMISSION, NEW JERSEY
RE: Notice of Commission Meeting and Public Hearing.

DELAWARE ASSOCIATION FOR RETARDED CITIZENS, INC., WILMINGTON
RE: Newsletter "DARC NEWS NOTES" for Spring.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, USDA,
GEORGETOWN
RE: Newsletter for March, 1990.

Proposed
Resolution

Mr. Stickels, County Administrator, read in its entirety a Proposed Resolution entitled "ENDORING PROJECT TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION, FOR FUNDING AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT PREAPPLICATION".

March 22, 1990

M 138 90
Adopt
Resolution
No. R 012 90

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to Adopt Resolution No. R 012 90 entitled "ENDORISING PROJECT TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION, FOR FUNDING AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT PREAPPLICATION". Motion Adopted: 5 Yea.

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

Local
Campground
Video

A video, prepared by the Planning and Zoning Office, was reviewed showing various local campgrounds. Examples of violations for screen rooms, awnings and accessory buildings were pointed out, as were approved practices that meet the requirements of the present Ordinance. Campground owners were present and addressed the issue and their collective discussion revealed the following:

- a. There is not a clear definition of campgrounds or parks set out in the original Ordinance as written in 1971;
- b. There is a basic misunderstanding of what constitutes a campground; and
- c. A meeting should be held with a committee of campground owners and staff from the Planning and Zoning Office to discuss and clarify the issues and set out definite guidelines.

M 139 90
Establish
Committee
to Recommend
Changes
for Ord.
No. 97 -
Parks &
Campgrounds

A Motion was made by Mr. Dukes, seconded by Mr. Benson, that the Sussex County Council authorize the establishment of a Committee to review and recommend changes for the Ordinance governing parks and campgrounds for the mobile campers, tents, camp trailers and touring vans; and be it further moved that Michael Moore, Planner for Sussex County, will chair the committee and report to the Council by May 8, 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 -
Amend
Ordinance
No. 97

Mr. Cole introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 97, AS AMENDED, SUSSEX COUNTY COMPREHENSIVE ZONING ORDINANCE, TO PROVIDE FOR CIRCUS, CARNIVAL GROUNDS, AMUSEMENT PARKS, OR MIDWAYS TEMPORARY FOR A SPECIFIED TIME PERIOD IN CERTAIN ZONING DISTRICTS". The Proposed Ordinance will be advertised for Public Hearing.

March 22, 1990

Red
Cross
Request

The Sussex Branch of the American Red Cross submitted a written request for an additional grant of \$2,000.00 to be used for leasing space to house disaster equipment. Presently, this equipment is stored in various places in the County.

M 140 90
Red Cross
Grant

A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to grant \$2,000.00 to the Sussex Branch, Delaware Chapter, American Red Cross, from the contingency fund, to be used for leasing additional space to house disaster equipment. Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report

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

1. A letter from the City of Rehoboth regarding their objection to DelDOT cutting down trees on Rehoboth Avenue Extended. These trees are outside the corporate limits of Rehoboth and are in the County's jurisdiction.

M 141 90
Save
Trees on
Rehoboth
Avenue

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, that the Sussex County Council authorize the County Administrator to send a letter to Secretary Justice, Delaware Department of Transportation, supporting the City of Rehoboth's efforts to save the trees on Rehoboth Avenue Extended. Motion Adopted: 5 Yea.

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

Adminis-
trator's
Report
(Con't.)

Mr. Stickels, County Administrator, continued with the remaining information included in his Administrator's Report:

2. The First Annual Mid-Atlantic Coastal Conference will be held May 9 through May 11, 1990. A variety of topics will be addressed.
3. A new brochure entitled "How To Obtain a Building Permit in Sussex County" will be placed in lumberyards, hardware stores, and in County offices.

March 22, 1990

Adminis-
trator's
Report
(Con't.)

4. Portions of the Delaware State News published on Friday, March 16, 1990 were printed on recycled paper. Approximately eight percent (8%) of landfill space is taken up by newspapers.
5. The County Administrator's Report is printed on recycled paper that was obtained locally. Other departments are being asked to investigate the costs of stationery and whenever possible, buy recycled paper.

