

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 7, 1994

Call to
Order

The regular meeting of the Sussex County Council was held Tuesday, June 7, 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
William D. Stevenson, Sr.	Member

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

M 228 94
Approve
Minutes

A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting dated May 31, 1994. Motion Adopted by Voice Vote.

Corre-
spondence

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

DELAWARE WATER TRANSPORT COMMITTEE, SALISBURY, MARYLAND.
RE: Second Quarter, 1994, newsletter.

LAUREL HIGH SCHOOL, LAUREL, DELAWARE.
RE: Appreciation extended to Mr. Dukes for his Councilmanic Grant to the Laurel Chapter of Business Professionals of America.

ANTHONY ROHRBAUGH, WEST SEAFORD ELEMENTARY SCHOOL, SEAFORD, DELAWARE.
RE: A.D.A.M. Program.

KRISTI HAMILTON, SEAFORD CHRISTIAN ACADEMY, SEAFORD, DELAWARE.
RE: A.D.A.M. Program.

FOURTH GRADE STUDENTS, GEORGETOWN ELEMENTARY SCHOOL, GEORGETOWN, DELAWARE.
RE: Appreciation extended to Mr. Stickels for the tour of the Courthouse.

Route 54
Improve-
ments

Mr. Welsh of the Delaware Department of Transportation and Mr. Krupsaw of Rummel, Klepper and Kahl were present to discuss DelDOT's "Preferred Option" for Route 54 improvements. Route 54 improvements are aimed at reducing the effects of highway flooding on a portion of Route 54 and Road 58C to the Ditch. The "Preferred Option" concept extends the project to Route 1. Advantages of this concept are: direct access to businesses will be maintained; Route 54 will be constructed to an elevation of 6.0 or higher,

Route 54 (con't) satisfying the needs of the Emergency Preparedness Office; free flow will be provided under viaduct at the areas where flooding occurs most often; the project lends itself to stage construction. The viaduct portion of the project would be constructed first to address the area of most frequent flooding.

M 229 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, that Endorse the Sussex County Council endorses DelDOT's "Preferred Option" DelDOT's for Route 54 from Route 58C to the Ditch, as presented, with Plan for no funding from the County. Route 54

Improvements Motion Adopted: 5 Yea.

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

Bid Results Pole Shed Contract Mr. Jones, Engineer III, reviewed bid results for Sussex County Project No. 94-09, Pole Shed Contract, as follows:

Bidder

Amount

J. A. Moore and Sons Rehoboth, Delaware	\$41,631.00
Preston McIlvaine Georgetown, Delaware	\$39,400.00

M 230 94 A Motion was made by Mr. Cole, seconded by Mr. Collins, Award based on the recommendation of the Engineering Department, Bid that the Sussex County Council authorizes the award of the Pole Pole Shed Contract (Sussex County Project No. 94-09) to Shed Preston McIlvaine Construction Company, Inc., the low Contract bidder, at a cost of \$39,400.00.

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

Conflict of Interest Mr. Bayard, County Attorney, left the meeting at this time due a conflict of interest in regards to Change of Zone No. 1220, filed by Arnell Landing Development Corp.

Old Business Change of Zone No. 1220 Change of Zone No. 1220 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1/RPC AGRICULTURAL RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY/RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH

Old
Business
(con't)

HUNDRED, SUSSEX COUNTY, CONTAINING 90.01 ACRES, MORE OR LESS" (Change of Zone No. 1220), filed on behalf of Arnell Landing Development Corp., was discussed. A Public Hearing was held on this application on March 29, 1994, at which time action was deferred pending receipt of comments from DelDOT and the Office of the State Fire Marshal in reference to the inter-connection of streets.

M 231 94
Adopt
Ordinance
No. 970
(C/Z
No. 1220)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 970 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1/RPC AGRICULTURAL RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY/RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 90.01 ACRES, MORE OR LESS" (Change of Zone No. 1220) filed on behalf of Arnell Landing Development Corp., with the following stipulations:

1. The maximum number of lots shall not exceed one hundred forty (140).
2. The concept of the layout of the subdivision shall be retained as submitted to the Planning and Zoning Commission.
3. The streets shall be public streets built to State specifications.
4. The open space presented in the preliminary plan shall be retained as indicated.
5. A dry sewer system shall be installed to meet specifications set forth by the County Engineer, for inclusion in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.
6. There shall be no commercial uses within the RPC Residential Planned Community.
7. A recreational area shall be designated, equal to Arnell Landing, for this site.

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 Change of Zone was appropriate legislative action based upon the following findings of fact:

1. The Change of Zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, 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.

Draft Proposed Ordinance Mr. Cole requested that a Proposed Ordinance be drafted to allow AR-1/RPC's to be the same lot size as MR/RPC's by reducing minimum square footage to 7,500 square feet. It was the consensus of Council that a Proposed Ordinance be drafted.

