

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 17, 1995

Call to Order      The regular meeting of the Sussex County Council was held Tuesday, October 17, 1995, 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 447 95      A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve      approve the minutes of the previous meeting dated October 10, Minutes      1995. Motion Adopted by Voice Vote.

Corre-      Mr. Bayard, County Attorney, read the following correspondence: spondence  
WILLIAM V. ROTH, JR., UNITED STATES SENATE, WASHINGTON, D.C.  
RE: Council's Resolution in opposition to the Rural Development Reform Act of 1995.

Draft of      Mr. Stickels, County Administrator, discussed a draft of a Proposed Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62, Ordinance      ARTICLE V, OF THE CODE OF SUSSEX COUNTY, TO AMEND THE FEES Regarding      CHARGED BY THE CLERK OF PEACE OF SUSSEX COUNTY". The Pro- Clerk of      posed Ordinance would amend the fee for the issuance of a Peace      marriage license from \$20.00 to \$30.00 and the fee for a Fees      certified copy of a marriage license from \$5.00 to \$6.00.

Introduce      Mr. Dukes introduced the Proposed Ordinance entitled "AN Proposed      ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, OF THE CODE OF Ordinance      SUSSEX COUNTY, TO AMEND THE FEES CHARGED BY THE CLERK OF PEACE OF SUSSEX COUNTY". The Proposed Ordinance will be advertised for Public Hearing.

Rural      Mr. Norwood and Ms. George of the Assessment Office were in Road      attendance to discuss with Council the finalization of the Naming      County's Rural Road Naming and Readdressing Project. A final and      list and maps of each Councilmanic District were distributed. Read-      Mr. Norwood noted that a few road names have not been dis- dressing      cussed previously; namely Route 1, 13, 113, 9, 16, and 54. Project      Proposed names for these routes were discussed. It was decided that final approval be delayed one week to allow time for Council to consider the proposed names for Route 1, Route 13, and Route 113. It was the consensus of Council that this Project be closed to further public input.

Draft  
Grant  
Proposal  
for  
Milton  
Library

Mr. Stickels, County Administrator, discussed a draft grant proposal for the Cape Henlopen School District, School and Community Partnership, After-School Program Grant. The grant, in the amount of \$20,122.00, would provide funds for the following:

Milton Library

- o Family literacy program.
- o After-School Homework Club.
- o Intermediate and advanced library skills workshops for Junior and Senior High School students.
- o Parent Involvement collection of materials.

M 448 95  
Authorize  
Grant  
Applica-  
tion for  
Milton  
Library

A Motion was made by Mr. Benson, seconded by Mr. Cole, that the Sussex County Council authorizes the Sussex County Department of Libraries to apply to the Cape Henlopen School District for a grant in the amount of \$20,122.00 to assist with Family Literacy Workshops, Parent Involvement Classes, Homework Club, and a Library Skills Program.

Motion Adopted: 5 Yea.

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

Library  
Grant  
Award  
Notifi-  
cation

Mr. Stickels, County Administrator, advised that the County has received notification from the Delaware Department of Public Instruction that Project READS has been awarded a grant in the amount of \$2,542.00. These funds will be used to purchase materials for students and tutors and provide program information for distribution to referring agencies.

Adminis-  
trator's  
Report

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

1. Sussex County Council Art Purchase Awards

A committee comprised of Councilman William Stevenson, Councilman George Collins, Finance Director David Baker, and County Administrator Robert Stickels have selected five works of art for the 1995 Sussex County Council Art Purchase Award Program. The works of art are: a painting by Marian Powell entitled "My Impression of Fisher-Martin House"; a painting by Jack Auldridge entitled "Old Acquaintance"; a painting by Ernest Ratz entitled "The Old Barn"; a painting by Dick Clothier entitled "Summer House"; and a sculpture by Joseph A. Sanangelo entitled "Eagle".

Adminis-  
trator's  
Report  
(con't)

Currently, these works of art are being displayed in the Theater Lobby of Delaware Technical and Community College. Once the exhibit is over, the works will be displayed in the Courthouse.

2. County Council Meeting

A reminder that the Sussex County Council meeting scheduled for Tuesday, October 24, 1995, at 10:00 a.m. will be held at the Oak Orchard Community Center on Route 5, Oak Orchard, Sussex County, Delaware. Originally it had been scheduled for the Oak Orchard Fire Hall. The community center is located across the street from the fire hall.

3. Route 1 Recommendations

Mr. Dale R. Dukes, President of the Sussex County Council, and Ms. Anne P. Canby, Secretary of the Delaware Department of Transportation, will be meeting with the Route 1 Working Group on Wednesday, November 1, 1995, to discuss the ten points recommended by the group. The purpose of the meeting is to allow the President of the Council and the Secretary of Transportation to meet with the entire group. Not all members were able to schedule time off from their employment to attend the Council meeting.

All meetings of the Route 1 Working Group are public. The meeting will take place at 7:00 p.m. at the County Bank building on Route 1, Rehoboth Beach, Delaware.