M 142 90
Adopt
Resolution
No. R 013 90
Expansion
of Dewey
Beach
Sanitary
Sewer
District

A Motion was made by Mr. Benson, seconded by Mr. Mariner, to Adopt Resolution No. R 013 90 entitled "A RESOLUTION TO REVISE THE BOUNDARY OF THE DEWEY BEACH SANITARY SEWER DISTRICT TO ENCOMPASS A CONTIGUOUS AREA WEST OF THE LEWES AND REHOBOTH CANAL FROM COUNTY ROAD 88 TO THE LEWES AND REHOBOTH CANAL ALONG THE ROUTE 1 CORRIDOR TO BE KNOWN AS THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT". Motion Adopted: 5 Yea.

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

Requesting
Proposed
Ordinance
Amending
Ord. 39
be Placed
on Agenda

A Public Hearing was held June 27, 1989 on Proposed Ordinance entitled "AN ORDINANCE AMENDING ORDINANCE NO. 39, ARTICLE III BY STRIKING ARTICLE III IN ITS ENTIRETY AND CREATING A REVISED ARTICLE III PROVIDING FOR ANNUAL ASSESSMENT FEES, PLANT CONNECTION CHARGES AND TRANSMISSION CONNECTION CHARGES" and action was deferred. Mr. Archut, Chief of Planning and Permits, asked the Council to review this Ordinance and have it placed on the Agenda for action next week.

M 143 90
Close-out
Contract
for
Project
No. 88-07

A Motion was made by Mr. Dukes, seconded by Mr. Benson, based on the recommendation of the Engineering Department, that the Sussex County Council accept Sussex County Project No. 88-07, Maintenance Building at the Sussex County Industrial Park, and close-out the construction contract. Motion Adopted: 5 Yea.

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

M 144 90
Rescind
Motion
M 120 90

A Motion was made by Mr. Mariner, seconded by Mr. Dukes, to rescind Motion No. M 120 90, Adopted March 6, 1990, due to an error in the figure; said Motion being "based on the recommendation of the Sussex County Engineering Department,

March 22, 1990

M 144 90
Rescind
Motion
M 120 90
(Con't.)

the Sussex County Council approve the submission of the name of the apparent low bidder, together with bid evaluations for Long Neck Contract No. 6, to the State of Delaware Department of Natural Resources and Environmental Control for their review and approval, said low bidder being L. A. Merrill Construction Co., Inc. in the amount of \$5,134,000.00". Motion Adopted: 5 Yea.

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

M 145 90
Long
Neck
Contract
No. 6

A Motion was made by Mr. Dukes, seconded by Mr. Benson, based on the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve the submission of the name of the apparent low bidder together with the bid evaluations for Long Neck Contract No. 6 to the State of Delaware Department of Natural Resources and Environmental Control for their review and approval, said low bidder being L. A. Merrill Construction Co., Inc. in the amount of \$5,134,800.00. Motion Adopted: 5 Yea.

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

M 146 90
Escrow
Agreement -
Fenwick
Farms

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the President of the Sussex County Council be authorized to execute an agreement between Sussex County Council and Fenwick Farms for an escrow agreement in the amount of \$23,100.00 to be used for construction coordination services of wastewater facilities to serve the property Fenwick Farms in the Fenwick Island Sanitary Sewer District. Motion Adopted: 5 Yea.

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

M 147 90
Fenwick
Farms -
Construc-
tion
Services

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, that the President of the Sussex County Council execute an agreement between Sussex County Council and Kidde Consultants, Inc. for the construction coordination services for wastewater facilities in Fenwick Farms in the Fenwick Island Sanitary Sewer District. Motion Adopted: 5 Yea.

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

March 22, 1990

M 148 90
Pine Bay
Construc-
tion
Services

A Motion was made by Mr. Cole, seconded by Mr. Mariner, that the President of the Sussex County Council execute an agreement between Sussex County Council and Kidde Consultants, Inc. for the construction coordination services for wastewater facilities in Pine Bay in the Dewey Beach Water and Sanitary Sewer District. Motion Adopted: 5 Yea.

