

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 22, 1993

Executive Session An Executive Session of the Sussex County Council was held on Tuesday, June 22, 1993, at 9:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, for the purpose of discussing land acquisition and pending litigation. The Executive Session concluded at 9:50 a.m.

Call to Order The regular meeting of the Sussex County Council was held Tuesday, June 22, 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.

M 240 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Approve Minutes approve the minutes of the previous meeting dated June 15, 1993. Motion Adopted by Voice Vote.

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

JOSEPHINE H. SPENCE, PRESIDENT, BETHEL HISTORICAL SOCIETY, BETHEL.  
RE: Invitation to participate in Bethel's 13th Annual Heritage Day to be held on October 2, 1993.

CHRIS HOPKINS, STUDENT, SEAFORD.  
RE: A.D.A.M. Program.

JUANITA MORCH, EXECUTIVE DIRECTOR, CAPE HENLOPEN SENIOR CENTER, REHOBOTH BEACH.  
RE: Appreciation for the \$500.00 donation from Mr. Cole's Councilmanic Account to help offset the cost to repair the Center's elevator.

WILLIAM V. ROTH, JR., UNITED STATES SENATE, WASHINGTON, D.C.  
RE: Action taken by the House of Representatives to reduce funds available for the library literacy program.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, N.J.  
RE: 1992 Annual Report.

Building Code President Dukes presented information and statistics regarding deaths caused by fire in areas of the State (Delaware) with a building code versus areas of the State without a building code.

Old Business C/Z #1194 The 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 was discussed. A Public Hearing was held on this application on June 1, 1993, at which time action was deferred.

M 241 93 Adopt Proposed Ordinance C/Z #1194 (Denied) A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt the 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.

Motion Denied: 4 Nay, 1 Yea.

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

Findings of Fact The Findings of Fact of the Sussex County Planning and Zoning Commission were incorporated into the record. The County Council considered the effect of the Comprehensive Development Plan, and whether the proposed change of zone promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The County Council denied the requested change of zone, finding no need was shown to have the parcel rezoned from a GR General Residential District to a B-1 Neighborhood Business District.

Old Business C/Z #1188 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS" (C/Z #1188) filed on behalf of Allen Family Foods, Inc., was discussed. A Public Hearing was held on this application on April 13, 1993, at which time action was deferred.

M 242 93 Adopt Ordinance No. 899 (C/Z #1188) A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to Adopt Ordinance No. 899 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 35.00 ACRES, MORE OR LESS" (C/Z #1188) filed on behalf of Allen Family Food, Inc.

M 242 93 Motion Adopted: 3 Yea, 1 Nay, 1 Abstention.  
(con't)

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

Findings of Fact The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the Planning and Zoning Commission had recommended approval of the proposed rezoning, focusing on the importance of agriculture in Sussex County, since the applicant's intended use is directly related to the agriculture industry.

The Council found that this is an application for a change of zone for a 35 acre parcel located in or near Harbeson. Allen Family Foods, Inc., is seeking to rezone the parcel from its current zoning of AR-1 Agricultural Residential to HI-1 Heavy Industrial. Allen's has stated that it intends to use the parcel for a protein recycling plant.

The County Council found that the decision before it is whether to rezone the property. If the property is rezoned, Allen's may use it for any use which is permitted in the HI-1 district. In other words, the County Council found that it could not focus only on the proposed use, which is defined by the zoning ordinance as a rendering plant. The Council found that it must also look at the other permitted uses in a HI-1 district.

The Council found that even if it approves the rezoning, there is one more step before Allen's can use the property for a rendering plant. Because a rendering plant is defined as a "potentially hazardous use" under the zoning ordinance, Allen's must appear before the Sussex County Board of Adjustment to obtain approval. The Board will be considering, among other things, whether the public health, safety, morals and general welfare will be properly protected and whether necessary safeguards will be provided for the protection of water areas and surrounding property and persons.

