

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 31, 1994

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, May 31, 1994, 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

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

M 215 94      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve      approve the minutes of the previous meeting dated May 24, 1994. Minutes      Motion Adopted by Voice Vote.

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

MEREDITH DENNIS, SEAFORD CHRISTIAN ACADEMY, SEAFORD, DELAWARE.  
RE: A.D.A.M. Program.

DORTA MATTHEWS, WEST SEAFORD ELEMENTARY, SEAFORD, DELAWARE.  
RE: A.D.A.M. Program.

DELAWARE HOSPICE, WILMINGTON, DELAWARE.  
RE: May, 1994, newsletter entitled "Communicator".

PASQUALE S. CANZANO, DELAWARE SOLID WASTE AUTHORITY, DOVER, DELAWARE.  
RE: Memorandum regarding permanent flare system at Southern Solid Waste Management Center (Jones Crossroads).

Certifi-      Mr. Dukes presented a Certification of Appreciation to cate of      Richard V. Spicer for devotion, loyalty, and excellence in Appreci-      serving Sussex County from December 8, 1980, to May 31, ciation      1994.

Milton      Mr. Stickels, County Administrator, discussed additional work Library      to be considered at the Milton Library; one of the items of which is the painting of the exterior of the building and trim. Two color schemes and their costs have been taken under consideration, as follows: the blue/rose color scheme at a cost of \$19,360 and the green/yellow color scheme at a cost of \$18,150. The green/yellow color scheme has been selected. A credit in the amount of \$2,200 will be applied towards the cost of painting, leaving a balance of \$15,950. The \$2,200 credit is provided for in the contract submitted by CRL of Maryland, Inc., a company contracted by the State to repair

Milton  
Library  
(con't)

damages to the Milton Library caused by the State's bridge project. The balance of \$15,950 will be funded by Senator Thurman Adams in the amount of \$7,975 and by Representative V. George Carey in the amount of \$7,975. Other additional work that will be necessary is (1) removing and replacing two roof drains, (2) repair flashing, and (3) repairing an area of the roof that has blistered. An estimate in the amount of \$3,059.00 for this additional work has been obtained from C. C. Oliphant, Inc. Repairs are expected to be completed by June 15, 1994.

Adminis-  
trator's  
Report

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

1. Dagsboro-Frankford Wastewater Treatment Plant Dedication

The Sussex County Council will host a dedication of the Dagsboro-Frankford Wastewater Treatment Facility on Tuesday, June 7, 1994, at 2:00 p.m. The facility is located on State Road 335, just north of the town limits of Dagsboro. Serious public health problems related to wastewater disposal have plagued the residents of Dagsboro and Frankford for many years. The Sussex County Engineering Department and George, Miles & Buhr, consulting engineers, developed a wastewater management plan to eliminate these potential health problems and, at the same time, to provide environmental protection. The total cost of the project was \$10.9 million. Grant funding for the project was obtained from the EPA, Farmers Home Administration, and the State of Delaware. Grant funding accounted for \$9.4 million, or approximately 86 percent, of the total project cost. Elected Federal, State, and local officials, as well as the public, are invited to attend the ceremony and celebration.

2. State Route One

The State of Delaware Department of Transportation has requested that the Sussex County Council withhold issuing any building permits along State Route One, from the Kent County line south to the Nassau overpass, unless they have received a letter from the Department stating that they have reviewed the site and approved the application. This procedure will provide DelDOT with the opportunity for them and the property owner to work together to avoid any potential problems along State Route One prior to construction. It is the opinion of DelDOT that this procedure will be beneficial to the Route One Corridor Preservation Program.

