

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 27, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, July 27, 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 307 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve approve the minutes of the previous meeting dated July 20, 1993. Minutes 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 ten projects, none of which are located in Sussex County.

JOSEPH E. WILEY, HUDSON POND ACRES, LINCOLN, DELAWARE.
RE: Preparation of a petition form for a street lighting district in the Hudson Pond Acres development.

Certifi- Mr. Stevenson presented George Tuck with a Certificate of Appreciate of ciation from the Sussex County Council, for devotion, loyalty, Appreci- and excellence in serving Sussex County as a member of the ciation Library Advisory Board from July 1, 1987, to June 30, 1993.

Sussex Mr. Stickels, County Administrator, read in its entirety a letter County dated July 21, 1993, from Mr. Ronald C. Jester, Extension Safety Safe Specialist, University of Delaware, Cooperative Extension. The Kids University of Delaware, Cooperative Extension System, in cooper- Day ation with the Delaware Safe Kids Coalition, is sponsoring Sussex County Safe Kids Day on Wednesday, August 11, 1993, during Farm and Home Field Day. The University is seeking sponsorships in the amount of \$300 to be used for educational materials, publicity costs, safety items for drawings, and other costs.

M 308 93 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, to Grant contribute \$300 from Grants to the University of Delaware for Sussex County Safe Kids Day.

Motion Adopted: 5 Yea.

M 308 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Proposed Mr. Stickels, County Administrator, read in its entirety a
Procla- Proposed Proclamation entitled "PROCLAIMING AUGUST 11, 1993, AS
mation 'SUSSEX COUNTY SAFE KIDS DAY'".

M 309 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to
Adopt Adopt the Proclamation entitled "PROCLAIMING AUGUST 11, 1993, AS
Procla- 'SUSSEX COUNTY SAFE KIDS DAY'".
mation

Sussex Motion Adopted: 5 Yea.
County

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

A member of the Council will present the Proclamation in an opening ceremony on August 11, 1993.

DAST Mr. Stickels, County Administrator, distributed the Fiscal Year
Fiscal 1994 Program Recommendations from the Delaware Administration
Year for Specialized Transportation (DAST) for the specialized
1994 transportation service for the elderly and handicapped in
Program Sussex County. Council will review the recommendations for
action at the next Council meeting. In addition, Mr. Bock,
Administrator of the Delaware Administration for Specialized
Transportation (DAST), will be present at the next meeting to
answer any questions.

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

Sussex County Community Development and Housing Division

1. Notification has been received from the United States Department of Agriculture, Farmers Home Administration, that they have successfully completed a review of the Sussex County Community Development and Housing Division. The review was to assure that the Division has been completing all work in compliance with Farmers Home regulations.

Patricia M. Baker, Rural Housing Specialist, has written that their visit determined that Sussex County is in compliance with all regulations. The files reviewed contained all required documentation of eligibility and need for funding. The repairs on properties visited were necessary to comply with Code. The report also went on to say that the Division is doing an excellent job in leveraging

Report
(con't)

Farmers Home funding with Community Development funding from HUD.

Mr. William Lecates, Director, and Mr. Charles Farrell and Mr. Richard Banks, Housing Specialists, should be complimented for this fine report.

Facilities
Plan
West
Rehoboth
Expansion
of the
Dewey
Beach
Sanitary
Sewer
District

Mr. Wood, County Engineer, and Mr. Bozick of George, Miles & Buhr, discussed the Facilities Plan for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. George, Miles & Buhr completed the Facilities Plan in July of 1991 and Amendment No. 1 in May of 1993, and recommended the following wastewater collection, conveyance, treatment and disposal facilities as the preferred plan:

- o A combination gravity-pressure collection system with grinder pumps and gravity sewers.
- o A central conveyance system using a series of interceptors, pumping stations, and force mains along the major roads, to transport wastewater to the treatment and disposal site.
- o An aerated lagoon pre-treatment system at the preferred site near the northern end of County Road Number 270.
- o A spray irrigation land application facility for final treatment and disposal at the preferred site near the northern end of County Road Number 270.

Proposed
Resolu-
tion

Mr. Wood, County Engineer, read in its entirety a Proposed Resolution entitled "ADOPTING THE EPA 201 WASTEWATER FACILITIES PLAN AND AMENDMENT NO. 1 FOR THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT AS PROPOSED BY GEORGE, MILES & BUHR".

M 310 93
Adopt
Resolu-
tion
No.
R 015 93

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Adopt Resolution No. R 015 93 entitled "ADOPTING THE EPA 201 WASTEWATER FACILITIES PLAN AND AMENDMENT NO. 1 FOR THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT AS PROPOSED BY GEORGE, MILES & BUHR".

Motion Adopted: 5 Yea.