The Council found that when it votes on a rezoning, one of the things it considers is how the Comprehensive Land Use Plan views the property. In this case, the 1988 Coastal Sussex Land Use Plan map lists this area as agricultural. The Council found that the map fails to take into account that the proposed site is adjacent to another Allen facility, which processes chicken, and has done so for many years. That site is also zoned HI-1, and the processing of chickens falls within the definition of a "potentially hazardous use". The Council found

Findings  
of Fact  
(con't)

that the map fails to take into account other provisions of the Land Use Plan. The Plan recognizes the importance of agricultural and related industry to Sussex County. The applicant's intended use of this parcel promotes agriculture.

The Council found that at both the Planning and Zoning hearing and the County Council hearing, there was much comment about the effect a protein recycling plant would have on the surrounding community. The Council found that many of such comments should be more properly presented to the Board of Adjustment, since that specific use is not permitted without Board approval. The Council recognized, though, that it needs to review those uses permitted in a heavy industrial district, to determine what effect they will have on the surrounding area.

The Council stated that it has reviewed the uses allowed in a HI-1 district, without Board of Adjustment approval. The Council found that such uses are consistent with existing land use in the area, which is a mixture of industrial, commercial, agricultural, and residential. The Council also found that the Board of Adjustment would properly do its job in reviewing any "potentially hazardous use" that Allen's may wish to place on the property.

The Council recognized that it had received numerous comments from State agencies on this application. Those comments have been overwhelmingly positive. The Council found that the positive comments indicate that State agencies will properly regulate such matters as wastewater disposal, air pollution, water pollution, and other environmental concerns. The County Council stated its belief that State regulation, as well as the proven-history of the applicant on environmental matters, would protect the local community.

The Council stated that it had received comments that this rezoning will not have a significant impact on the local school district. The Council also found that the Fire Marshal's Office has stated that it is not opposed.

The Council recognized that traffic was an issue which was discussed at the hearings. The Council found that the rezoning may cause some increase in traffic to the site. However, the Council found that there already is truck traffic to the existing poultry plant, and it did not believe that increased traffic will substantially effect the community. If the site is developed for a protein recycling plant, much traffic which currently leaves the poultry plant will be directed internally to the new site.

Findings  
of Fact  
(con't)

The Council found that the plant entrance was a concern at the hearings. The Council found, though, that DelDOT has indicated that traffic generation figures may require entrance modifications.

The Council found that the site is located on a railway line, which is consistent with its use for industrial purposes.

The Council found that there was discussion of an effect on property values in the area. Because the Allen's poultry plant has existed in the area for so many years, the Council did not believe that the rezoning will have a negative effect on property values.

The County Council found that Sussex County relies heavily on the poultry industry. The poultry industry requires both agricultural and industrial operations. The Council found that the rezoning, as well as Allen's proposed use of this site, will create jobs and will benefit the County's economy.

The Council also found that, even if the site is developed as a rendering plant, it was not convinced that there would be detrimental odors, as argued by the opposition.

Steward's  
Watch  
BBSSD

Mr. Green, Director of Utility Construction, discussed the "Beneficial Acceptance" for the wastewater facilities constructed in Steward's Watch, Phase II, located in the Bethany Beach Sanitary Sewer District.

M 243 93  
Bene-  
ficial  
Accep-  
tance  
Steward's  
Watch  
BBSSD

A Motion was made by Mr. Collins, seconded by Mr. Benson, that based upon the recommendation of the Sussex County Engineering Department, for Sussex County Agreement No. 49A, that the Sussex County Council grant "Beneficial Acceptance" for the wastewater facilities constructed in Steward's Watch, Phase II, located in the Bethany Beach 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

Change  
Order  
No. 6  
D/F SSD

Mr. Green, Director of Utility Construction, discussed Change Order No. 6, in the amount of \$3,522.52, and a recapitulation to date for the Dagsboro/Frankford Sanitary Sewer District.

M 244 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, Issue based on the recommendation of the Inspection Engineer, George, Change Miles & Buhr, and the Sussex County Engineering Department, Order that the Sussex County Council authorizes the President of No. 6 the Sussex County Council to issue Change Order No. 6 for the D/F SSD Dagsboro/Frankford Sanitary Sewer District, to David A. Bramble, Inc., for installation of stone road base, change control switches and the furnishing of pump fuel to operate Bramble's pump during the filling of the lagoon for testing purposes, for an amount of \$3,522.52, increasing this contract amount to \$1,966,224.49.