Adminis-  
trator's  
Report  
(con't)

3. Sussex County Road Naming Project

Road naming for the Selbyville, Roxana, Gumboro, Frankford, and Delmar fire districts has been completed. Tentative completion dates for the following fire districts are as follows:

<u>Area</u>	<u>Station</u>	<u>Projected Date</u>
Dagsboro	73	6/27/94
Millville	84	7/17/94
Bethany Beach	70	8/07/94
Millsboro	83	8/28/94
Blades	71	9/11/94
Seaford	87	10/02/94
Georgetown	77	10/23/94
Indian River	80	11/13/94
Rehoboth Beach	86	12/04/94
Lewes	82	1/08/95
Milton	85	1/29/95
Ellendale	75	2/19/95
Bridgeville	72	3/12/95
Greenwood	78	3/26/95
Milford	42	4/09/95
Memorial (Slaughter Beach)	89	4/30/95

The next district to be completed will be Laurel. A public meeting will be held in the Laurel Fire Hall on June 10, 1994, at 7:00 p.m.

Change  
Order  
West  
Rehoboth

Mr. Green, Director of Utility Construction, discussed Change Order No. 1, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract No. 1, to Teal Construction, Inc.

M 216 94  
Issue  
Change  
Order  
No. 1  
Contract  
No. 1  
West  
Rehoboth

A Motion was made by Mr. Benson, seconded by Mr. Cole, based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 1, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract No. 1, to Teal Construction, Inc., for additional sanitary sewer service to properties not included in the original unit price bid, for an amount of \$3,850.00, increasing this contract amount to \$705,150.75.

Motion Adopted: 4 Yea, 1 Absent.

M 216 94 (con't) Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Absent;  
Mr. Dukes, Yea

Salt Pond Mr. Green, Director of Utility Construction, discussed Beneficial Acceptance for the wastewater facilities constructed in Salt Pond, Phase 5, located in the Bethany Beach Sanitary Sewer District.

M 217 94 Grant Beneficial Acceptance Salt Pond A Motion was made by Mr. Collins, seconded by Mr. Benson, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, that the Sussex County Council grant Beneficial Acceptance for the wastewater facilities, from Manhole #37 to Manhole #113, constructed in Salt Pond, Phase 5, located in the Bethany Beach Sanitary Sewer District.

Motion Adopted: 3 Yea, 1 Abstention, 1 Absent.

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

Archaeological Report - West Rehoboth Mr. Wood, County Engineer, advised Council that the archaeological change order for the treatment plant site for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, as placed on the agenda, was no longer necessary. Mr. Wood explained that the archaeological change order would have been at a cost of over \$69,000. In an effort to avoid the additional archaeological work and the cost of over \$69,000, a berm was redesigned so that it does not infringe on the area defined. Mr. Wood shared with the Council some of the artifacts found during the Phase I Archaeological Survey of the treatment plant site.

M 218 94 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$400.00, \$200.00 from Mr. Cole's Councilmanic Account and \$200.00 from Mr. Collins' Councilmanic Account, to the Indian River School District to honor with some token the Indian River High School's baseball team for winning the Southern Division Championship of the Henlopen Conference.

Motion Adopted: 4 Yea, 1 Absent.

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

M 219 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Benson, to give \$200.00 from Mr. Collins' Councilmanic Account to the American Legion, Dagsboro Post #24, to help purchase chairs for their new meeting place.

Motion Adopted: 4 Yea, 1 Absent.

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

M 220 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$150.00 from Mr. Dukes' Councilmanic Account to The Town of Laurel for the 4th of July fireworks display.

Motion Adopted: 4 Yea, 1 Absent.

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

M 221 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$600.00, \$500.00 from Mr. Dukes' Councilmanic Account and \$100.00 from Mr. Collins' Councilmanic Account, to the Laurel Central Middle School for the Laurel Community Summer Recreation Program.

Motion Adopted: 4 Yea, 1 Absent.

