

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 1, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 1, 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.

Mr. Baker, Finance Director, stood in for Mr. Stickels, County Administrator, who was unable to be in attendance.

Citizens of the Year President Dukes announced that Mr. Oliver Hill was selected Laurel Citizen of the Year and Mr. Wright Robinson was selected Seaford Citizen of the Year. Congratulations were extended to Mr. Hill and Mr. Robinson.

M 201 93 Approve Minutes A Motion was made by Mr. Collins, seconded by Mr. Benson, to approve the minutes of the previous meeting dated May 25, 1993. Motion Adopted by Voice Vote.

Letters Mr. Bayard, County Attorney, read the following correspondence:

SEAFORD CHRISTIAN ACADEMY, SEAFORD.
RE: Letters regarding the A.D.A.M. Program.

RESIDENTS OF HERITAGE VILLAGE, SEAFORD.
RE: A petition in complaint of the empty lot at the entrance to Heritage Village on Wythe Lane, owned by George Bramhall.

DONALD L. MURRAY, REGIONAL PROM PROMISE COORDINATOR, GEORGETOWN.
RE: Thanking Mr. Collins for being a judge for the Prom Promise scrapbook competition.

Certificate of Appreciation President Dukes presented Katherine F. Fleetwood with a Certificate of Appreciation from the Sussex County Council, for devotion, loyalty, and excellence in serving Sussex County from May 1, 1969, to May 30, 1993.

Proposed Proclamation Mr. Baker, Finance Director, read in its entirety a Proclamation entitled "PROCLAIMING SATURDAY, JUNE 12, 1993, AS A DAY TO HONOR BIG BROTHERS/BIG SISTERS OF DELAWARE". Present to accept the Proclamation was Mr. Joseph Duffy, Executive Director, Big Brothers/Big Sisters of Delaware. Mr. Duffy informed Council

Proposed Proclamation that the 1993 Delaware High School All-Star Baseball Classic will be held on June 12, 1993, at 7:00 p.m. The proceeds will benefit Big Brothers/Big Sisters of Delaware.

M 202 93 Adopt Proclamation A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING SATURDAY, JUNE 12, 1993, AS A DAY TO HONOR BIG BROTHERS/BIG SISTERS OF DELAWARE".

Motion Adopted: 5 Yea.

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

Milton Library Mr. Baker, Finance Director, discussed the Milton Library structural damage caused by the adjacent bridge work on Route 5 over the Broadkill River. DelDOT has assured the County that they will make every effort to restore the building to an acceptable condition. The Milton Library will temporarily relocate to the Milton Community Center located adjacent to the current library. The move will take place June 1st, 2nd, and 3rd.

Administrator's Report Mr. Baker, Finance Director, discussed the following information in Mr. Stickels' County Administrator's Report:

1. Transfer Stations

Included with this report was a flier being distributed by the Delaware Solid Waste Authority. The flier outlines how the Solid Waste Authority is going to charge for the services it will be rendering. It was noted that stations will only accept household waste in bags up to 33 gallons. Originally, the County Council was told that there would not be a limit on the size of the bag. These fliers are being distributed at the Sussex County sites at this time.

2. Recyclers of the Month

Ms. Mary Dimes of Laurel, Delaware, and Mr. James Arrington of Bridgeville, Delaware, were the recipients of the two \$50 U. S. Savings Bonds for participating in the County's Recycling Program during the month of May. Four hundred fifty-five people participated in the Recycling Program during the month compared to 507 during the month of April.

Adminis-
trator's
Report
(con't)

3. Airport User

On Saturday, May 29, 1993, Vice President Albert Gore landed at the Georgetown Airport. His family vacationed in the Rehoboth area over the Memorial Day weekend. They departed Monday, May 31, 1993, at 5:00 p.m. Hopefully, more of the Clinton Administration will visit the County's coastal areas. During the Lyndon Baines Johnson Administration, his family frequently visited Delaware beaches.

