

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-AUGUST 14, 1990

Call to
Order

The regular meeting of the Sussex County Council was held on Tuesday, August 14, 1990, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

William D. Stevenson, Sr.	President
R. James Mariner	Vice President
Ralph E. Benson	Member
George B. Cole	Member
Dale R. Dukes	Member

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

M 383 90
Approval
of
Minutes

A Motion was made by Mr. Cole, seconded by Mr. Stevenson, to approve the minutes of the previous meeting as submitted. Motion Adopted by Voice Vote.

Corre-
spondence

Mr. Jones, Acting County Attorney, read the following correspondence:

CLARA C. JAMES, EXECUTIVE DIRECTOR, LAUREL SENIOR CENTER, INC.
RE: Thanks for the \$1,500.00 County Council Grant and the three (3) individual \$500.00 Councilmanic Grants given by Mr. Dukes, Mr. Mariner and Mr. Stevenson. A 1981 bus was purchased and was put into use on Thursday, August 2, 1990.

BETTY H. LYNCH, DIRECTOR, AND MILDRED E. POWELL, CHILDREN'S LIBRARIAN, FRANKFORD PUBLIC LIBRARY
RE: Thanking Council for their salary increases and their interest in the library.

THOMAS P. EICHLER, DELAWARE HEALTH AND SOCIAL SERVICES, DOVER
RE: Delaware ranked 26th in the nation's health status ranking this year by the Northwestern National Life Insurance Report.

DELAWARE INLAND BAYS, ESTUARY EVENTS
RE: An open meeting entitled "Poultry Manure Management - Research Results of the Non-Point Source Demonstration Project in the Nanticoke River Basin" is to be held on Wednesday, August 22, 7:30 p.m., Delaware Room, Delaware Technical and Community College, Georgetown.

HANDICAP ADVOCACY NETWORK OF DELAWARE, INC., WILMINGTON
RE: "HANDI NETWORK NEWS" publication for August, 1990.

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Corre-
spondence

DIANA MELSON, 4-H JUNIOR COUNCIL REPORTER
RE: A letter of thanks to Mr. Stevenson for his contribution to help with printing the 4-H Horse Show Ad Book.

Adminis-
trator's
Report

Mr. Purpur, Finance Director, reviewed the following information included in the County Administrator's Report:

1. A grant in the amount of \$100,000 has been received for the Farmers Home Rehabilitation Housing Project. \$85,535 will be used for housing rehabilitation and \$14,465 for administration. Ten (10) to fifteen (15) homes are projected for rehabilitation this year. The money is leveraged with funds requested from the State of Delaware for the Community Development Block Grant Program.
2. The University of Delaware will be hosting their annual Coast Day on Sunday, October 7, 1990. The theme of this year's program will be "Navigating Our Future". The festivities will start at 11:00 a.m. at the University of Delaware Marine Studies Complex in Lewes.
3. The Sussex County Council will be sponsoring the Sussex County Arts Council's 10th Annual Sussex County Fine Arts Exhibition in the Theatre Lobby at Delaware Technical and Community College in Georgetown in October. This year's program will be broadened. There will be no requirement for this year's award as to artistic style or subject matter. Artists will be able to submit abstracts and modern paintings. In the past, the awards have been limited to landscapes only. Broadening the category will allow more Sussex County artists to participate in the program.
4. The Wetlands and Aquatic Protection Branch has outlined applications that have been filed with the Wetlands and Aquatic Protection Branch of the Department of Natural Resources.
5. The Department of Natural Resources and Environmental Control will be hosting a luncheon workshop on Tuesday, August 21, 1990, at twelve (12:00) noon at the Sussex Pines Country Club, Georgetown. The purpose of the workshop will be to discuss the status of the inland bays recovery initiative. The Department of Natural Resources requests that all members of the County Council and Planning and Zoning Commission attend this workshop.
6. Dr. Lester Wright has confirmed his attendance at the Council Meeting on Tuesday, August 21, 1990, to discuss the State's position regarding paramedic training.

August 14, 1990

Agenda
Change

The Line of Credit Resolution was stricken from the Agenda to allow additional time for reviewing documents.

