

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 12, 1993

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, October 12, 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 424 93      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes      approve the minutes of the previous meeting dated October 5, 1993. Motion Adopted by Voice Vote.

Corre-      Mr. Bayard, County Attorney, read the following correspondence: spondence  
CONGRESSMAN MICHAEL N. CASTLE, WASHINGTON, D.C.  
RE: Statement on Federal Funding for West Rehoboth Sewer Project.

Proposed      Mr. Stickels, County Administrator, read in its entirety a Procla-      Proposed Proclamation entitled "PROCLAIMING THE WEEK OF OCTOBER mation      17 THROUGH 23, 1993, AS 'NATIONAL BUSINESS WOMEN'S WEEK' IN SUSSEX COUNTY".

M 425 93      A Motion was made by Mr. Benson, seconded by Mr. Cole, to Adopt Procla-      the Proclamation entitled "PROCLAIMING THE WEEK OF OCTOBER 17 mation      THROUGH 23, 1993, AS 'NATIONAL BUSINESS WOMEN'S WEEK' IN SUSSEX National Business Women's      COUNTY".

Week      Motion Adopted: 5 Yea.  
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

Bond      Mr. John Messick, representing the Laurel Volunteer Fire Company, Issue      was present to discuss the issuance of certain bonds by the Fire Laurel      Company, in the maximum aggregate principal amount not to exceed Volunteer      \$350,000, the proceeds of which will be used to fund the purchase Fire      of a new pumper truck. The Fire Company proposed to structure Company      the loan so that the interest portion of its payments will be excludable from gross income for federal income tax purposes. To exclude the interest portion of its payments from gross income, several requirements must be met in accordance with the Internal Revenue Code. One of the requirements is that the issuance of the Bonds be approved by the applicable elected representative of a governmental unit (Sussex County Council).

Bond Issue (con't) A Public Hearing to consider the issuance of the Bonds must be conducted by the governmental unit following reasonable public notice.

M 426 93 Schedule Public Hearing Bond Issue Laurel Volunteer Fire Company A Motion was made by Mr. Stevenson, seconded by Mr. Collins, that the Sussex County Council will hold a Public Hearing with respect to a Resolution to approve the issuance by the Laurel Volunteer Fire Company of a bond or note, in the maximum aggregate principal amount not to exceed \$350,000, the proceeds of which will be used to fund the purchase of a new pumper truck.  
Motion Adopted: 5 Yea.  
Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea; Mr. Collins, Yea; Mr. Stevenson, Yea; Mr. Dukes, Yea

The Public Hearing will be scheduled for November 2, 1993, at 10:45 a.m.

Fiscal 1994 Human Service Grants Mr. Stickels, County Administrator, distributed for Council's review a listing of recommendations for the Fiscal 1994 Human Service Grants. The requests received total \$171,747.00. The amount recommended is \$95,000.00. Council will make their recommendations for the distribution at the October 26, 1993, meeting.

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

1. Mural Dedication

The Laurel Senior Center will officially dedicate a mural painted by Jack Lewis of Bridgeville on Monday, October 18, 1993, at 6:00 p.m. The mural is painted on the side of the Laurel Senior Center, and it depicts historic Laurel in its earlier years. The Laurel High School band and chorus will perform during the ceremony. The public is invited to attend.

2. Sussex County Fine Art Exhibition

The 13th Annual Sussex County Fine Art Exhibition award ceremony will be held on Tuesday, October 12, 1993, from 5:30 to 7:00 p.m. in the Delaware Technical and Community College Theater Lobby, Georgetown, Delaware. This year's winners of the Sussex County Council Art Purchase Awards are:



Bid  
Results  
(con't)

Contract No. 3

Teal Construction \$1,384,565.55  
Dover, DE

R. E. Pierson Construction \$3,042,033.00  
Sicklersville, NJ

Combination - Contracts No. 2 and 3

Teal Construction \$3,309,903.00  
Dover, DE

R. E. Pierson Construction \$6,342,491.00  
Sicklersville, NJ

North East Construction \$3,287,272.40  
Lakewood, NJ

The bids will be reviewed for a recommendation.

Absence

Mr. Dukes left the meeting during the discussion of the application of Everett H. and Bonnie H. Messick, T/A Messick Supply (C/Z #1208). Mr. Collins presided.

Old  
Business  
C/Z  
#1208

Change of Zone No. 1208, filed on behalf of Everett H. and Bonnie H. Messick, T/A Messick Supply, was discussed. A Public Hearing was held on this application on September 28, 1993, at which time the Public Hearing was closed and action was deferred.