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

1. Road Naming

A public meeting for the Laurel Fire District Road Naming Project will be held on Wednesday, June 8, 1994, at 7:00 p.m. at the Laurel Fire Hall. The June 8 date is a change from what was originally announced.

2. Legislative Update

On Thursday, June 2, 1994, the Delaware Senate voted on House Bill No. 442, with amendments. This legislation originally required that building inspectors employed by the three counties must be nationally certified by either the Building Officials and Code Administrators International or by the Council of American Building Officials. The certification process for building inspectors will be placed under the auspices of the Director of Professional Regulation. The legislation was amended to recognize the Southern Building Code Congress International, also, as a permitted code. Southern Building Code Congress International is the organization that certifies the County employees. This bill also had an amendment stating that any current employees would be grandfathered, and anyone employed after June 1, 1994, would have one year to get the certification.

The bill received six favorable votes, fourteen no votes, and one absent. The final tally on the bill was not officially recorded, as the bill was tabled. Mr. Stickels believes that the legislation did not receive favorable passage for two reasons -- first, because it was a mandate from the

Adminis-
trator's
Report
(con't)

State to the counties as to the educational requirements for their employees; and second, the legislation would not include any of the local municipalities, such as Rehoboth or Bethany Beach. The bill may be taken from the table and a vote retaken; however, because of the lack of support, Mr. Stickels does not think it will happen this session.

3. Courthouse Signing Ceremony

Governor Thomas R. Carper and County Council President Dale R. Dukes will jointly conduct a signing ceremony for the sale of the Sussex County Courthouse on Friday, June 10, 1994, at 11:30 a.m. in the County Council Chambers. The public and news media are encouraged to attend this historic ceremony.

Mr. David B. Baker, Finance Director, and Mr. Dennis L. Schrader, Assistant County Attorney, finalized the sale of the old post office located on The Circle on Wednesday, June 1, 1994. R. Calvin Clendaniel Associates, architects for the administrative building, have informed Mr. Stickels that they have completed pre-design, schematics, and review of the new administrative building. Mr. Robert Clendaniel will be conducting interviews with department heads the weeks of June 6 and June 13 to determine the needs for each department. Proposals to perform the necessary historic investigation work will be received the week of June 7, 1994. It is anticipated that construction will start November of 1994, with the completion date still targeted for December 1995.

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 EXPANSION OF CONDITIONAL USE NO. 954 TO EXCAVATE BORROW BELOW WATER TABLE AND TO ESTABLISH AREAS FOR RECYCLABLE BUILDING MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 74 ACRES, MORE OR LESS, OF A 213 ACRE SITE" (Conditional Use No. 1079) filed on behalf of Edward J. Kaye. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR TWO 30,000 GALLON PROPANE STORAGE TANKS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.03 ACRES, MORE OR LESS, OF A 2.41 ACRE TRACT" (Conditional Use No. 1080) filed on behalf of Tri-Gas & Oil. The Proposed Ordinance will be advertised for Public Hearing.

Attorney Mr. Bayard, County Attorney, rejoined the meeting.

Proposed Ordinance Mr. Benson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A MANUFACTURED HOME PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 11.45 ACRES, MORE OR LESS" (Conditional Use No. 1081) filed on behalf of Richard Piper. The Proposed 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 AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 11.45 ACRES, MORE OR LESS" (Change of Zone No. 1234) filed on behalf of Richard Piper. The Proposed Ordinance will be advertised for Public Hearing.

M 232 94 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$450.00, \$300.00 from Mr. Cole's Councilmanic Account and \$150.00 from Mr. Collins' Councilmanic Account, to Sussex Aces ASA Softball Team to assist in the formation of the Team.

Motion Adopted: 5 Yea.

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

M 233 94 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to give \$600.00 from Mr. Benson's Councilmanic Account to the Memorial Fire Company to help fund the Fourth of July fireworks display.

Motion Adopted: 5 Yea.

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

M 234 94 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to give \$200.00 from Mr. Collins' Councilmanic Account to the Delmar Junior-Senior High School for Troy Lee Foxwell to participate in the SOUND OF AMERICA Honor Band and Chorus 1994 European Concert Tour.

Motion Adopted: 5 Yea.

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

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M 235 94 Council-
manic
Grant A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to give \$400.00 from Mr. Dukes' Councilmanic Account to the Laurel Fire Department for the purchase of new pal devices.

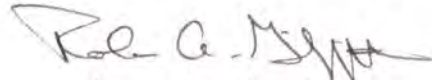
Motion Adopted: 5 Yea.

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

Ceremony Mr. Stickels, County Administrator, reminded everyone of the Ribbon Cutting Ceremony for the Piney Neck Wastewater Facilities on this date at 2:00 p.m.

M 236 94 Adjourn A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to adjourn at 11:13 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council