

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 19, 1993

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 19, 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 438 93 Amend Minutes A Motion was made by Mr. Cole, seconded by Mr. Collins, to amend the minutes of the previous meeting dated October 12, 1993, under "M 428 93", by striking [4 Yea, 1 Abstention], and inserting in lieu thereof 3 Yea, 1 Nay, 1 Abstention and by striking [Yea], the vote of Mr. Cole, and inserting in lieu thereof Nay. Motion Adopted by Voice Vote.

M 439 93 Approve Minutes A Motion was made by Mr. Collins, seconded by Mr. Stevenson, to approve the minutes of the previous meeting dated October 12, 1993, as amended. Motion Adopted by Voice Vote.

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

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Commission Meeting and Public Hearing regarding twelve applications, none of which involve locations in Sussex County.

BRUCE E. LAYTON, PRESIDENT, LOWER SUSSEX LITTLE LEAGUE, INC., GEORGETOWN.

RE: Letter to Mr. Dukes thanking him for the donation of Sussex County pins to the Sussex County Big League Team that participated in the World Series Games in Florida.

PRESTON LYNCH DYER, IPM EQUITIES, INC., MILFORD.

RE: Letter to Mr. Stickels commending his actions and the actions of the Sussex County Council taken during the public hearing regarding the proposed expansion of the Bethany Beach Sanitary Sewer District to include Cedar Neck.

Public Hearing Fieldwood Street-lighting District A continuation of the Public Hearing of October 12, 1993, regarding the review of the estimated cost and assessments for the requested addition of one (1) streetlight for the Fieldwood Streetlighting District, was held. On October 12, 1993, the Public Hearing was held open for information from Delmarva Power & Light regarding the placement of the light(s). Mr.

Public Hearing Fieldwood Power & Light's (con't) D'Orazio of Delmarva Power & Light was in attendance to discuss the history of the Fieldwood Streetlighting District and Delmarva Power & Light's recommendation that four additional lights be placed in the district. Public comments were heard and the Public Hearing was closed. The County Council will take the information submitted under advisement and will await final cost figures for the installation of the four additional lights prior to making a decision.

Proposed Proclamation Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation entitled "PROCLAIMING TUESDAY, OCTOBER 19, 1993, AS A DAY TO HONOR MARIE SCHMIDT AS DEVRIES BUSINESS AND PROFESSIONAL WOMEN'S CLUB 'WOMAN OF THE YEAR'".

M 440 93 Adopt Proclamation A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt the Proclamation entitled "PROCLAIMING TUESDAY, OCTOBER 19, 1993, AS A DAY TO HONOR MARIE SCHMIDT AS DEVRIES BUSINESS AND PROFESSIONAL WOMEN'S CLUB 'WOMAN OF THE YEAR'".

Motion Adopted: 5 Yea.

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

Proposed Proclamation Mr. Stickels, County Administrator, read in its entirety a Proposed Proclamation entitled "PROCLAIMING TUESDAY, OCTOBER 19, 1993, AS A DAY TO HONOR CARLYSE GIDDINS AS DEVRIES BUSINESS AND PROFESSIONAL WOMEN'S CLUB 'EMPLOYER OF THE YEAR'".

M 441 93 Adopt Proclamation A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to Adopt the Proclamation entitled "PROCLAIMING TUESDAY, OCTOBER 19, 1993, AS A DAY TO HONOR CARLYSE GIDDINS AS DEVRIES BUSINESS AND PROFESSIONAL WOMEN'S CLUB 'EMPLOYER OF THE YEAR'".

Motion Adopted: 5 Yea.

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

Carlyse Giddins was in attendance to accept the Proclamations from Mr. Dukes.