Motion Adopted: 5 Yea.

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

Proposed Mr. Archut, Director of Planning and Permits, discussed Fenwick the proposed Fenwick Island Water District. A Public Hearing Island Water District was held on June 12, 1993, on the proposed boundaries. The record was left open for written comments through June 18, 1993. The Engineering Department recommends that the water district be established utilizing the boundaries as presented in the petition. The Engineering Department supports bringing the water district to a referendum vote. Mr. Archut read a Proposed Resolution entitled "DISTRICT BOUNDARIES FOR THE PROPOSED FENWICK ISLAND WATER DISTRICT" for Council's consideration.

M 245 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Adopt Resolution No. R 010 93 entitled "DISTRICT BOUNDARIES FOR Resolution THE PROPOSED FENWICK ISLAND WATER DISTRICT".

No. Motion Adopted: 5 Yea.

R 010 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Proposed Mr. Archut, Director of Planning and Permits, discussed Fenwick four further recommendations regarding the Proposed Fenwick Island Water District, as follows: (1) that a contract be entered into with KCI Technologies, Inc. to perform an update of the Fenwick Island Water District Planning Study, (2) to continue to investigate the feasibility of connecting into the Ocean City water system, (3) that proper well abandonment

Proposed Fenwick Island Water District procedures be utilized for properties connecting within the proposed water district, if it is approved in the referendum, and (4) that the needs of a water system for Keenwick by the Bay be addressed if a referendum is approved and after fifty properties have been connected to the water system.

M 246 93 Proposed Fenwick Island Water District  
A Motion was made by Mr. Cole, seconded by Mr. Collins, that the President of the Sussex County Council is authorized to execute a contract with KCI Technologies, Inc., to update Fenwick Island water cost estimates at a lump sum contract price of \$5,000.

Execute Contract  
Motion Adopted: 5 Yea.

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

Boundary Extension Request BBSSD  
Mr. Archut, Director of Planning and Permits, discussed a boundary extension request for the Bethany Beach Sanitary Sewer District. In a letter to Sussex County Council, dated March 9, 1993, Mr. Antonio Viti requested that his parcel of land be included in the Bethany Beach Sanitary Sewer District. Mr. Archut requested Council's authorization to post notices for the proposed expansion.

M 247 93 Post Notices for Boundary Extension BBSSD  
A Motion was made by Mr. Cole, seconded by Mr. Stevenson, that the Sussex County Engineering Department be authorized to post notices for the extension of the Bethany Beach Sanitary Sewer District boundary to encompass a certain piece, parcel or tract of land lying contiguous to the Bethany Beach Sanitary Sewer District, land being known as Lot 1, Block F, Section II, of Ocean Way Estates, situated at the southeasterly corner of the intersection of Perse Drive and Ogre Drive.

Motion Adopted: 5 Yea.

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

Cedar Creek Street Lighting  
Mr. Archut, Director of Planning and Permits, discussed a request from the homeowners of Cedar Creek Estates asking the County to establish the Cedar Creek Street Lighting District.

M 248 93 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Prepare authorize Mr. Archut, Planning and Permits Division Director, Petitions to prepare the petitions for the establishment of the Cedar Creek Street Lighting District.  
Creek Street Lighting District Motion Adopted: 5 Yea.  
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Ellendale Mr. Salmons of Potter Anderson & Corroon, Bond Counsel for Volunteer the Ellendale Volunteer Fire Company, was present to discuss Fire the issuance of certain bonds by the Fire Company. The Fire Company Company plans to issue up to \$360,000 in bonds for the Issuance following purposes: (1) to pay approximately \$150,000 of of the costs of the construction of a new addition to its fire Bonds station and (2) to pay approximately \$210,000 of the cost of a new pumper fire truck. The Fire Company proposes to structure the loan so that the interest portion of its payments will be excludable from gross income for federal income tax purposes. To exclude the interest portion of its payments from gross income, several requirements must be met in accordance with the Internal Revenue Code. One of the requirements is that the issuance of the Bonds be approved by the applicable elected representative of a governmental unit (Sussex County Council) with which the Fire Company has entered into an agreement for firefighting services.

