

SUSSEX COUNTY COUNCIL-GEORGETOWN, DELAWARE-OCTOBER 9, 1990

Call to  
Order

The regular meeting of the Sussex County Council was held on Tuesday, October 9, 1990, at 10:00 a.m. in the Council Chambers, Courthouse, Georgetown, Delaware, with the following members present:

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 449 90  
Approve  
Minutes

A Motion was made by Mr. Cole, seconded by Mr. Benson, 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:

CHARITY LODGE #27, LAUREL

RE: Appreciation for donation that helped with the construction of the handicapped ramp at the Laurel High School football field.

Families  
In Crisis

Ms. Beverly Roupp, Co-Chairperson, Families in Crisis, and Judge William S. Lee, Families in Crisis Planning Committee Member, thanked the Council for their support of the "Annual Families in Crisis Conference" held at Delaware Technical & Community College, Southern Campus. They also presented a Certificate in recognition of Council's support of the annual event. The Certificate was accepted by Vice President Mariner.

Proposed  
Proclama-  
tion

Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation entitled "PROCLAIMING WEEK OF OCTOBER 14 - 20, 1990 AS 'NATIONAL BUSINESS WOMEN'S WEEK'".

M 450 90  
Adopt  
Proclama-  
tion

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt the Proclamation entitled "PROCLAIMING WEEK OF OCTOBER 14 - 20, 1990 AS 'NATIONAL BUSINESS WOMEN'S WEEK'". Motion Adopted: 4 Yea; 1 Absent.

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

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County  
Road  
No. 299

Mr. Stickels, County Administrator, had a request from the Delaware Department of Transportation, on behalf of Townsends, Inc., for comments concerning the vacation of Road No. 299. Comments were due by October 12, 1990. County Road No. 299 is located inside the Bay Farm development. The question was raised concerning a right-of-way for family members to reach a cemetery located on this road and containing approximately twelve (12) grave sites. Closing the road would prevent access to the cemetery. Mr. Stickels will discuss this concern with the Department of Transportation today and ask for an extension on the date for comments from the County.

FY '91  
Human  
Service  
Grants

Mr. Stickels, County Administrator, distributed recommendations for FY 1991 Human Service Grants. Council was asked to review the recommendations and provide input. They will be placed on the Agenda in two (2) weeks for action.

Beacon  
Tower  
Industrial  
Airpark

Mr. Stickels, County Administrator, reported that a beacon tower constructed at the onset of flights from the Sussex County Airport has not been used for several years. The County has been giving thought to having the tower removed from the grounds. Kentmorr Airstrip, Inc., Stevensville, Maryland, a non-profit organization established in 1946 for the collection of aircraft memorabilia, has asked for permission to relocate the tower to their site.

M 451 90  
Transfer  
of Beacon  
Tower

A Motion was made by Mr. Cole, seconded by Mr. Dukes, that the Sussex County Council authorize the transfer of ownership of the abandoned airways beacon tower at the Sussex County Airport to Kentmorr Airstrip, Inc.; and be it further moved that Kentmorr Airstrip, Inc. will accept full liability for the removal of the tower and will leave the tower site in an acceptable condition. Motion Adopted: 4 Yea; 1 Absent.

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

Adminis-  
trator's  
Report

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

1. A memorandum from the Wetlands and Aquatic Protection Branch of DNREC listing pending applications for subaqueous and/or wetlands projects.

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Adminis-  
trator's  
Report  
(Con't.)

2. The Delaware State Housing Authority has approved an amendment to increase the grant amount by \$150,000 for relocation assistance associated with the redevelopment of Big Mill Run Trailer Park in Laurel, Delaware. This brings the total to \$780,000 that the County Council has been awarded for its Community Development Block Programs for FY '90.
3. The winners of this year's Sussex County Council Purchase Awards made at the 10th Annual Sussex County Fine Arts Exhibition are:
  - (a) Bud Graves of Rehoboth Beach, Delaware - Painting entitled "East End"; and
  - (b) Rheba Tull of Lewes, Delaware - Painting entitled "Looking Down Chestnut Street".

There will be an awards reception on Thursday, October 11, 1990 from 6:30 to 8:00 p.m. in the Sussex County Arts Council Gallery located in the Theatre Lobby of Delaware Technical and Community College, Southern Campus, Georgetown, Delaware.