Off-Premise Advertising Mr. Stickels, County Administrator; Mr. Jones, Assistant County Attorney; and Mr. Lank, Director of Planning and Zoning, discussed off-premise advertising. Ordinance No. 719 was adopted on September 11, 1990, setting forth stipulations for off-premise signs. On January 26, 1993, the County Council imposed a con-

Off-Premise Advertising (con't)

struction moratorium on all off-premise signs until the conclusion of a public hearing and the Council's action relating to pending ordinance changes. No action has been taken on the pending ordinance changes. Representatives from the Department of Transportation have stated that Section 1 of the Proposed Ordinance is not in conformity with State law. County Council has discussed the possibility of creating a new zoning entitled C-2 Commercial Zoning District which would be identical to the existing C-1 Commercial Zoning District; however, an amendment would be made to the existing C-1 Commercial Zoning District to remove off-premise signs as a permitted use. Council discussed this option as well as two other options, as follows: (1) requiring an applicant to appear before the Board of Adjustment (this would require an ordinance change) or (2) requiring the applicant to apply for a conditional use.

M 442 93 Draft Ordinance Off-Premise Advertising

A Motion was made by Mr. Cole, seconded by Mr. Benson, to instruct Mr. Jones, Assistant County Attorney, to draft an Ordinance requiring applicants to appear before the Board of Adjustment for a special exception for billboards.

Motion Adopted: 3 Yea, 2 Nay.

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

It was noted that the moratorium will remain in effect.

Proposed Ordinance

Mr. Dukes introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE NO. 685, ENTITLED 'AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF A SEWER CAPITALIZATION FEE AND THE POSTING OF A BOND OR LETTER OF CREDIT WITH RESPECT TO THE ESTABLISHMENT OF CENTRAL SEWER SERVICE IN THE WEST REHOBOTH SEWER MORATORIUM AREA', TO AMEND THE AMOUNT OF THE FEE, TO FURTHER DEFINE THE APPLICATION OF THE FEE, AND TO MAKE CERTAIN ADMINISTRATIVE REVISIONS". The Proposed Ordinance will be advertised for Public Hearing.

Administrator's Report

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

1. Notice of Public Meeting

Please be advised that the fourth meeting of the Rules and Regulations Subcommittee of the Mobile Home Study Committee will be held on Wednesday, October 20, 1993, at 9:00 a.m. in the House Majority Caucus Room, Legis-

Adminis-
trator's
Report
(con't)

lative Hall, Dover, Delaware. The purpose of the meeting will be to review regulations regarding mobile home communities. Residents and landlords are encouraged to attend this meeting.

2. Sussex County Volunteer Firemen's Association

The Dagsboro Volunteer Fire Company will host the next Sussex County Volunteer Firemen's Association meeting on Tuesday, October 26, 1993, at 7:30 p.m. at the Dagsboro Fire Hall, Dagsboro, Delaware. During this meeting, Sussex County volunteer fire and ambulance companies will receive checks from the Sussex County Council totaling \$194,857.47. This funding is made possible by the County Council through the Grant-In-Aid Program. In FY '94, the Sussex County Council will return \$964,248.00 to communities in Sussex County through the Grant-In-Aid Program.

3. Sussex County Council Open House

A reminder that the Third Annual County Government Open House sponsored by the Sussex County Council will be held on Tuesday, October 26, 1993, from 6:30 p.m. to 9:00 p.m. at the Sussex County Courthouse in Georgetown, Delaware. Please note the time change from 6:30 p.m. to 9:00 p.m.

Department heads and key staff members will be available to answer questions from the public. Tours of the Courthouse are also available.

The yearly Open House allows the public to better understand the functions of various County offices and informs the public of the responsibility of County Government.

Public
Hearing

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY ADDING ARTICLE XX AUTHORIZING SEPTAGE DISCHARGE AT SOUTH COASTAL REGIONAL WASTEWATER FACILITIES AND INLAND BAYS REGIONAL WASTEWATER FACILITIES". The Public Hearing was closed.