M 249 93 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Adopt the written Agreement, dated June 22, 1993, by and Agree- between Sussex County, Delaware, and the Ellendale Volunteer ment Fire Company.  
Ellendale Volunteer Fire Company 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 Proposed Resolution A Public Hearing was held on a Proposed Resolution entitled "RESOLUTION APPROVING A WRITTEN AGREEMENT FOR FIREFIGHTING SERVICES WITH THE ELLENDALE VOLUNTEER FIRE COMPANY AND THE ISSUANCE OF CERTAIN BONDS BY THE ELLENDALE VOLUNTEER FIRE COMPANY". The Public Hearing was closed.

M 250 93 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Adopt Resolution No. R 011 93 entitled "RESOLUTION APPROVING Resolution No. A WRITTEN AGREEMENT FOR FIREFIGHTING SERVICES WITH THE R 011 93 ELLENDALE VOLUNTEER FIRE COMPANY AND THE ISSUANCE OF CERTAIN BONDS BY THE ELLENDALE VOLUNTEER FIRE COMPANY".

M 250 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

Bid  
Opening  
Audit  
Proposal

Mr. Baker, Finance Director, opened the following bids received for the Audit Proposal entitled "EXAMINATION AND AUDIT OF ALL FINANCIAL BOOKS, ALL ACCOUNTING BOOKS AND RECORDS OF SUSSEX COUNTY FOR THE YEARS BEGINNING JULY 1, 1992 AND ENDING JUNE 30, 1993; BEGINNING JULY 1, 1993 AND ENDING JUNE 30, 1994; AND BEGINNING JULY 1, 1994 AND ENDING JUNE 30, 1995 (YEAR END ENGAGEMENTS)":

FAW, CASSON & COMPANY, DOVER, DELAWARE

For the year ending June 30, 1993	\$31,000
For the year ending June 30, 1994	\$32,000
For the year ending June 30, 1995	\$33,000

Fee for special auditing, management services, special assistance, etc. - \$60.00 per hour.

JEFFERSON, URIAN, DOANE & STERNER, P.A., GEORGETOWN, DELAWARE

For the year ending June 30, 1993	\$30,000
For the year ending June 30, 1994	\$31,000
For the year ending June 30, 1995	\$32,000

Fee for special auditing, management services, special assistance, etc. - \$45.00 per hour.

WADE & SANTORA, NEWARK, DELAWARE

For the year ending June 30, 1993	\$26,000
For the year ending June 30, 1994	\$28,000
For the year ending June 30, 1995	\$29,800

Fee for special auditing, management services, special assistance, etc. - \$85.00 per hour.

Mr. Baker will evaluate the proposals for a recommendation at the June 29, 1993, meeting.

Appoint-  
ments

Mr. Stickels, County Administrator, advised Council of several committee appointments which will expire on June 30, 1993.

M 251 93  
Appoint-  
ment

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, that Ronald G. McCabe be reappointed to the Sussex County Board of Adjustment for a three year term commencing July 1, 1993.

M 251 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 252 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, that  
Appoint- John L. Allen be reappointed to the Sussex County Planning and  
ment Zoning Commission for a three year term commencing July 1, 1993.

Motion Adopted: 4 Yea, 1 Abstention.

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

U.S. Mr. Stickels, County Administrator, discussed the property  
Postal located on The Circle in Georgetown owned by the United  
Service States Postal Service which has been declared surplus property  
Property and is currently for sale.

M 253 93 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,  
Submit that the Sussex County Council authorizes the Sussex County  
Proposal Administrator, Robert L. Stickels, to submit a proposal to  
for U.S. the United States Postal Service for the property located on  
Postal The Circle, Georgetown, Sussex County, Delaware, in the amount  
Service of \$200,000.  
Property

Motion Adopted: 5 Yea.

