

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 11, 1998

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, August 11, 1998, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
Finley B. Jones, Jr.	Vice President
George B. Cole	Member
George J. Collins	Member
Lynn J. Rogers	Member

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

M 357 98      A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Agenda      approve the Agenda, as presented.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 358 98      A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Minutes      approve the minutes of the previous meeting, dated August 4, 1998.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

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

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Public Notice - Extension of deadline to make a permit modification determination for the Experimental Station's Hazardous Waste Permit.

STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF AIR & WASTE MANAGEMENT, DOVER, DELAWARE.

RE: Public Notice on the closure of a surface impoundment under the Delaware Hazardous Waste Management Act.

Corre-  
spondence  
(con't)

U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA, PENNSYLVANIA.  
RE: Notice of Completion of Final Feasibility Report and  
Final Environmental Impact Statement on Delaware Coast from  
Cape Henlopen to Fenwick Island - Bethany Beach/South Bethany  
Interim Feasibility Study.

SHIRLEY A. PRICE, STATE REPRESENTATIVE, HOUSE OF REPRESENTATIVES,  
STATE OF DELAWARE, DOVER, DELAWARE.

RE: Letter to Mr. Stickels advising that she has transferred  
\$15,000 from Suburban Street Money to assist in paying for new  
road signs for Sussex County.

MASON-DIXON POST NO. 7234, OCEAN VIEW, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant.

KIM TEPHABOCK, SENIOR PASTOR, DAGSBORO CHURCH OF CHRIST, DAGS-  
BORO, DELAWARE.

RE: Letter in appreciation of Councilmanic Grant for "Cele-  
bration of Our Nation".

M 359 98 A Motion was made by Mr. Jones, seconded by Mr. Collins, to  
Authorize authorize an Executive Session to be held on this date, August  
Executive 11, 1998, beginning at 11:00 a.m., for the purpose of dis-  
Session cussing land acquisition.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

FEMA  
Hazard  
Mitiga-  
tion  
Grant  
Program

Mr. Lank and Mr. Brady, Planning and Zoning Department, were  
present to discuss the Federal Emergency Management Agency's  
(FEMA) Hazard Mitigation Grant Program. This Program was  
created to assist State and local communities in implementing  
long-term hazard mitigation measures following a major disaster  
declaration; in Sussex County, the purpose of the program will  
be to raise the elevation of the first floor living area above  
flood elevations. Approximately \$500,000 is available to Sussex  
County until October 31, 1998; this funding is remaining from  
the FY '94 ice storm; \$290,000 is available as a result of the  
two nor'easters in February of 1998. Eligible homeowners from  
Lewes, South Bethany, Slaughter Beach, Fenwick Island, Dewey  
Beach, Oak Orchard, Primehook, Broadkill and other areas will  
be able to receive up to 75 percent of the total cost. However,  
if applications exceed amount of funding available based on 75  
percent eligible costs, the Federal share percentage may be re-  
duced to benefit as many homeowners as possible. The County  
will be the applicant for all unincorporated areas. Each  
incorporated town will apply as a separate application. The  
towns and the County will be required to do a formal bid pro-

Program  
(con't)

cessing for awarding the contract. It is anticipated that work on the homes will start after January 1, 1999. Public Notice will be advertised the week of August 10, 1998, requesting anyone who wishes to apply to submit a request for assistance by September 15, 1998.

Adminis-  
trator's  
Report

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

1. Data Transmission Network

The first Data Transmission Network (DTN) Weather Center System, purchased by the Sussex County Council for Sussex County towns, was activated on Monday, August 10, 1998, at a ceremony that took place at 2:00 p.m. at the Fenwick Town Hall, Sussex County, Delaware. The DTN satellite technology will allow Sussex County towns unlimited usage of the most current weather data available 24-hours a day, 7 days a week. The Sussex County Council voted on July 14, 1998 to purchase the DTN Weather Center for any Sussex town who has agreed to operate the center after the first year of operation. To date, Slaughter Beach, Lewes, Rehoboth, Dewey, Bethany, South Bethany, Fenwick, Milford, and Seaford have agreed to purchase the service after the first year. I believe this equipment will enhance our emergency response capabilities. It is essential in protecting life and property during natural disasters that we give Sussex County residents and visitors as much notice as possible.

2. Manufactured Home Placement Workshop

Please be advised that a public workshop has been scheduled for Thursday, September 17, 1998, at 7:00 p.m., in the Council Chambers. The purpose of the meeting will be to review proposed legislation regarding the placement standards for manufactured homes in Sussex County. The County Council has been asked by the mobile home industry to look at adopting monitoring regulations. Retail sales outlets and manufactured home installers are encouraged to attend the workshop, as well as the general public.

3. Paramedic Class Information

An information session for Delaware Technical and Community College's new Paramedic Technology Program will be held at 10:00 a.m. on Wednesday, August 12, 1998, in Room 317 of the Arts and Science Center at the Owens Campus of the Delaware Technical and Community College, Georgetown, Department Chairman James Little will review the admission process. Sussex Countians interested in obtaining an Associate's Degree in the paramedic field can call 856-5400, ext. 601. It is anticipated that the class will begin August 24 at each Delaware campus of the three counties.

West  
Rehoboth  
Phase  
III

Mr. Izzo, County Engineer, discussed bid results for Contract III-2 (Red Mill Pond North) for Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Bid results were reported to Council at the July 28, 1998, meeting. Since that time, bids have been reviewed for a recommendation.