4. A letter from Congressman Carper in response to inquiries attempting to have revisions introduced to the Tax Reform Act of 1986 regarding the issuance of public service bonds.
5. A letter from R. Carl Benna, President, North American Housing Corporation, giving notice that the Corporation plans to close their operations in Georgetown on or about December 3, 1990. They will be terminating approximately ninety-five (95) employees. Steve Masten, Director of Economic Development, will be working closely with the State of Delaware Department of Labor to assist these individuals in finding new employment.
6. The U. S. General Services Administration has announced that it will not move the Social Security Administration Office for Sussex County out of Georgetown. The Sussex County Council has gone on record as opposing the possibility of relocating the office from the centrally located area of Georgetown to the eastern side of the County. Senator Roth's office was notified on Friday that the office will relocate to another location in Georgetown. A time schedule has not been announced yet as to when it will move from its present location to the Georgetown Professional Park just north of the present office on U.S. 113.

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Audit Agreement

Mr. Purpur, Finance Director, requested authorization of the Audit Agreement. Jefferson, Moffit & Urian, the low bidders for the examination and audit of all financial books and records of Sussex County for auditing services between July 1, 1990 and June 30, 1993, received the bid award by Motion No. M 268 90 on June 5, 1990. Since that time, the name of the firm has changed, however, the change will in no way affect our audit transactions.

M 452 90  
Authorizing  
Audit  
Agreement

A Motion was made by Mr. Cole, seconded by Mr. Benson, authorizing the President of the Sussex County Council to sign the Audit Agreement between Jefferson, Urian, Doane & Sterner, P.A., and the Sussex County Council. Motion Adopted: 4 Yea; 1 Absent.

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

Stormwater  
Management  
at the  
Industrial  
Airpark

A presentation on plans for stormwater management at the Sussex County Industrial Airpark was made by Mr. John A. Hughes, Director of the Division of Soil & Water, DNREC, and Mr. Earl Shaver, Environmental Engineer, Water Quality Management Branch, DNREC. The Plan would collect and treat stormwater runoff at the Airpark through the creation of approximately two (2) acres of wetland. From this project, DNREC will develop guidelines for stormwater control. In addition, it will provide a central stormwater management plan for the entire park. This will create a cost savings for tenants, since stormwater management plans will be required in 1991. DNREC would like to use an open field to create this wetland at the entrance of the Airpark. Plans are to provide an aesthetic entrance, hopefully with walkways and park benches and tables around the wetland. The area involved consists of low land that would require a great deal of fill and would not be suitable for commercial activity. The Council requested time to inspect the site before taking action. The item will be placed on the Agenda in two (2) weeks.

Agenda  
Change

The Rehoboth Shores update was tabled. It will be placed on the Agenda again next week.

C/U #916

Conditional Use No. 916, filed on behalf of James W. Ward, Sr., was discussed. Public Hearing was held on October 3, 1989 and action was deferred.

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M 453 90  
Adopt  
Proposed  
Ordinance  
C/U #916  
(Denied)

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to Adopt Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY USE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31,498 SQUARE FEET, MORE OR LESS" (C/U #916) filed on behalf of James W. Ward, Sr. Motion Denied: 4 Nay; 1 Absent.

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

Findings  
of Facts  
C/U #916

County Council reviewed the findings of facts and recommendation of the Planning and Zoning Commission and incorporated the same into the record. The County Council reviewed that a conditional use is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare. The County Council denied the requested conditional use, relying on the findings and recommendation of the Planning and Zoning Commission, finding that the requested multi-family use was out of character with the surrounding area, and finding that the applicant had failed to adequately show that his property had sewer capabilities for a multi-family use.

C/U #947

Conditional Use No. 947, filed on behalf of George M. Parrott and Marian Parrott, was discussed. Public Hearing was held on September 11, 1990 and action was deferred.

M 454 90  
Adopt  
Ordinance  
No. 725  
C/U #947

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Ordinance No. 725 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE SALE OF CRAFTS AND ANTIQUES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 20,121 SQUARE FEET, MORE OR LESS" (C/U #947) filed on behalf of George M. Parrott and Marian Parrott with the following stipulations:

1. Hours of operation shall be 10:00 a.m. until 6:00 p.m., five (5) days a week, which may include Saturdays and Sundays.
2. Area for business on site shall be limited to the 12' x 24' existing garage.
3. Signage shall be limited to one (1) unlit sign not to exceed thirty-two (32) square feet.

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M 454 90  
(Con't.)  
Ordinance  
No. 725

4. There shall be a one-way traffic flow from the existing horseshoe driveway.
5. A commercial entrance permit from the Department of Transportation shall be required.
6. Site plan shall be reviewed by the Planning and Zoning Commission.
7. Applicant must obtain approvals from the Building Code Department and the State Fire Marshal.

Motion Adopted: 4 Yea; 1 Absent.