West
Rehoboth
Expansion
of the
Dewey
Beach
Sanitary
Sewer
District
Project
Status
Update

Robert Wood, County Engineer; James Thomas, George, Miles and Buhr; and Paul Schwartzberg and John Nelson, Whiting Turner Contracting Company, were present for a Project Status Update on the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Mr. Thomas advised of the progress that has been made on the various studies undertaken based on the West Rehoboth Value Engineering Report performed by Roy F. Weston, Inc. The studies included a wide array of treatment, disposal/reuse and collection system alternatives. The objective of the studies was to substantially reduce the annual user charge. The time schedule constraints, in the Memorandum of Understanding between DNREC and Sussex County, were extended by eighteen months to allow the time needed for these studies.

West
Rehoboth
Home-
owners
Front
Footage
Costs

Councilman Cole expressed concern regarding front footage costs for homeowners with large lots in the West Rehoboth area. Councilman Cole requested that a maximum, as well as a minimum, front footage cost be established. Currently, in other sewer districts, only a minimum front footage cost is established. An in-house comparison will be done comparing rates where only a minimum front footage is established and rates where a minimum and maximum front footage is established.

Public
Hearing

At 11:08 a.m., a Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY TO FURTHER DEFINE CERTAIN EMPLOYMENT RESTRICTIONS FOR PERSONS ENTITLED TO RECEIVE A PENSION". The Public Hearing was closed.

M 203 93
Adopt
Ordinance
No. 890

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 890 entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY TO FURTHER DEFINE CERTAIN EMPLOYMENT RESTRICTIONS FOR PERSONS ENTITLED TO RECEIVE A PENSION".

Motion Adopted: 5 Yea.

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

Walker Mill Central Water System Mr. Izzo, Public Works Division Director, was present to request permission to solicit bids for Sussex County Project No. 89-12, Walker Mill Central Water System, to design, construct, operate and maintain a central water system for the area. An information sheet is to be sent to the affected residents in the near future.

M 204 93 Solicit Bids for Walker Mill Central Water System A Motion was made by Mr. Stevenson, seconded by Mr. Collins, based upon the recommendation of the Sussex County Engineering Department, that bids be solicited for Sussex County Project No. 89-12, Walker Mill Central Water System, to design, construct, operate and maintain a Central Water System for the area approximated by the "no well" portion of the Bridgeville Groundwater Management Zone.

Motion Adopted: 5 Yea.

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

Shady Park, Inc. Mr. Green, Director of Utility Construction, discussed an Agreement between Sussex County Council and Shady Park, Inc. for Construction Administration and Construction Inspection Services for wastewater facilities in Shady Park, Phase III, Section IIA, in the Fenwick Island Sanitary Sewer District.

M 205 93 Execute Agreement with Shady Park, Inc. 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 Shady Park, Inc. for Construction Administration and Construction Inspection Services for wastewater facilities in Shady Park, Phase III, Section IIA, in the Fenwick Island Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Water View Estates Mr. Green, Director of Utility Construction, discussed an Agreement between Sussex County Council and Horace A. Sagers for Construction Administration and Construction Inspection Services for wastewater facilities in Water View Estates, in the Proposed Cedar Neck Sanitary Sewer District.

M 206 93 Execute Agreement Water View Estates 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 Horace A. Sagers for Construction Administration and Construction Inspection Services for wastewater facilities in Water View Estates, in the Proposed Cedar Neck Sanitary Sewer District.

M 206 93 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

Proposed Ordinance Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR ASSEMBLY OF SMALL PRODUCTS AND WHOLESALE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.86 ACRES, MORE OR LESS" (C/U #1044) filed on behalf of Thomas and Elizabeth Johnson. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Benson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF CONDITIONAL USE NO. 914 FOR A GENERAL CONTRACTORS OFFICE AND SHOP, AND STORAGE OF MATERIALS AND EQUIPMENT, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12.17 ACRES, MORE OR LESS" (C/U #1045) filed on behalf of John D. Mills. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GENERAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.83 ACRES, MORE OR LESS" (C/U #1046) filed on behalf of Dr. Andrew S. Malinowski. The Proposed Ordinance will be advertised for Public Hearing.

