

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 31, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, August 31, 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 366 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated August 24, 1993. Motion Adopted by Voice Vote.

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

MARK A. MUROWANY, MAM INTERNATIONAL, INC., WILMINGTON.
RE: Appreciation for Council's hospitality extended to the Ukrainian delegation on Tuesday, August 17, 1993.

Hurricane President Dukes advised Council that Mr. Stickels, County Emily Update Administrator, was at the Emergency Operations Center tracking Hurricane Emily and therefore would not be in attendance at the meeting. President Dukes provided an update on the status of Hurricane Emily.

Citizen Paramedics Michael Harris and Karen Phillips were in attendance Life Saver Award to present a Citizen Life Saver Award to Earl Jackson for his heroic efforts in saving a young girl's life. Mr. Harris advised that this was the first Citizen Life Saver Award presented by Sussex County Paramedics.

Assess- Mr. Baker, Finance Director, and Mr. Parker, Assessment Director, ment Practice AN ASSESSMENT PRACTICE REVIEW COMMITTEE TO FURTHER DEVELOP A Review RECOMMENDATION OF THE LOCAL SUBCOMMITTEE OF THE EDUCATION FINANCE Committee REFORM COMMITTEE AS SET FORTH IN THE REPORT PROVIDED BY THIS GROUP". This Resolution would continue the work of the Education Finance Reform Committee by establishing a new committee to pre- pare legislation relating to standardized, periodic property assessment across all three counties. Members of the Assessment Practice Review Committee will include a representative from each of the three county governments.

M 367 93 A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to
Assess- appoint Eddy Parker to serve on the Assessment Practice Review
ment Committee.
Practice Motion Adopted: 5 Yea.
Review
Committee
Appointment Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Adminis- Mr. Baker, Finance Director, reviewed the following information
trator's in the County Administrator's Report:
Report

1. FAA Grant

The Sussex County Airport has been awarded a \$125,000 grant from the Secretary of Transportation for design and engineering for Runway 22 rehabilitation and taxiway lighting improvements. Ninety percent of the funding will come from the FAA, and ten percent (in the amount of \$12,500) will come from the State of Delaware.

Delta Airport Consultants, Inc., of Richmond, Virginia, was the selection of the Airport Review Committee. The study should begin in October and conclude within three months.

2. Council Meeting

As a reminder, there will be no County Council meeting on Tuesday, September 7, 1993. The next regularly scheduled meeting of the Sussex County Council will be held on Tuesday, September 14, 1993.

3. Subdivision Approval

The Planning and Zoning Commission has recently approved the following subdivision:

Subdivision #93-5 - Ingram-Hudson Properties - 84 lot Agricultural Residential subdivision on 76.40 acres, located in Indian River Hundred on the north side of Route 24, 1,210 feet east of Route 313; the project is served by individual wells and septic, and streets in the development are to be private.

Proposed Mr. Archut, Director of Planning and Permits, discussed a
Ordinance Proposed Ordinance authorizing the Sussex County Council to levy fees to cover the administrative costs of extending sanitary sewer and water districts.

Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY ADDING ARTICLE 21 RELATING TO THE PAYMENT OF FEES FOR THE REVISION OF SANITARY OR WATER DISTRICTS WITHOUT ELECTION". The Proposed Ordinance will be advertised for Public Hearing.

Cedar Creek Estates Mr. Archut, Director of Planning and Permits, discussed the Proposed Cedar Creek Estates Street Lighting District. Mr. Archut advised that petitions have been prepared and are ready for circulation.

M 368 93 Cedar Creek Estates Street Lighting District A Motion was made by Mr. Cole, seconded by Mr. Benson, that the petition, as submitted by the Sussex County Engineering Department, for Cedar Creek Estates is approved for circulation, subject to verification that the strip lots along the County Roads are included in the subdivision.
Motion Adopted: 5 Yea.

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

Change Orders Mr. Green, Director of Utility Construction, discussed Change Order No. 8, No. 9 and No. 10 and the recapitulation to date for the Dagsboro/Frankford Sanitary Sewer District.

M 369 93 Change Order No. 8 Dagsboro/Frankford A Motion was made by Mr. Collins, seconded by Mr. Cole, that based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 8 for the Dagsboro/Frankford Sanitary Sewer District, to Pierson Construction of Delaware, Inc., resulting from the restoration of Reed Street by another utility contractor, for a credit amount of \$2,000.00, decreasing this contract amount to \$6,003,124.23.

Motion Adopted: 5 Yea.

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

M 370 93 Change Order No. 9 Dagsboro/Frankford A Motion was made by Mr. Cole, seconded by Mr. Collins, that based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 9 for the Dagsboro/Frankford Sanitary Sewer District, to Pierson Con-

M 370 93 (con't) struction of Delaware, Inc., resulting from field conditions, for a credit amount of \$3,862.50, decreasing this contract amount to \$5,999,261.73.