Proposed Ordinance Relating to Utility Billings and Industrial Pre-treatment Fees

Mr. Archut, Director of Planning and Permits, discussed the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY RELATING TO UTILITY BILLINGS AND INDUSTRIAL PRETREATMENT FEES". A Public Hearing was held on this Proposed Ordinance on September 12, 1995, at which time concern was expressed regarding assessments on car washes, as proposed by Black and Veatch. Action was deferred and the record was left open through September 30, 1995, for additional input and comments. Mr. Archut advised that he has taken a survey of area car washes and has prepared comparison reports of proposed EDU assessments. Based on the findings of the survey and the reports, Mr. Archut recommended that EDU assessments on car washes be amended, as follows:

| <u>Car Washes</u>              | <u>(Black &amp; Veatch)</u> | <u>Revised (County)</u> |
|--------------------------------|-----------------------------|-------------------------|
| Self-service                   | 2.5 per stall               | 1.0 per stall*          |
| Self-service & recycling water | 0.6 per stall               | 0.2 per stall*          |

| Proposed Ordinance (con't)  | Car Washes (Black & Veatch) | Revised (County) |
|---|-----------------------------|------------------|
| Semi-automatic (mechanical without conveyor)                                | 12.5 per stall              | 5.0 per stall*   |
| Semi-automatic (mechanical without conveyor) conserving and recycling water | 3.0 per stall               | 1.2 per stall*   |
| Automatic with conveyor   | 33.0 per lane               | 33.0 per lane**  |
| Automatic with conveyor conserving and recycling water                      | 8.0 per lane                | 13.6 per lane**  |

- \* Based on a 40 percent reduction of Black and Veatch proposal.
- \*\* Based on a 70 percent increase of Black and Veatch proposal.

Mr. Archut noted that Black and Veatch is in support of the amended calculations.

The following amendments to the Proposed Ordinance were also made:

Underlined Section Added per Amendment to Minutes on 10/24/95

1. The assessment on theaters, indoor and outdoor, is to be based on seats/spaces and not fixture units, as follows:

|                           |                        |
|---------------------------|------------------------|
| <u>Theaters - Indoor</u>  | <u>1 EDU/60 seats</u>  |
| <u>Theaters - Outdoor</u> | <u>1 EDU/30 spaces</u> |
2. The Ordinance will become effective immediately for properties located within the West Rehoboth Extension of the Dewey Beach Sanitary Sewer System.

M 449 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson, to Adopt Ordinance No. 1058 entitled "AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY RELATING TO UTILITY BILLINGS AND INDUSTRIAL PRETREATMENT FEES", as amended.

Motion Adopted: 5 Yea.

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

Mr. Jones, County Attorney, will rewrite the Ordinance, as amended.

Change Order/Administrative Office Building Mr. Archut, Director of Planning and Permits, and Mr. Clendaniel of R. Calvin Clendaniel Associates, discussed Change Order No. 4 to the County Administrative Office Building Contract. This change order was necessitated by the rotten wood found under the roof of the old Post Office building.

M 450 95 A Motion was made by Mr. Stevenson, seconded by Mr. Collins, based on the recommendation of the architect, R. Calvin Clendaniel Associates, and the County Engineering Department, that the Sussex County Council approve Change Order No. 4, based on time and material, in an amount not to exceed \$11,459.75, to the County Administrative Office Building Contract for the removal and repair of the roof deck on the existing Post Office and repairing the damaged and rotted wood joists, with no additional time required.

Motion Adopted: 5 Yea.

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

Agenda Item Tabled Mr. Dukes advised that the agenda item entitled "West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District - Contracts 2 and 3 - Change Order No. 12" was tabled.

Change Orders WREDBSSD Mr. Green, Director of Utility Construction, discussed three Change Orders to the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District project.

M 451 95 A Motion was made by Mr. Benson, seconded by Mr. Cole, 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. 6, for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Contract "B", Design Areas 4, 10, 11, 12, and 13, to R. E. Pierson Construction Company, for an amount of \$23,600.90, for various construction claims, with an unrevised substantial completion date of October 20, 1995, and increasing this contract amount to \$8,245,428.46, contingent on the approval of the following agency, Rural Economic and Community Development.

Motion Adopted: 5 Yea.

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

M 452 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, based  
Approve on the recommendation of the Inspection Engineer, George, Miles  
Change & Buhr, and the Sussex County Engineering Department, that  
Order Sussex County Council authorizes the President of the Sussex  
No. 11R County Council to issue Change Order No. 11R, for the West  
Contracts Rehoboth Expansion of the Dewey Beach Sanitary Sewer District,  
2 and 3 Contracts 2 & 3, to Northeast Construction Company, for an  
West amount of \$47,040.75, for various construction claims, in-  
Rehoboth creasing this contract amount to \$3,572,439.24. Also, in-  
Expansion cluded is a ninety day time extension with a revised substantial  
of the completion date of December 7, 1994. Sussex County Council's  
DBSSD approval is contingent on the approval of the following agencies:  
Department of Natural Resources and Environmental Control and  
Rural Economic and Community Development.