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

Condi- Mr. Wood, County Engineer, and Mr. Schrader, Assistant County
tional Attorney, discussed Council's decision on June 8, 1993, to
Award - conditionally award the design/build portion of the West Rehoboth
Design/ Expansion of the Dewey Beach Sanitary Sewer District Project to
Build the low bidder, George and Lynch, Inc., of New Castle, Delaware,
Contract contingent upon (1) the formal acceptance and approval of the
West Facilities Plan, (2) the design/builder obtaining appropriate
Rehoboth permits and approvals from local, State or Federal agencies
Expansion which may be necessary, and (3) the County's ability to proceed
of the without delays resulting from existing litigation. A status of
Dewey the three contingencies was provided, as follows:
Beach
Sanitary Contingency #1 - The Facilities Plan and Amendment No. 1 have
Sewer been approved by the Sussex County Council;
District approval from DNREC is pending.

Contingency #2 - The design/builder has obtained the appropriate
permits and approvals from local, State or
Federal agencies which may be necessary for the
commencement of the contract.

Contingency #3 - The suit filed in Kent County Superior Court by
Citizens for Affordable Sewer has been dismissed.

Old Change of Zone No. 1190 entitled "AN ORDINANCE TO AMEND THE
Business COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRI-
C/Z CULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL
No. 1190 DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD
CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.60 ACRES, MORE OR
LESS" (C/Z #1190) filed on behalf of L & L Properties, Inc.,
was discussed. A Public Hearing was held on this application
on May 18, 1993, at which time action was deferred and the record
was left open until June 8, 1993.

M 311 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to
Adopt amend Change of Zone No. 1190 entitled "AN ORDINANCE TO AMEND THE
Ordinance COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL
No. 910 RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A
(C/Z CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED,
No. 1190) SUSSEX COUNTY, CONTAINING 23.60 ACRES, MORE OR LESS" and Adopt
Ordinance No. 910 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE
ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL
DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL
OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY,
CONTAINING 5 ACRES, MORE OR LESS" (C/Z #1190) filed on behalf of
L & L Properties, Inc.

Motion Adopted: 5 Yea.

M 311 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

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

1. The applicant established by substantial evidence that a clear need exists to expand its growing business; however, LI-2 is a more appropriate zoning classification for the applicant's use.
2. The applicant established by substantial evidence that the change of zone will cause no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The change of zone to LI-2 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. The area rezoned to LI-2 is 5 acres only, located at the northernmost points of the property. The balance of the application is denied and the remaining acreage on site remains AR-1.

Old Change of Zone No. 1192 entitled "AN ORDINANCE TO AMEND THE COM-
Business PREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL
C/Z RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A
No. 1192 CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED,
SUSSEX COUNTY, CONTAINING 4.91 ACRES, MORE OR LESS" (C/Z #1192)
filed on behalf of Melvin L. Joseph was discussed. A Public
Hearing was held on this application on May 18, 1993, at which
time action was deferred.

M 312 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to
Adopt Adopt Ordinance No. 911 entitled "AN ORDINANCE TO AMEND THE COM-
Ordinance PREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL
No. 911 RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A
(C/Z PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX
No. 1192) COUNTY, CONTAINING 4.91 ACRES, MORE OR LESS" (C/Z #1192) filed
on behalf of Melvin L. Joseph.

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

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

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 a clear need exists for additional GR lots for sale in the immediate area.
2. The applicant established by substantial evidence that the change of zone will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The change of zone will serve 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.

Proposed Ordinance Mr. Dukes 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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS" (C/Z #1207) filed on behalf of Jerry Lee Taylor. The Proposed Ordinance will be advertised for Public Hearing.

M 313 93 A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to Council- give \$500.00 from Mr. Cole's Councilmanic Account to the Town- manic of Ocean View for the construction of a pavilion in the Town Grant park.

Motion Adopted: 5 Yea.

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

M 314 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Council- give \$400.00, \$300.00 from Mr. Benson's Councilmanic Account and Grant \$100.00 from Mr. Cole's Councilmanic Account, to the Seashore Striders Youth Track & Field Club for the Junior Olympic National Track & Field Championship to be held in Baton Rouge, Louisiana.

Motion Adopted: 5 Yea.

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

News-
paper
Article

Mr. Stickels, County Administrator, informed Council of an article in the News Journal entitled "Great Caesar's Ghost" regarding a dilapidated property located just over the eastern town limits of Delmar. The article stated "There's been no response from the county.". Mr. Stickels advised that the County was not given the opportunity to comment and that the County's Building Code Department has taken action regarding this property.

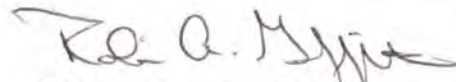
M 315 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, Executive Session that the Sussex County Council authorizes an Executive Session to be held on Tuesday, August 3, 1993, at 9:00 a.m., in the Sussex County Council Chambers, for the purpose of discussing pending litigation and land acquisition.

Motion Adopted: 5 Yea.

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

M 316 93 A Motion was made by Mr. Benson, seconded by Mr. Collins, to Adjourn adjourn at 11:17 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council