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

Findings  
of Facts  
C/U #947

County Council reviewed the findings of facts and recommendation of the Planning and Zoning Commission and incorporated the same into the record. The County Council reviewed that a conditional use is generally of a public or semi-public character and is essential and desirable for the general convenience and welfare. The Council approved the requested conditional use, finding that such a use of the property was appropriate, when coupled with the seven (7) stipulations as set out.

C/Z #1088

Change of Zone No. 1088, filed on behalf of Great Eastern, Inc., was discussed. Public Hearing was held on October 2, 1990 and action was deferred.

M 455 90  
Adopt  
Proposed  
Ordinance  
C/Z #1088  
(Denied)

A Motion was made by Mr. Cole, seconded by Mr. Dukes, to Adopt Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.48 ACRES, MORE OR LESS" (C/Z #1088) filed on behalf of Great Eastern, Inc. Motion Denied: 4 Nay; 1 Absent.

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

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Findings  
of Facts  
C/Z #1088

County Council reviewed the findings of facts and recommendation of the Planning and Zoning Commission and incorporated the same into the record and into their findings. The Council reviewed the evidence submitted at the County Council public hearing, both for and against the proposed project. The Council reviewed the purpose of a B-1 Neighborhood Business District, as stated in the Sussex County Zoning Ordinance. The County Council thereupon denied the requested change of zone, specifically adopting the findings and recommendation of the Planning and Zoning Commission, expressing concern that the proposed commercial development will have a negative impact on an existing flooding problem in the area, both on-site and on Route 54, noting that the parcel has poor soil conditions for development, referencing the traffic problems which already exist and which will be created by this proposal, noting the close proximity of the entrance of the proposed development to the existing entrance of Cape Windsor Subdivision, pointing out that the applicant was unable to show a true need in the area for a new commercial zoning, and indicating that the requested rezoning was not in compliance with the South Coastal Land Use Plan, which states that the area is to be developed either single-family or planned unit development.

Dagsboro-  
Frankford  
Sanitary  
Sewer  
District

Mr. Archut, Chief of Planning and Permits, reported that Conrail requires the Adoption of a Resolution by Council, to permit encroachment of the facilities associated with the Dagsboro-Frankford Sanitary Sewer District through the lands and under and across the roadway and tracks of the Dagsboro Industrial Track of Conrail.

M 456 90  
Adopt  
Resolution  
R 031 90  
Dagsboro-  
Frankford  
Sanitary  
Sewer  
District

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Resolution No. R 031 90 entitled "AUTHORIZATION FOR THE SUSSEX COUNTY ENGINEER TO ENTER INTO SUCH LICENSE AGREEMENTS AS ARE NECESSARY WITH CONSOLIDATED RAIL CORPORATION TO PERMIT ENCROACHMENT OF FACILITIES ASSOCIATED WITH THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT". Motion Adopted: 4 Yea; 1 Absent.

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

Long  
Neck  
SSD

Mr. Wood, County Engineer, explained reasons for six (6) changes that are needed for the Long Neck Sanitary Sewer District Contract No. 6.

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M 457 90  
Change  
Order  
Long  
Neck  
Sanitary  
Sewer  
District

A Motion was made by Mr. Cole, seconded by Mr. Mariner, based upon the recommendations of Kidde Consultants, Inc. and the Sussex County Engineering Department, authorizing the Council President to sign Change Order No. 1 for the Long Neck Sanitary Sewer District, Contract No. 6, for well removal, administration building undercut, silt fence, construction entrances, addition of permanent 3-phase power required for plant operations, and soil tests for a contract increase of \$46,357.32, with no increase in time, bringing Contract No. 6 total to \$5,181,157.32. Motion Adopted: 4 Yea; 1 Absent.

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

M 458 90  
Council-  
manic  
Grant

A Motion was made by Mr. Cole, seconded by Mr. Mariner, to give \$250.00, from Mr. Cole's Councilmanic Account, to the City of Rehoboth Beach to help with Christmas decorations for the bandstand area on Rehoboth Avenue. Motion Adopted: 4 Yea; 1 Absent.

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

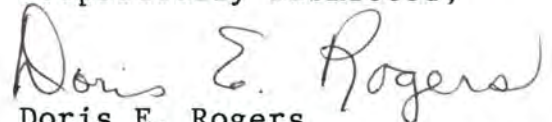
Proposed  
Ordinance  
C/Z #1100

Mr. Mariner introduced Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 234.88 ACRES, MORE OR LESS" (C/Z #1100) filed on behalf of Sherfor, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Adjourn-  
ment

The Meeting was declared adjourned by Vice President Mariner at 11:55 a.m.

Respectfully submitted,

  
Doris E. Rogers  
Clerk of the County Council