M 443 93
Adopt
Ordinance
No. 931

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 931 entitled "AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY ADDING ARTICLE XX AUTHORIZING SEPTAGE DISCHARGE AT SOUTH COASTAL REGIONAL WASTEWATER FACILITIES AND INLAND BAYS REGIONAL WASTEWATER FACILITIES".

M 443 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

Bid Recommendation Trans- mission No. 2 & 3 West Rehoboth Expansion of the DBSSD Mr. Wood, County Engineer, was present to recommend the awarding of the bid of Transmission Contracts No. 2 and No. 3 for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Mr. Wood recommended that the bid be awarded to North East Construction Company of Lakewood, New Jersey, for a combined total bid amount of \$3,287,272.40, contingent upon (1) the Department of Natural Resources and Environmental Control's (DNREC) written approval of the Minority Business Enterprise (MBE) requirements and "Part B" (EPA Form 5780-1B), (2) written confirmation of State Revolving Funds (SRF) loan funding for these contracts, and (3) confirmation of Rural Development Administration (RDA) funding, if applicable.

M 444 93 Award Bid Trans- mission No. 2 & 3 West Rehoboth Expansion of the DBSSD A Motion was made by Mr. Benson, seconded by Mr. Cole, that based on the recommendation of the consulting engineers, George, Miles and Buhr, Inc., and the Sussex County Engineering Department, that North East Construction Company of Lakewood, New Jersey, the apparent low bidder, be awarded Transmission Contracts No. 2 and No. 3 of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District project for a combined total bid amount of \$3,287,272.40, contingent upon (1) the Department of Natural Resources and Environmental Control's (DNREC) written approval of the Minority Business Enterprise (MBE) requirements and "Part B" (EPA Form 5780-1B), (2) written confirmation of State Revolving Funds (SRF) loan funding for these contracts, and (3) confirmation of Rural Development Administration (RDA) funding if applicable.

Motion Adopted: 5 Yea.

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

Hudson Pond Acres Mr. Archut, Director of Planning and Permits, submitted to Council for approval a petition to establish a Streetlighting District for Hudson Pond Acres.

M 445 93 Circulate Petition Hudson Pond A Motion was made by Mr. Benson, seconded by Mr. Collins, that the petition, as submitted by the Sussex County Engineering Department, to establish a Streetlighting District for Hudson Pond Acres, is approved for circulation.

M 445 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

Proposed Ordinance Mr. Stevenson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A YARDSALE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.71 ACRES, MORE OR LESS" (C/U #1059) filed on behalf of Gerlinde Voegelé. The Proposed Ordinance will be advertised for Public Hearing.

Proposed Ordinance Mr. Cole 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.25 ACRES, MORE OR LESS" (C/Z #1214) filed on behalf of Tony Hudson. The Proposed Ordinance will be advertised for Public Hearing.

M 446 93 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$200.00 from Mr. Stevenson's Councilmanic Account to Prospect A.M.E. Church to help fund the purchase of a copy machine.

Motion Adopted: 5 Yea.

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

M 447 93 Councilmanic Grant A Motion was made by Mr. Stevenson, seconded by Mr. Cole, to give \$500.00 from Mr. Stevenson's Councilmanic Account to the Greenwood Police Department to help fund a drug program in the Woodbridge School District.

Motion Adopted: 5 Yea.

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

M 448 93 Councilmanic Grant A Motion was made by Mr. Benson, seconded by Mr. Cole, to give \$300.00 from Mr. Benson's Councilmanic Account to Milton Parks and Recreation for the Milton Youth Soccer League to help cover the cost of shirts and soccer balls.

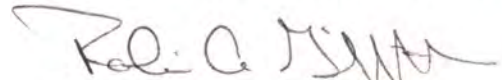
Motion Adopted: 5 Yea.

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M 448 93 Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
(con't) Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

M 449 93 A Motion was made by Mr. Benson, seconded by Mr. Stevenson,
Adjourn to adjourn at 11:40 a.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council