M 384 90
Adopt
Plat
Plan
Subdivi-
sion No.
89-3

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt the Plat Plan for Subdivision No. 89-3, Dove Knoll. Motion Adopted: 5 Yea.

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

Rehoboth
Shores

Mr. Lank, Director of Planning and Zoning, received the survey for Rehoboth Shores Monday afternoon, August 13, 1990. Concerns on behalf of the Rehoboth Shores Tenants Association were discussed at last week's Council Meeting. An on-site review with the survey will be made Wednesday, August 15, 1990, by the staff from the Planning and Zoning Office. A quick in-house review of the survey did confirm several violations. However, it appears that there is adequate land and buffer areas that could be used for correcting some of the violations and bringing the park into compliance with the survey. Since many of the homes do not have solid foundations, relocation of the units would be an easy solution. Recommendations for correcting the violations will be made upon completion of the on-site visit. Violations will be issued to the owner of the park.

Radio
Communi-
cations
Towers -
Motorola
Contract

Mr. Wood, County Engineer, updated the Council on the contract with Motorola Communications and Electronics, Inc., Sussex County Project No. 89-06, for the construction of four (4) towers to be used for maintenance and emergency sewer services. The tower at Long Neck is complete and operational, the tower at Anderson Crossroads will be completed this week, and the tower at Bridgeville is the next in line for erection.

Because of poor soil conditions at Anderson Crossroads, the tower had to be erected on a solid foundation instead of the wire guided tower as specified in the Contract. Motorola's contract stated that estimated foundation costs were based on "normal" soil specifications and costs beyond the "normal" installation would be the responsibility of the County. The Engineering Department was aware of this additional foundation cost at Anderson Crossroads and approved the expenditure. The projected cost for each tower at the time of the contract was \$17,000 to \$20,000. The soil conditions at the Bridgeville site will allow for the erection of a wire guided tower.

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Radio
Communi-
cations
Towers
(Con't.)

The Engineering Department is now faced with an overrun on the present Motorola contract. They are recommending that the tower at Delmar be stricken from the contract and the one at Bridgeville be constructed. Motorola has agreed to do this with no additional charge to the original contract price of \$76,425.

Council members discussed the possibility of renting tower space in the Delmar and Bridgeville area, using paging services available through other commercial businesses, and investing in cellular phones. County Council directed Mr. Jones, Acting County Attorney, and the Engineering Department to review the contract and determine what the County's obligations are under the contract and what options are now available.

Bid
Opening
Project
No. 90-10

Mr. Wood, County Engineer, opened bids for Project No. 90-10, Painting of East Process Unit. The following bids were received:

KENT COUNTY PAINTING COMPANY
NEWPORT, DELAWARE

Total Bid \$97,551.00

MEDITERRANEAN PAINTING
WILMINGTON, DELAWARE

Total Bid \$65,300.00

The unit was painted in-house approximately twelve years ago. Councilman Cole questioned the cost at that time.

The bids will be reviewed and a recommendation made at a later time.

West
Rehoboth
Citizens'
Advisory
Committee

Mr. Wood, County Engineer, recommended that a West Rehoboth Citizens' Advisory Committee be appointed. This committee, made up of citizens in the area, would receive monthly informational newsletters concerning the progress of the sewer. It is the recommendation of the Engineering Department that ten (10) to fifteen (15) members be appointed. They are requesting that Council's suggestions for members to serve on this committee be made in the next two (2) weeks. Mr. Charles Marsch and Mrs. Pat Campbell-White have been asked by the Engineering Department to serve on the committee.

August 14, 1990

C/U #942
Time
Request
for
Sewer
Recommendations

Mr. Jones, Acting County Attorney, reviewed the action taken at the July 31, 1990 Council Meeting concerning Conditional Use No. 942, filed on behalf of Homestead Associates, Inc. The Public Hearing was closed and the record was held open for fourteen (14) days for the applicant to submit comments from DNREC concerning a sewer recommendation for the entire park. In addition, the opponents were allowed seven (7) days to respond to the sewer recommendation submitted.

