

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 16, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, May 16, 1995, 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 208 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated May 9, 1995. Motion Adopted by Voice Vote.

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 regarding applications for approval of several projects, none of which are located in Sussex County.

DAVID WINSKI, DIRECTOR OF TRANSPORTATION; DR. ROBERT C. SUTTON, SUPERINTENDENT; AND EDDY PARKER, SCHOOL BOARD PRESIDENT; WOODBRIDGE SCHOOL DISTRICT, BRIDGEVILLE, DELAWARE.
RE: Two letters commending the Sussex County Paramedics for their services following two accidents involving Woodbridge School District buses.

FRANK B. CALIO, DIRECTOR, SUSSEX COUNTY ECONOMIC DEVELOPMENT AND INDUSTRIAL AIR PARK, GEORGETOWN, DELAWARE.
RE: Letter thanking Mr. Stickels, County Administrator, and the Sussex County Council for their participation in the dedication of the runway at the airport.

FIRST STATE MANUFACTURED HOUSING INSTITUTE, DOVER, DELAWARE.
RE: Letter in appreciation of Council's participation in the workshop on May 2, 1995.

Proposed Procla- Mr. Stickels, County Administrator, read in its entirety a mation Proclamation entitled "PROCLAIMING THE WEEK OF MAY 14 THROUGH MAY 20, 1995, AS 'EMERGENCY MEDICAL SERVICES WEEK'". The purpose of the Proclamation is to recognize all the members of the emergency medical services team who devote their lives to saving the lives of others.

M 209 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Adopt to Adopt the Proclamation entitled "PROCLAIMING THE WEEK OF
Procla- MAY 14 THROUGH MAY 20, 1995, AS 'EMERGENCY MEDICAL SERVICES
-mation WEEK'".

Motion Adopted: 5 Yea.

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

Presen- The Proclamation was presented to Mr. Stevenson, Sussex County
-tation Paramedic Director.

Proposed Mr. Stickels, County Administrator, read in its entirety a
Procla- Proclamation entitled "PROCLAIMING JUNE, 1995, IN RECOGNITION
-mation OF JACK F. OWENS, SOUTHERN CAMPUS DIRECTOR, DELAWARE TECHNICAL
& COMMUNITY COLLEGE, FOR 28 YEARS OF DEDICATED SERVICE TO THE
RESIDENTS OF SUSSEX COUNTY AS 'MR. DELAWARE TECH'".

M 210 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Adopt to Adopt the Proclamation entitled "PROCLAIMING JUNE, 1995,
Procla- IN RECOGNITION OF JACK F. OWENS, SOUTHERN CAMPUS DIRECTOR,
-mation DELAWARE TECHNICAL & COMMUNITY COLLEGE, FOR 28 YEARS OF
DEDICATED SERVICE TO THE RESIDENTS OF SUSSEX COUNTY AS "MR
DELAWARE TECH".

Motion Adopted: 5 Yea.

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

Presen- Mr. Dukes will present the Proclamation to Mr. Owens at a
-tation luncheon in his honor on May 22, 1995.

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

1. Sussex County Volunteer Firemen's Association Monthly
Dinner Meeting

The Sussex County Volunteer Firemen's Association monthly meeting is scheduled for Tuesday evening, May 23, 1995, at 7:30 p.m. This meeting will be hosted by the Ellendale Fire Company, Ellendale, Delaware.

2. Georgetown Transportation Study

Included with this report were the results of the Georgetown Transportation Study's County Employee Survey. One hundred twenty employees participated in this survey.

Bid Results for Administrative Office Building Contract

Mr. Archut, Director of Planning and Permits, and Mr. Clendaniel of R. Calvin Clendaniel Associates discussed the bid results for the Sussex County Administrative Office Building Contract. After a review of the bids, R. Calvin Clendaniel Associates recommended that the bid be awarded to the low bidder, W. B. Venables and Sons, Inc., at a cost of \$5,100,000. This cost includes the base bid and all alternatives and unit prices.

M 211 95 Award Bid for Administrative Office Building Contract

A Motion was made by Mr. Stevenson, seconded by Mr. Benson, based on the recommendation of the Architect, R. Calvin Clendaniel Associates, that the Sussex County Council authorize the award of the County Administrative Office Building Contract to W. B. Venables and Sons, Inc., the low bidder, at a cost of \$5,100,000.00 (this cost includes the base bid and all alternatives and unit prices), subject to the approval of the Rural Economic and Community Development Service.