M 428 93  
Adopt  
Ordinance  
No. 927  
(C/Z  
#1208)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 927 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 2.75 ACRES, MORE OR LESS" (C/Z #1208) filed on behalf of Everett H. and Bonnie H. Messick, T/A Messick Supply.

Motion Adopted: 4 Yea, 1 Abstention.

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

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Bid Results (con't)

Contract No. 3

Teal Construction \$1,384,565.55  
Dover, DE

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Sicklersville, NJ

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The bids will be reviewed for a recommendation.

Absence

Mr. Dukes left the meeting during the discussion of the application of Everett H. and Bonnie H. Messick, T/A Messick Supply (C/Z #1208). Mr. Collins presided.

Old Business C/Z #1208

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M 428 93 Adopt Ordinance No. 927 (C/Z #1208)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 927 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 2.75 ACRES, MORE OR LESS" (C/Z #1208) filed on behalf of Everett H. and Bonnie H. Messick, T/A Messick Supply.

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:

Findings  
of Fact  
(con't)

1. The applicants established by substantial evidence that the change of zone will enable them to continue to operate a retail business similar to the store operated by them in the past.
2. The change of zone will serve the convenience of the local area and its agricultural and other businesses.
3. The change of zone will have no substantial adverse impact on the character of the community, property values therein, the environment in the area, and with permit conditions imposed by DelDOT, no adverse impact on traffic.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Mr. Dukes rejoined the meeting.

Proposed  
Ordinance

Mr. Collins 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 C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.53 ACRES, MORE OR LESS" (C/Z #1213) filed on behalf of Larry H. and Achsah Brasure. The Proposed Ordinance will be advertised for Public Hearing.

Public  
Hearing  
Fieldwood  
Street-  
lighting

At 10:48 a.m., a Public Hearing was held to review the estimated cost and assessments for the requested addition of one (1) streetlight for the Fieldwood Streetlighting District. The Public Hearing was left open for information from Delmarva Power & Light regarding the placement of the lights.

Recess

At 11:10 a.m., Mr. Dukes declared a recess.

Reconvene

Mr. Dukes called Council back into session at 11:20 a.m.

Public  
Hearing  
BBSSD  
Cedar  
Neck  
Extension

A Public Hearing was held on the issue of extending the Bethany Beach Sanitary Sewer District to include a certain piece, parcel, or tract of land on Cedar Neck, lying contiguous to the Bethany Beach Sanitary Sewer District, situate north of the Town of Bethany Beach and being in Baltimore Hundred, Sussex County, Delaware. The Public Hearing was closed.

M 429 93  
Adopt  
Expansion  
of the  
BBSSD -  
Cedar  
Neck

A Motion was made by Mr. Collins, seconded by Mr. Benson, that the Sussex County Council Adopts the proposed expansion to the Bethany Beach Sanitary Sewer District for Cedar Neck as recommended by the Engineering Department and, Be It Further Moved that the only mandated connections shall be Cedar Landing and Water View Estates.

M 429 93 Motion Adopted: 5 Yea.  
(con't)

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

M 430 93 A Motion was made by Mr. Benson, seconded by Mr. Collins,  
Mandate that the Sussex County Council mandates that the Sussex County  
Regarding Engineering Department develop plans and cost estimates for  
Expansion expansion for the Bethany Beach Sanitary Sewer District Proposed  
of the Cedar Neck Extension by October 1, 1994, to include Phases I, II,  
BBSSD - and III.

Cedar  
Neck Motion Adopted: 5 Yea.

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

M 431 93 A Motion was made by Mr. Benson, seconded by Mr. Collins, to  
Adopt Adopt Resolution No. R 019 93 entitled "A RESOLUTION TO EXTEND  
Resolu- THE BOUNDARY OF THE BETHANY BEACH SANITARY SEWER DISTRICT (BBSSD)  
tion TO ENCOMPASS A CERTAIN PIECE, PARCEL, OR TRACT OF LAND ON CEDAR  
No. 019 NECK, LYING CONTIGUOUS TO THE BBSSD, SITUATE NORTH OF THE TOWN  
Expansion OF BETHANY BEACH AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,  
of the DELAWARE".

BBSSD -  
Cedar Motion Adopted: 5 Yea.  
Neck

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

M 432 93 At 12:30 p.m., a Motion was made by Mr. Collins, seconded by  
Recess Mr. Benson, to recess until 1:30 p.m. Motion Adopted by Voice  
Vote.

Reconvene Mr. Dukes called Council back into session at 1:35 p.m.