The applicant's request for a sewer recommendation was received at DNREC's Office on Monday, August 13, 1990. To be in compliance with the time frame, a reply from DNREC was needed today. DNREC indicated a willingness and desire to submit a recommendation and requested additional preparation time. Mr. Jones, Acting County Attorney, recommended that this extension of time be permitted.

M 385 90
Time
Extension
Granted
for
C/U #942

A Motion was made by Mr. Cole, seconded by Mr. Dukes, regarding sewer recommendations from DNREC for Conditional Use No. 942, filed on behalf of Homestead Associates, Inc., to extend the period of time that the record be kept open for comment from DNREC by an additional fourteen (14) days, and also to extend the period of time that opponents can comment on DNREC's recommendations by an additional seven (7) days. Motion Adopted: 5 Yea.

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

M 386 90
Recess

A Motion was made at 11:00 a.m. by Mr. Dukes, seconded by Mr. Stevenson, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene

President Stevenson called the Council back into session at 1:30 p.m.

Public
Hearing
C/U #944

A Public Hearing was held on Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR'S EQUIPMENT YARD AND OFFICE AS AN ACCESSORY TO HIS RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.509 ACRES, MORE OR LESS" (C/U #944) filed on behalf of Stephen T. Brittingham. The Public Hearing was closed.

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M 387 90
Adopt
Ordinance
No. 711
C/U #944

A Motion was made by Mr. Benson, seconded by Mr. Dukes, to Adopt Ordinance No. 711 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR'S EQUIPMENT YARD AND OFFICE AS AN ACCESSORY TO HIS RESIDENCE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.509 ACRES, MORE OR LESS" (C/U #944), filed on behalf of Stephen T. Brittingham, with the following stipulations:

1. Either chain link fencing with slats or stockade fencing be installed around the equipment storage area and parking area.
2. There will be no Sunday hours of operation.
3. A site plan must be submitted to the Planning and Zoning Commission for approval, which will include proposed fencing and landscaping.
4. Signage will be a maximum of sixteen (16) square feet and will be unlighted.
5. There will be no parking of heavy equipment on the side of the parcel adjacent to the GR-General Residential District.

Motion Adopted: 5 Yea.

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

Findings
of Facts
C/U #944

The findings of facts and recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of facts of the Council. The Council found that the proposed use was generally of a public or semi-public character and was essential and desirable for the general convenience and welfare. The Conditional Use was approved with stipulations as set out above.

Public
Hearing
C/Z #1083

A Public Hearing was held on 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.3 ACRES, MORE OR LESS" (C/Z #1083) filed on behalf of Ed Fleming. The Public Hearing was closed.

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M 388 90
Proposed
Ordinance
C/Z #1083
(Denied)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt 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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.3 ACRES, MORE OR LESS" (C/Z #1083) filed on behalf of Ed Fleming. Motion Denied: 3 Nay; 2 Yea.

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

Findings
of
Facts
C/Z #1083

The findings of facts and recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of facts of the Council. The Council found that evidence was submitted by the applicant that he intends to use the site for a nursery-related business, providing professional seeding, sod, landscaping, and nursery stock for job sites, sediment control services and irrigation. The proposed building will be utilized for an office, shop and equipment storage. The applicant testified that other commercial sites that meet the needs of the applicant are not available for purchase. The applicant stated that there are other commercial uses in the area, the closest being approximately .7 of a mile away. The applicant stated that the proposed rezoning would not have a negative impact on the surrounding properties.

The Council found that there are other commercially-zoned parcels in the area which are currently used only for billboards, and therefore may be available for use by the applicant. The Council expressed concern that this rezoning would be spot-zoning. The Council denied the requested change of zone.

M 389 90
Waive
Fee for
C/U for
Fleming

A Motion was made by Mr. Benson, seconded by Mr. Cole, to waive the fee for Mr. Fleming for a Conditional Use application for the parcel of land as described in Change of Zone No. 1083, situated in Broadkill Hundred and containing 2.3 acres more or less. Motion Adopted: 5 Yea.

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

M 390 90
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to adjourn at 2:17 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,
Doris E. Rogers
Doris E. Rogers
Clerk of the County Council