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

M 149 90
Escrow
Agreement-
Pine Bay

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, that the President of the Sussex County Council be authorized to execute an agreement between Sussex County Council and BCK Associates for an escrow agreement in the amount of \$67,336.50 to be used for construction coordination services of wastewater facilities to serve the property Pine Bay in the Dewey Beach Water and Sanitary Sewer District. Motion Adopted: 5 Yea.

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

C/Z #
1052

Change of Zone No. 1052, filed on behalf of Richard W. Shaubach, Sr. was discussed. Public Hearing was held on February 27, 1990 and action was deferred.

M 150 90
Adopt
Proposed
Ordinance
(Denied)

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23,502 SQUARE FEET, MORE OR LESS" (C/Z #1052) filed on behalf of Richard W. Shaubach, Sr. Motion Denied: 3 Nay; 2 Yea.

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

Findings
of Facts
C/Z #
1052

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. The Council found that the proposed change of zone from MR Medium Density Residential to C-1 General Commercial does not promote the

March 22, 1990

Findings
of Facts
C/Z #
1052
(Con't.)

health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The Council found that the evidence presented indicated that there were no commercial uses in the immediate area, and that a rezoning to C-1 General Commercial in a strictly residential area would constitute spot zoning. The Council found that, although persons in the area indicated their support for a plumbing business on the site, the rezoning request would allow numerous other commercial uses. The Council found that insufficient evidence was presented that other commercial sites were not available for the applicant's business.

M 151 90
Executive
Session
Scheduled

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that an Executive Session be held March 27, 1990 at 9:00 a.m. in the Council Chambers for the purpose of holding a strategy session on litigation concerning Dagsboro-Frankford Sanitary Sewer District. Motion Adopted: 5 Yea.

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

Letter
of
Apology
and
Clarifica-
tion

A letter from legal counsel for Mr. Randall Godwin, concerning a Notice of Violation for trash and other material accumulated on the premises located at Tower Shores, Nomad Village, Inc., Route 1, Bethany Beach was read to clarify and apologize for any misunderstanding that may have occurred by the letter read into the record on March 13th concerning this matter. The trash has been removed.

M 152 90
Council-
manic
Grant

A Motion was made by Mr. Mariner, seconded by Mr. Cole, to give \$150.00, from Mr. Mariner's Councilmanic Account, to Delmar Junior-Senior High School, to help in sponsoring a student's trip to the National Leadership Conference in Minneapolis. Motion Adopted: 5 Yea.

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

M 153 90
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Cole, to give \$300.00, from Mr. Dukes' Councilmanic Account, to Laurel School District, to be used equally for three (3) students to attend the National Convention in Minneapolis. Motion Adopted: 5 Yea.

March 22, 1990

M 153 90
(Con't.)

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

M 154 90
Council-
manic
Grant

A Motion was made by Mr. Dukes, seconded by Mr. Stevenson,
to give \$200.00, from Mr. Dukes' Councilmanic Account, to
Laurel High School Band to help in purchasing new uniforms.
Motion Adopted: 5 Yea.

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

M 155 90
Council-
manic
Grant

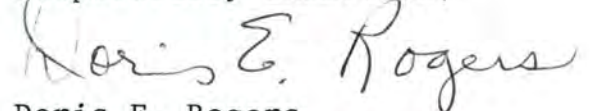
A Motion was made by Mr. Dukes, seconded by Mr. Benson,
to give \$150.00, from Mr. Dukes' Councilmanic Account, to
The Town of Laurel to sponsor the Laurel Park and Recreation
Committee's 4th of July fireworks display. Motion Adopted:
5 Yea.

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

M 156 90
Adjourn

A Motion was made by Mr. Mariner, seconded by Mr. Stevenson,
to adjourn at twelve noon. Motion Adopted by Voice Vote.

Respectfully submitted,



Doris E. Rogers
Clerk of the County Council