Motion Adopted: 4 Yea, 1 Abstention.

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

Bid Results of Pump Station Contract Bid Package C for West Rehoboth Expansion

Mr. Wood, County Engineer, and Mr. Bozick of George, Miles & Buhr, discussed the bid results of Pump Station Contract Bid Package C for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. The bid results were presented to Council at the April 25, 1995, meeting. Mr. Wood noted that this bid was a rebid; the third bid for this contract. Mr. Wood and Mr. Bozick recommended that the bid be awarded to the lowest responsible bidder, Lisbon Contractors, Inc., in the amount of \$2,990,000.00. Mr. Wood and Mr. Bozick advised that the recommendation is being made following a detailed review of the bids.

M 212 95 Award Bid for Pump Station Contract Bid Package C for West Rehoboth Expansion

A Motion was made by Mr. Benson, seconded by Mr. Collins, based on the recommendation of the Consulting Engineers, George, Miles & Buhr, and the County Engineering Department, that an award be given to the second low bidder, Lisbon Contractors, Inc., of Danboro, Pennsylvania, in the amount of \$2,990,000.00 for Pump Station Contract Bid Package C for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, contingent on the approval of the reviewing agencies: Department of Natural Resources and Environmental Control, Rural Economic and Community Development Administration and the Court of Chancery.

Motion Adopted: 5 Yea.

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

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCK REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.48 ACRES, MORE OR LESS" (Conditional Use No. 1120) filed on behalf of Sara V. Thoroughgood. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the 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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.92 ACRES, MORE OR LESS" (Change of Zone No. 1259) filed on behalf of Minos E. Givens. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.5 ACRES, MORE OR LESS" (Change of Zone No. 1260) filed on behalf of Helena Chemical Company. The Proposed Ordinance will be advertised for Public Hearing.

Introduction of Sussex County Fiscal 1996 Budget Mr. Stickels, County Administrator, introduced to Council the Sussex County Fiscal 1996 Budget for General Fund, Bond Issues, Community Development and Housing Grant Programs, Sewer and Water Districts, and Capital Improvement Programs. Mr. Stickels presented Council with copies of the Proposed FY '96 Budget and with copies of his budget letter, which he read in its entirety. A Public Hearing is scheduled for Tuesday, June 6, 1995, at 10:30 a.m. in the Council Chambers. At that time and place, all persons interested shall have a reasonable opportunity to be heard.

M 213 95 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Benson, to give \$200.00 from Mr. Cole's Councilmanic Account to the Lord Baltimore PTA for the First Annual "Coastal Music and Arts Festival" to be held on September 30, 1995.

Motion Adopted: 5 Yea.

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

M 214 95 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$150.00 from Mr. Cole's Councilmanic Account to the Indian River High School 12th Grade Advanced Placement English Class for their outdoor classroom project.

M 214 95 Motion Adopted: 5 Yea.
(con't)

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

M 215 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$800.00, \$200.00 each from Mr. Benson's, Mr. Collins',
manic Mr. Dukes', and Mr. Stevenson's Councilmanic Accounts, to the
Grant Sussex County Chapter, National Federation of the Blind of
Delaware for expenses associated with sending delegates to
the NFB National Convention.

Motion Adopted: 5 Yea.

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

M 216 95 A Motion was made by Mr. Benson, seconded by Mr. Cole, to
Council- give \$500.00 from Mr. Benson's Councilmanic Account to the
manic Slaughter Neck CHEER Senior Center for monthly cable expenses.
Grant

Motion Adopted: 5 Yea.

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

M 217 95 At 12:05 p.m., a Motion was made by Mr. Collins, seconded by Mr.
Recess Benson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

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

Public A Public Hearing was held on the Proposed Ordinance entitled
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1
(C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR A CUSTOM SEWING WORK-
No. 1112) ROOM AND SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND
LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY,
CONTAINING 40,000 SQUARE FEET, MORE OR LESS" (Conditional
Use No. 1112) filed on behalf of David T. and Susan C.
Stevenson. The Public Hearing was closed.

M 218 95 A Motion was made by Mr. Cole, seconded by Mr. Stevenson,
Adopt to Adopt Ordinance No. 1025 entitled "AN ORDINANCE TO GRANT
Ordinance A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 1025 DISTRICT FOR A CUSTOM SEWING WORKROOM AND SHOWROOM TO BE
(C/U LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
No. 1112) LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 40,000
SQUARE FEET, MORE OR LESS" (Conditional Use No. 1112) filed
on behalf of David T. and Susan C. Stevenson, with the
following stipulations:

M 218 95
(con't)

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission. No customer or other business parking shall be located within 100' of Savannah Road.
2. One ground sign, non-lighted and not exceeding 32 square feet per side or facing, may be permitted.