Absence Mr. Stevenson was not present for the afternoon session.

Public Hearing (C/U #1056) A Public Hearing was held on a Proposed Ordinance entitled "AN  
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRI-  
CULTURAL RESIDENTIAL DISTRICT FOR A LAWN SERVICE BUSINESS TO BE  
LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR  
CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.03 ACRES, MORE OR  
LESS" (C/U #1056) filed on behalf of John B. Ennis III. The  
Public Hearing was closed.

M 433 93 A Motion was made by Mr. Benson, seconded by Mr. Collins, to  
Adopt Ordinance No. 928 entitled "AN ORDINANCE TO GRANT A CONDI-  
TIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT  
FOR A LAWN SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL  
OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY,  
CONTAINING 3.03 ACRES, MORE OR LESS" (C/U #1056) filed on behalf  
of John B. Ennis III, with the following conditions:

1. The site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. A sufficient number of white pines, not less than 8' in height with 6' of foliage width, shall be provided to shield the view of the parking and storage areas.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Absent;  
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 the proposed use will serve the community and will have no adverse impact on the character of the community, property values therein, the environment in the area or traffic.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/U #1057) A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS" (C/U #1057) filed on behalf of Gull Point Trust. The Public Hearing was closed.

M 434 93 A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt  
Adopt Ordinance No. 929 entitled "AN ORDINANCE TO GRANT A CONDITIONAL  
USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR  
MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PAR-  
CEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX  
COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS" (C/U #1057) filed  
on behalf of Gull Point Trust, with the following conditions:

1. Central sewer service shall be provided in accordance with applicable regulations of DNREC and the Sussex County Engineering Department.

M 434 93  
(con't)

2. Central water service shall be provided in compliance with the regulations of DNREC, the Office of the State Fire Marshal, the Division of Public Health and the Sussex County Engineering Department.
3. Stormwater Management and Erosion and Sedimentation Control Plans shall be subject to all State and County Regulations.
4. The maximum number of dwelling units shall not exceed twenty-four (24).
5. All amenities, including the community pool and pool house, shall be completed prior to construction of the thirteenth residential unit.
6. The open space depicted on the site plan shall be subject to no future residential development.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;  
Mr. Collins, Yea; Mr. Stevenson, Absent;  
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 the proposed use will be an extension of a successful existing multi-family development and thereby will be consistent with the character of the immediate neighborhood, will protect property values therein, will protect the environment and will have no adverse impact on traffic in the area.
2. The proposed use is within the Development Zone identified in the Coastal Sussex Land Use Plan and the use, as described, conforms with the Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public  
Hearing  
(C/Z  
#1209)

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 43.1675 ACRES, MORE OR LESS" (C/Z #1209) filed on behalf of H. Robert Hickman.

M 435 93 A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
Adopt Ordinance No. 930 entitled "AN ORDINANCE TO AMEND THE  
COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 43.1675 ACRES, MORE OR LESS" (C/Z #1209) filed on behalf of H. Robert Hickman, with the following condition:

1. The preliminary site plan is subject to review and approval of the Planning and Zoning Commission.

Motion Adopted: 4 Yea, 1 Absent.

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

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 the change of zone is consistent with the character of development in the neighborhood and as a result, will have no adverse impact on property values, the environment or traffic in the area.
2. The change of zone, although in the Western Sussex Conservation Zone, will protect the environment by use of central water and sewer facilities.
3. The change of zone is consistent with the purposes of the Western Sussex Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (C/Z #1210) A Public Hearing was held on a 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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.0891 ACRES, MORE OR LESS" (C/Z #1210) filed on behalf of Shawnee Wood Farms, Inc. The Public Hearing was closed and action was deferred pending the execution of an agreement between the applicant and DelDOT regarding the improvement of traffic patterns on Route 36 and Route 619.

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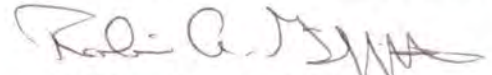
M 436 93 A Motion was made by Mr. Cole, seconded by Mr. Benson, to give  
Council- \$450.00 (\$150.00 from Mr. Stevenson's Councilmanic Account,  
manic \$150.00 from Mr. Benson's Councilmanic Account, and \$150.00  
Grant from Mr. Collins' Councilmanic Account) to Sussex Central  
Pop Warner Football to help fund the program.

Motion Adopted: 4 Yea, 1 Absent.

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

M 437 93 A Motion was made by Mr. Benson, seconded by Mr. Collins, to  
Adjourn adjourn at 3:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council