M 360 98  
Award  
Contract  
III-2  
for  
Phase  
III/  
West  
Rehoboth

A Motion was made by Mr. Cole, seconded by Mr. Jones, based on the recommendation of the Consulting Engineers, George, Miles & Buhr, and the County Engineering Department, that Contract III-2 (Red Mill Pond North) for Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District be awarded to the low bidder, Teal Construction, Inc., and that the Council President and the Clerk of the County Council be authorized to execute a construction contract with Teal Construction, Inc. for its Bid Schedule A bid in the amount of \$4,812,812.00, contingent upon the review and approval of the contract bid documents by the Delaware Department of Natural Resources and Environmental Control and/or the Rural Utility Service of the United States Department of Agriculture.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 361 98  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$200.00 from Mr. Cole's Councilmanic Account to the Sussex County Alumni Chapter DSU for Jalisa S. Bonville's participation in the Little Miss/Mr. Sussex County Scholarship Contest.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 362 98  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$300.00 from Mr. Cole's Councilmanic Account to the City of Rehoboth Beach for the Delaware State Marching Band performance on September 6, 1998.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 363 98  
Council-  
manic  
Grant

A Motion was made by Mr. Jones, seconded by Mr. Cole, to give \$200.00 from Mr. Jones' Councilmanic Account to the District III Big League Softball Team for travel expenses.

M 363 98 Motion Adopted: 5 Yea.  
(con't)

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 364 98 A Motion was made by Mr. Collins, seconded by Mr. Jones, to  
Council- give \$500.00 from Mr. Dukes' Councilmanic Account, to the  
manic City of Seaford for the Seaford Little League Football Pro-  
Grant gram.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 365 98 A Motion was made by Mr. Cole, seconded by Mr. Rogers, to  
Council- give \$500.00, \$100.00 from each Councilmanic Account, to  
manic the Carson Scholars Fund for a table sponsorship at the  
Grant annual awards banquet.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

M 366 98 A Motion was made by Mr. Cole, seconded by Mr. Jones, to  
Adopt Adopt the Proclamation entitled "PROCLAMATION HONORING LYNN  
Procla- AND LINDA ROGERS ON THEIR 25TH WEDDING ANNIVERSARY".  
mation

Motion Adopted: 4 Yea, 1 Abstention.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Abstained;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

Proposed Mr. Jones introduced the Proposed Ordinance entitled "AN  
Ordinance ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
AGRICULTURAL RESIDENTIAL DISTRICT FOR SALES OF SHEET METAL,  
HARDWARE, USED MACHINERY, AND USED EQUIPMENT TO FARMERS,  
FISHERMEN AND RELATED BUSINESSES TO BE LOCATED ON A CERTAIN  
PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED,  
SUSSEX COUNTY, CONTAINING 6.75 ACRES, MORE OR LESS" (Condi-  
tional Use No. 1259) filed on behalf of William L. and  
Bonnie M. Warren. The Proposed Ordinance will be adver-  
tised for Public Hearing.

M 367 98 At 11:00 a.m., a Motion was made by Mr. Collins, seconded  
Recess by Mr. Jones, to recess and go into Executive Session.

M 367 98 Motion Adopted: 5 Yea.  
(con't)

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

Executive Session An Executive Session of the Sussex County Council was held Tuesday, August 11, 1998, at 11:00 a.m., in the Caucus Room, Sussex County Administrative Building, Georgetown, Delaware, with all Council members present. The Executive Session was held to discuss land acquisition. The Executive Session adjourned at 11:25 a.m.

M 368 98 At 11:30 a.m., a Motion was made by Mr. Rogers, seconded by  
Regular Session Mr. Jones, to return to Regular Session. Motion Adopted by  
Session Voice Vote.

Public Hearing A Public Hearing was held on the Proposed Ordinance entitled  
Hearing "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1  
(C/U AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ANTIQUE SHOP TO BE  
No. 1252) LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD  
CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.09 ACRES, MORE OR  
LESS" (Conditional Use No. 1252) filed on behalf of Pamela J.  
Asa. There were no public comments and the Public Hearing  
was closed.

M 369 98 A Motion was made by Mr. Jones, seconded by Mr. Cole, to  
Adopt Ordinance No. 1255 entitled "AN ORDINANCE TO GRANT A  
Ordinance CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL  
No. 1255 DISTRICT FOR AN ANTIQUE SHOP TO BE LOCATED ON A CERTAIN PAR-  
(C/U CEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX  
No. 1252) COUNTY, CONTAINING 1.09 ACRES, MORE OR LESS" (Conditional  
Use No. 1252) filed on behalf of Pamela J. Asa, with the  
following conditions:

1. Business activities shall be limited to the building labeled as a garage on the site plan with the necessary supportive parking.
2. Business hours shall be from 10:00 a.m. to 5:00 p.m. Thursday through Sunday.
3. There shall be no outside storage.
4. Outside display of items for sale shall be limited to three (3) pieces.
5. Signage shall not exceed 32 square feet per side or facing.
6. A "No Parking" sign, not larger than 12" by 24", shall be placed on the site near the shoulder, or "No Parking" signs shall be placed along the right of way of Route 20, if required by DelDOT.

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M 369 98 7. The site plan shall be subject to review and approval by  
(con't) the Planning and Zoning Commission.

Motion Adopted: 5 Yea.

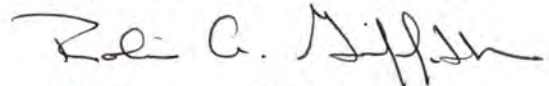
Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;  
Mr. Collins, Yea; Mr. Jones, Yea;  
Mr. Dukes, Yea

Findings of Fact The Council found that the Conditional Use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will have no adverse impact of any sort upon the surrounding area and that the proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 370 98 A Motion was made by Mr. Cole, seconded by Mr. Collins, to  
Adjourn adjourn at 11:38 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council