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 applicant established by substantial evidence that the proposed use is an on-going activity, operated as a home occupation, in an area of mixed residential and neighborhood business development. The proposed use is a function of the applicant's need to expand and to employ additional persons to meet customer demand.
2. The applicant established by substantial evidence that the proposed use is consistent with the character of development in the area and will have no adverse impact on property values, traffic or the environment in the area.
3. The proposed use 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.

Public
Hearing
(C/U
No. 1114)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR EXTENSION OF A BORROW PIT (CONDITIONAL USE NO. 992) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.29 ACRES, MORE OR LESS" (Conditional Use No. 1114) filed on behalf of State of Delaware, Division of Highways. The Public Hearing was closed.

M 219 95
Adopt
Ordinance
No. 1026
(C/U
No. 1114)

A Motion was made by Mr. Collins, seconded by Mr. Benson, to Adopt Ordinance No. 1026 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR EXTENSION OF A BORROW PIT (CONDITIONAL USE NO. 992) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.29 ACRES, MORE OR LESS" (Conditional Use No. 1114) filed on behalf of State of Delaware, Division of Highways.

M 219 95 Motion Adopted: 5 Yea.
(con't)

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 applicant established by substantial evidence that to complete its dirt road paving plans for the County, an expansion of Conditional Use No. 992 is needed.
2. The applicant established by substantial evidence that the expansion will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The expansion meets 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. Otherwise, all terms and conditions of Conditional Use No. 992 remain in force and effect.

Public Hearing (C/Z No. 1257) A Public Hearing was held on the 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 SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.98 ACRES, MORE OR LESS" (Change of Zone No. 1257) filed on behalf of Bruce Harrison. The Public Hearing was closed and action was deferred.

Public Hearing (C/U No. 1113) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MINI-GOLF COURSE (AMUSEMENT PLACE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.65 ACRES, MORE OR LESS" (Conditional Use No. 1113) filed on behalf of Patricia A. Derrick and Thomas B. Derrick. The Public Hearing was closed.

M 220 95 Adopt Proposed Ordinance (C/U No. 1113) A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MINI-GOLF COURSE (AMUSEMENT PLACE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.65 ACRES, MORE OR LESS" (Conditional Use No. 1113) filed on behalf of Patricia A. Derrick and Thomas B. Derrick, with the following stipulations:

- M 220 95 (con't)
1. Fencing within the front yard setback shall not exceed 3.5 feet in height and shall be see-through material.
 2. No part of the miniature golf course shall be located within the twenty (20) foot sewer maintenance easement.
 3. The site plan shall be subject to review and approval of the Planning and Zoning Commission.

Withdraw Motion It was the consensus of Council that this Motion be withdrawn.

Discussion Council discussed Stipulation No. 2 (No part of the miniature golf course shall be located within the twenty (20) foot sewer maintenance easement.) as recommended by the Planning and Zoning Commission.

M 221 95 Adopt Ordinance No. 1027 (C/U No. 1113) A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1027 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MINI-GOLF COURSE (AMUSEMENT PLACE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.65 ACRES, MORE OR LESS" (Conditional Use No. 1113) filed on behalf of Patricia A. Derrick and Thomas B. Derrick, with the following conditions:

1. Fencing within the front yard setback shall not exceed 3.5 feet in height and shall be see-through material.
2. No part of the miniature golf course shall be located within the twenty (20) foot sewer maintenance easement.
3. The site plan shall be subject to review and approval of 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 applicant established by substantial evidence that the proposed use, as an addition to an already approved commercial site plan, is an appropriate amusement activity, as an adjunct to the planned retail shop.
2. The applicant established by substantial evidence that the proposed use would have little adverse impact on traffic in the area, given DelDOT's revised entrance permit. No impact upon the character of the neighborhood, property values therein or the environment will occur.

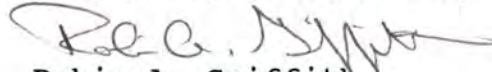
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Findings
of Fact
(con't)

3. The proposed use 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.

M 222 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, to
Adjourn adjourn at 3:35 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council