Motion Adopted: 5 Yea.

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

M 371 93 Change Order No. 10 Dagsboro/Frankford A Motion was made by Mr. Collins, seconded by Mr. Cole, that based on the recommendation of the Inspection Engineer, George, Miles & Buhr, and the Sussex County Engineering Department, that the Sussex County Council authorizes the President of the Sussex County Council to issue Change Order No. 10 for the Dagsboro/Frankford Sanitary Sewer District, to Pierson Construction of Delaware, Inc., for line item quantity adjustments, for a credit amount of \$195,350.82, decreasing this contract amount to \$5,803,910.91.

Motion Adopted: 5 Yea.

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

Collection Contracts No. 2 & No. 3 West Rehoboth Mr. Wood, County Engineer, advised Council of an error in the specifications of the labor rates in Collection Contracts No. 2 and No. 3 for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Council was apprised of the bid results on these contracts on August 17, 1993. Mr. Wood recommended that the bids received be refused and that the contracts be re-bid. The Department of Natural Resources and Environmental Control will advise as to whether the County should re-advertise the contracts or an addendum to the contracts. Responsibility for the cost of advertising will be negotiated with George, Miles & Buhr.

M 372 93 Refuse Bids for Collection Contracts No. 2 & No. 3 West Rehoboth A Motion was made by Mr. Stevenson, seconded by Mr. Benson, that based on the recommendation of the Consulting Engineers, George, Miles & Buhr, the County Attorney, and the Sussex County Engineer, that the bids received for West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Collection Contracts No. 2 and No. 3 be refused by the County due to an error in the specifications, and that George, Miles & Buhr be authorized to re-bid Collection Contracts No. 2 and No. 3 with corrections and scope revisions.

Motion Adopted: 5 Yea.

M 374 93 A Motion was made by Mr. Stevenson, seconded by Mr. Collins,
Adopt to Adopt Ordinance No. 916 entitled "AN ORDINANCE TO GRANT A
Ordinance CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT
No. 916 FOR A FLEA MARKET (OUTSIDE) TO BE LOCATED ON A CERTAIN PARCEL
(C/U OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX
#1047) COUNTY, CONTAINING 5.34 ACRES, MORE OR LESS" (C/U #1047)
filed on behalf of Bridgeville Flea Market, with the following
stipulations:

1. No parking shall be permitted along the south side of the existing building.
2. Only tables shall be utilized for sales and display of items for sale, no vehicles.
3. All display tables shall be located so as not to encroach the front or rear setbacks, already established, of the existing building.
4. No parking shall be permitted along U.S. Route 13. "No Parking" signs shall be placed along U.S. Route 13 at the site if required by DelDOT.
5. No outside storage shall be created in the area behind the existing building.

Motion Adopted: 4 Yea, 1 Nay.

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

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

1. The applicant established by substantial evidence that its present indoor facility has expanded to a point where an outdoor facility is necessary to the continued growth of its business.
2. The applicant established by substantial evidence that the proposed use, as an expansion of an existing use, will have no adverse impact on the character of the neighborhood, property values, traffic in the neighborhood or the environment in the area.
3. The proposed use is consistent with 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.

M 375 93 A Motion was made by Mr. Cole, seconded by Mr. Collins, to give
Council- \$500.00 from Mr. Cole's Councilmanic Account to the YMCA of
manic Delaware, Sussex Family Branch, to help fund the Teenage
Grant Development Program.

Motion Adopted: 5 Yea.

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

M 376 93 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to
Council- give \$350.00, \$100.00 from Mr. Collins' Councilmanic Account
manic and \$250.00 from Mr. Stevenson's Councilmanic Account, to the
Grant Sussex Central Football Boosters, for the purchase of practice
shorts and shirts.

Motion Adopted: 5 Yea.

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

M 377 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Council- give \$400.00 from Mr. Benson's Councilmanic Account to Casa San
manic Francisco for operational expenses.
Grant

Motion Adopted: 5 Yea.

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

M 378 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to
Council- give \$400.00 from Mr. Benson's Councilmanic Account to the
manic Slaughter Neck Cheer Senior Center to help fund the purchase
Grant of a television and VCR.

Motion Adopted: 5 Yea.

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

Single President Dukes addressed several questions to Mr. Parker,
Family Director of Assessments, and Mr. Milligan, Supervisor of Building
Building Code Inspectors, regarding the Single Family Building Code and
Code the manuals distributed at the Single Family Building Code
workshop.

M 379 93 A Motion was made by Mr. Collins, seconded by Mr. Cole, that Executive the Sussex County Council authorizes an Executive Session to Session be held on this date, Tuesday, August 31, 1993, at 12:00 noon, at the Blue-Gold Inn, Georgetown, for the purpose of discussing pending litigation.