M 207 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$1,000.00 from Mr. Stevenson's Councilmanic Account
manic to the Town of Bridgeville for the Apple/Scrapple Festival.
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 208 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Council- to give \$400.00 from Mr. Benson's Councilmanic Account to
manic the Christian Fellowship Softball League to help offset
Grant insurance, electric, and other operational costs.

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M 208 93 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 209 93 A Motion was made by Mr. Benson, seconded by Mr. Collins,
Council- to give \$500.00 from Mr. Dukes' Councilmanic Account to the
manic Laurel School District for the Laurel Community Summer
Grant Recreation Program.

Motion Adopted: 5 Yea.

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

M 210 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Executive that the Sussex County Council authorizes an Executive
Session Session to be held on Tuesday, June 8, 1993, at 9:00 a.m.,
in the Sussex County Council Chambers, for the purpose of
discussing land acquisition.

Motion Adopted: 5 Yea.

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

M 211 93 At 11:45 a.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 President Dukes called Council back into session at 1:30 p.m.

Request Council considered a letter addressed to President Dukes from
to With- Merle L. Embleton, which was received on May 28, 1993, requesting
draw C/Z permission to withdraw his application denominated Change of
No. 1193 Zone No. 1193.

M 212 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to
Allow allow Mr. Merle L. Embleton to withdraw his application
the denominated Change of Zone No. 1193 and to allow Mr. Embleton
Withdraw to reapply for an extension or amendment to an existing
of C/Z Conditional Use with the filing fees to be waived.
No. 1193

Motion Adopted: 5 Yea.

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

Public Hearing C/U No. 1036 Action Deferred
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 A CONSTRUCTION STORAGE YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.07 ACRES, MORE OR LESS" (C/U #1036) filed on behalf of Padula Construction. The Public Hearing was closed and action was deferred.

Councilman Cole left the meeting at this time.

Public Hearing C/U No. 1037 Action Deferred
A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR-RPC MEDIUM DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY FOR MINIATURE GOLF TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.07 ACRES, MORE OR LESS" (C/U #1037) filed on behalf of Salt Pond Associates. The Public Hearing was closed and action was deferred for one week.

Public Hearing C/U No. 1039
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 A MINOR AUTOMOTIVE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.30 ACRES, MORE OR LESS" (C/U #1039) filed on behalf of William J. and Delores E. Hudson. The Public Hearing was closed.

M 213 93 Adopt Ordinance No. 891 (C/U #1039)
A Motion was by Mr. Benson, seconded by Mr. Collins, to Adopt Ordinance No. 891 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MINOR AUTOMOTIVE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.30 ACRES, MORE OR LESS" (C/U #1039) filed on behalf of William J. and Delores E. Hudson, with the following stipulations:

1. One unlighted sign, not exceeding 32 square feet per side or facing, is permitted.
2. The approved use is for minor automotive repair. No major automotive engine or transmission overhaul work will be permitted.
3. No more than ten vehicles shall be stored on site at any time.

Motion Adopted: 4 Yea, 1 Absent.

M 213 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

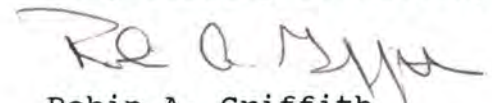
Findings of Fact The Council found that the conditional use was appropriate legislative action based upon the following findings of fact:

1. The applicant established by substantial evidence that a need exists in the local community for the service to be provided by the proposed conditional use.
2. The applicant established by substantial evidence that the proposed conditional use will have no adverse impact on the character of the neighborhood property values therein, traffic or the environment in the area.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing C/Z No. 1194 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.1989 ACRES, MORE OR LESS" (C/Z #1194) filed on behalf of Donald J. Adder. The Public Hearing was closed and action was deferred. (Councilman Cole rejoined the meeting during this Public Hearing.)

M 214 93 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Benson, to adjourn at 3:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council