Motion Adopted: 5 Yea.

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

M 453 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, based  
Approve on the recommendation of the Inspection Engineer, George, Miles  
Change & Buhr, and the Sussex County Engineering Department, that the  
Order Sussex County Council authorizes the President of the Sussex  
No. 10 County Council to issue Change Order No. 10, for the West  
Contract Rehoboth Expansion of the Dewey Beach Sanitary Sewer District,  
A Contract A, Design Areas 6, 7, 8, and 9 to Teal Construction,  
West Inc., for an amount of \$784,241.75, for line item quantity  
Rehoboth adjustments to the original contract, with an unrevised sub-  
Expansion stantial completion date of November 1, 1995, increasing this  
of the contract amount to \$5,913,297.74, contingent on the approval  
DBSSD of Department of Natural Resources and Environmental Control  
and Rural Economic and Community Development.

Motion Adopted: 5 Yea.

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

Introduce Mr. Cole introduced the Proposed Ordinance entitled "AN  
Proposed ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX  
Ordinance 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 BALTIMORE HUNDRED, SUSSEX COUNTY,  
CONTAINING 2.02 ACRES, MORE OR LESS" (Change of Zone No.  
1267) filed on behalf of John Dillon. The Proposed Ordinance  
will be advertised for Public Hearing.

Introduce Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CRAFT SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.81 ACRES, MORE OR LESS" (Conditional Use No. 1138) filed on behalf of D & S Country Crafts. The Proposed Ordinance will be advertised for Public Hearing.

Introduce Proposed Ordinance Mr. Dukes introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 3.39 ACRES, MORE OR LESS" (Conditional Use No. 1139) filed on behalf of John W. Scott. The Proposed Ordinance will be advertised for Public Hearing.

M 454 95 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mr. Collins, to give \$250.00 from Mr. Cole's Councilmanic Account to the Rehoboth Beach Jazz Festival, Inc., for operating expenses.

Motion Adopted: 5 Yea.

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

M 455 95 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$250.00 from Mr. Stevenson's Councilmanic Account to the Veterans of the Vietnam War, Inc., Post DE-01, for operating expenses.

Motion Adopted: 5 Yea.

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

M 456 95 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$350.00 from Mr. Collins' Councilmanic Account to the Frankford Public Library for emergency roof repairs.

Motion Adopted: 5 Yea.

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

M 457 95 Councilmanic Grant A Motion was made by Mr. Collins, seconded by Mr. Cole, to give \$300.00 from Mr. Dukes' Councilmanic Account to the Concord and Community Neighborhood Watch for equipment purchases.

M 457 95 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 458 95 At 11:39 a.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 1:32 p.m. Mr.  
Schrader, Assistant County Attorney, was the attorney present  
for the afternoon session. Mr. Cole was not in attendance due  
to a possible conflict of interest with the application scheduled  
for Public Hearing.

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 AN EXPANSION TO CONDI-  
No. 1133) TIONAL USE NO. 687 TO PERMIT THE SALE OF CARRIAGES, SLEIGHS,  
WAGONS, HORSES AND PONIES, AND TO ESTABLISH A LOCATION TO  
START AND FINISH TRAIL RIDES AND CARRIAGE PARADES AND DRIVES,  
TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN  
CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12.29 ACRES,  
MORE OR LESS" (Conditional Use No. 1133) filed on behalf of  
David L. and Carolyn Wilson. There were no public comments  
and the Public Hearing was closed.

M 459 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to  
Adopt Ordinance No. 1059 entitled "AN ORDINANCE TO GRANT A  
Ordinance No. 1059 CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL  
(C/U DISTRICT FOR AN EXPANSION TO CONDITIONAL USE NO. 687 TO  
No. 1133) PERMIT THE SALE OF CARRIAGES, SLEIGHS, WAGONS, HORSES AND  
PONIES, AND TO ESTABLISH A LOCATION TO START AND FINISH  
TRAIL RIDES AND CARRIAGE PARADES AND DRIVES, TO BE LOCATED  
ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK  
HUNDRED, SUSSEX COUNTY, CONTAINING 12.29 ACRES, MORE OR LESS"  
(Conditional Use No. 1133) filed on behalf of David L. and  
Carolyn Wilson, with the following conditions:

1. No more than three sales per year.
2. No more than one day per sale.
3. No horses shall remain on-site after a sale for more than  
24 hours.
4. Temporary pens used for sales shall be subject to Sussex  
County Board of Adjustment to establish setbacks.

Motion Adopted: 4 Yea; 1 Absent.

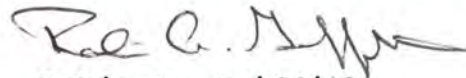
M 459 95 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Absent;  
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;  
Mr. Dukes, Yea

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

1. The proposed use is in accordance with the Comprehensive Development Plan.
2. The proposed use promotes the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County.
3. The proposed use is compatible to the existing Conditional Use (C/U No. 687).
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

M 460 95 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,  
Adjourn to adjourn at 2:02 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith  
Clerk of the County Council