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

State Funding for Additional Police Officers Mr. Stickels, County Administrator, updated the Council on the decision of the Joint Finance Committee to approve the funding for twenty-five more police officers in the FY '95 budget. The twenty-five police officers will be assigned as follows: five to Sussex County; five to Kent County; two to New Castle County; three to State Route One; and ten to special units. Funding for the additional police officers will not be available until November. Mr. Stickels noted that the three officers that will be assigned to Sussex County will be in addition to the additional fifteen troopers and four supervisors that will be placed in Sussex County in accordance with the Memorandum of Understanding between the State of Delaware, Department of Public Safety; Delaware State Police; and the Sussex County Council.

M 222 94 Recess At 11:00 a.m., a Motion was made by Mr. Benson, seconded by Mr. Collins, 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 Hearing (C/U No. 1076) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 40,587 SQUARE FEET, MORE OR LESS, OF A 51.42 ACRE TRACT" (Conditional Use No. 1076) filed on behalf of George and Martha Whitworth. The applicant was not in attendance for the Public Hearing. Mr. Lank, Director of Planning and Zoning, advised Council that a letter requesting permission to withdraw the application was received on May 31, 1994. (This did not meet the County's requirement that a letter requesting the withdraw of an application must be received two working days prior to the Public Hearing.) The Public Hearing was closed.

M 223 94 Adopt Proposed Ordinance (DENIED) A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 40,587 SQUARE FEET, MORE OR LESS, OF A 51.42 ACRE TRACT" (Conditional Use No. 1076) filed on behalf of George and Martha Whitworth.

Motion Denied: 4 Nay, 1 Absent.

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

The application was denied due to the fact that the applicant failed to appear and due to the lack of information.

Public Hearing (C/U No. 1077) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF ANTIQUES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS" (Conditional Use No. 1077) filed on behalf of Barbara H. Hearl. The Public Hearing was closed.

M 224 94 Adopt Ordinance No. 971 (C/U No. 1077) A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 971 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RETAIL SALES OF ANTIQUES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS" (Conditional Use No. 1077) filed on behalf of Barbara H. Hearl, with the following conditions:

M 224 94  
(con't)

1. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.
2. The entrance location and design shall be subject to DelDOT.
3. One unlighted sign, not exceeding 32 square feet, may be permitted.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Absent;  
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 will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area. The proposed use will be consistent with other similar shops in the area.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/Z  
No. 1228)

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 4.83 ACRES, MORE OR LESS" (Change of Zone No. 1228) filed on behalf of John Huegel. The Public Hearing was closed.

M 225 94  
Adopt  
Ordinance  
No. 972  
(C/Z  
No. 1228)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 972 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 4.83 ACRES, MORE OR LESS" (Change of Zone No. 1228) filed on behalf of John Huegel.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings  
of Fact

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 the Change of Zone will serve a community need in Western Sussex County. The site is near other general commercial properties and, if developed, will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The Change of Zone is consistent with the purposes and goals of the Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/Z  
No. 1230)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.81 ACRES, MORE OR LESS, OF A 1.57 ACRE TRACT" (Change of Zone No. 1230) filed on behalf of Alan L. and Michele M. Gordon. The Public Hearing was closed.

M 226 94  
Adopt  
Ordinance  
No. 973  
(C/Z  
No. 1230)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 973 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.81 ACRES, MORE OR LESS, OF A 1.57 ACRE TRACT" (Change of Zone No. 1230) filed on behalf of Alan L. and Michele M. Gordon.

Motion Adopted: 4 Yea, 1 Absent.

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

Findings  
of Fact

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

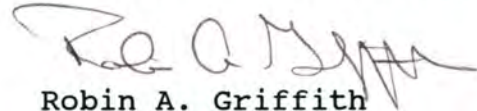
1. The applicant established by substantial evidence that the Change of Zone will serve a community need, and given the nature of the applicant's business, will have no adverse impact on the character of the community, property values therein, traffic or the environment in the area.

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Findings (con't) 2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 227 94 A Motion was made by Mr. Cole, seconded by Mr. Benson, to  
Adjourn adjourn at 2:22 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council