Motion Adopted: 5 Yea.

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

Citizen's Ms. Julia Savage of Lewes was in attendance to express her Concern concerns regarding the condition of abandoned houses and several lots on Kings Highway and Clay Road in Lewes. Mr. Milligan, Supervisor of Building Code Inspectors, will inspect the houses in question and report back to Council.

M 380 93 At 11:45 a.m., a Motion was made by Mr. Benson, seconded by Mr. Recess Collins, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene President Dukes called Council back into session at 1:30 p.m.

With- It was noted that Change of Zone No. 1205, filed by Lawrence draw C. Kelly, had been withdrawn.

Public 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 A SEASONAL RETAIL ARCHERY #1050 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 Public Hearing was closed.

M 381 93 A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Ordinance No. 917 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, with the following stipulations:

1. The building shall be located as presented in the conceptual plan.
2. The site plan shall be subject to review and approval by the Planning and Zoning Commission.

- M 381 93 (con't) 3. The use shall be limited to retail archery and hunting equipment sales. There shall be no archery or hunting range.

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 findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the proposed use, a seasonal retail archery business, is of a public or semi-public character and is essential and desirable for the general convenience and welfare.

Public Hearing C/U #1051 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO CONDITIONAL USE NO. 1003 (BOAT STORAGE AND REPAIR) BY INCLUSION OF BOAT SALES AND RELATED PARTS SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.43 ACRES, MORE OR LESS" (C/U #1051) filed on behalf of John J. Marsh. The Public Hearing was closed.

M 382 93 Adopt Ordinance No. 918 (C/U #1051) A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 918 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION TO CONDITIONAL USE NO. 1003 (BOAT STORAGE AND REPAIR) BY INCLUSION OF BOAT SALES AND RELATED PARTS SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.43 ACRES, MORE OR LESS" (C/U #1051) filed on behalf of John J. Marsh, with the following stipulations:

1. Hours of scheduled operation shall be changed to 7:00 a.m. to 5:00 p.m.
2. The stipulations of C/U #1003 shall continue to be met.
3. The revised site plan submitted with this application shall be subject to review and approval of the Planning and Zoning Commission.
4. Plantings required under C/U #1003 shall be along Road 289 and the side parallel to Route 24.

Motion Adopted: 5 Yea.

M 382 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) 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 proposed use, an expansion of an existing Conditional Use (C/U #1003), Boat Storage and Repair, in order to allow boat sales and related parts sales, is of a public or semipublic character and is essential and desirable for the general convenience and welfare.

Public Hearing C/U #1052 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL SMALL ENGINE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.79 ACRES, MORE OR LESS" (C/U #1052) filed on behalf of John W. Lank. The Public Hearing was closed.

M 383 93 Adopt Ordinance No. 919 (C/U #1052) A Motion was made by Mr. Benson, seconded by Mr. Stevenson, to Adopt Ordinance No. 919 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL SMALL ENGINE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.79 ACRES, MORE OR LESS" (C/U #1052) filed on behalf of John W. Lank, with the following stipulations:

1. Business hours shall be 8:00 a.m. to 5:00 p.m. weekdays and 8:00 a.m. to 12:00 noon Saturdays. There shall be no Sunday hours.
2. Signage shall not exceed 32 square feet and shall be unlighted.
3. Stockade fencing shall be provided around any outside storage.
4. The site plan shall be subject to review and approval of the Planning and Zoning Commission.
5. There shall be no sales of small engines, lawn and garden equipment, or power equipment. The sale of repair parts and accessories shall be permitted.
6. There shall be no equipment stored outside for extended time periods.

M 383 93
(con't)

7. There shall be no repair of racing engines and no repair of go-carts, motorcycles, boat motors, automobiles or other motorized vehicles.
8. Noise from permitted activities shall not be objectionable to neighbors.

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 findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record. The County Council found that the proposed use, a General Small Engine Repair Shop, is of a public or semi-public character and is essential and desirable for the general convenience and welfare.

Public
Hearing
Chapter
115

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, RELATING TO SITE PLAN REQUIREMENTS". The Public Hearing was closed and action was deferred.

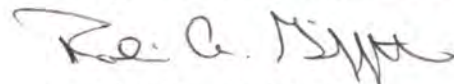
Public
Hearing
Chapter
99

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99, THE CODE OF SUSSEX COUNTY, RELATING TO PRELIMINARY AND FINAL PLAT REQUIREMENTS". The Public Hearing was closed and action was deferred.

M 384 93
Adjourn

A Motion was made by Mr. Benson, seconded by Mr. Cole, to adjourn at 4:15 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council