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

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

1. Acknowledgements

Mr. Stickels acknowledged to Council the passing of Mr. Fred Cephas and Mr. Charles Mills. Mr. Cephas served on the County Council's Handicapped and Aging Citizens Advisory Committee. Mr. Mills served as the first Chairman of the Sussex County Planning and Zoning Commission. Both gentlemen will be deeply missed. They both served Sussex County unselfishly for many decades.

Adminis-  
trator's  
Report  
(con't)

2. Industrial Park Entrance

DelDOT installed a sign on State Road 318 leading to the new entrance of the Industrial Park on Friday, June 11, 1993. The new entrance along the Fire School allows for a safer entrance for tractor and trailer vehicles. The old entrance north of the Fire School is now permanently closed.

3. Sussex County Volunteer Firemen's Meeting

The Bridgeville Fire Company will host the monthly Volunteer Firemen's Association meeting on Tuesday, June 22, 1993, at 7:30 p.m., Bridgeville Fire Hall, Bridgeville, Delaware.

4. Residential Planned Community (RPC) Workshop

The RPC workshop scheduled for Tuesday, June 22, 1993, has been postponed. Because of conflicting schedules of Council and Planning and Zoning Commission members, the workshop will be rescheduled in the near future. Proper notification will be given to allow everyone to be able to attend the workshop.

Proposed Ordinance Mr. Stevenson 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES, MORE OR LESS" (C/Z #1202) filed on behalf of Simpson's Log Homes, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole introduced a 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES, MORE OR LESS" (C/Z #1203) filed on behalf of Maplewood Industries, Inc. 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 A FLEA MARKET (OUTSIDE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 5.34 ACRES, MORE OR LESS" (C/U #1047) filed on behalf of Bridgeville Flea Market. The Proposed Ordinance will be advertised for Public Hearing.

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 AN EXISTING PRODUCE MARKET FOR ADDITIONAL OFF-STREET PARKING AND FOOD SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 3.15 ACRES, MORE OR LESS" (C/U #1048) filed on behalf of John Hamstead. 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 A GIFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21.36 ACRES, MORE OR LESS" (C/U #1049) filed on behalf of Myralon S. Webb. The Proposed Ordinance will be advertised for Public Hearing.

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 A SEASONAL RETAIL ARCHERY BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 27,557.77 SQUARE FEET, MORE OR LESS" (C/U #1050) filed on behalf of Harvey and Betty Warrington. The Proposed Ordinance will be advertised for Public Hearing.

Pump Station No. 24 SBSSD Mr. Stickels, County Administrator, advised Council that on Friday night, June 18, 1993, multiple pump failures occurred at Pump Station No. 24 of the South Bethany Sanitary Sewer District. Emergency repairs were made; however, the pump station now has a single pump on line that is operating in a diminished capacity. The Operations and Maintenance Division of the Engineering Department has requested that the County Administrator issue a declaration that an unusual emergency condition exists, and to protect public health and the environment, that an exception be granted to purchase the necessary pumping equipment without a competitively bid contract.

M 254 93 Purchase Waste-water Pumps for Pump Station No. 24 SBSSD A Motion was made by Mr. Cole, seconded by Mr. Collins, that based upon the declaration of the County Administrator that extraordinary conditions exist which require immediate action to protect health and property, that the Operations and Maintenance Division of the Sussex County Engineering Department be excepted from the required use of a competitively bid contract and is hereby authorized to negotiate the purchase of two (2) wastewater pumps at an estimated cost of \$23,000 to maintain service at Pump Station No. 24 of the South Bethany Sanitary Sewer District, as allowed by Title 29, Section 6903, Paragraph A.2 of the Delaware Code.

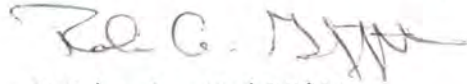
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M 254 93 Motion Adopted: 5 Yea.  
(con't)

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

M 255 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Adjourn adjourn at 11:36 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council