

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 31, 1995

Call to Order The regular meeting of the Sussex County Council was held Tuesday, October 31, 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 472 95 A Motion was made by Mr. Collins, seconded by Mr. Benson, to Approve Minutes approve the minutes of the previous meeting dated October 24, 1995. Motion Adopted by Voice Vote.

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

BARRY N. ELI, MUSIC DIRECTOR, CAPE HENLOPEN HIGH SCHOOL, LEWES, DELAWARE.

RE: Letter to Mr. Cole in appreciation of his \$250.00 Councilmanic Grant.

Business Mr. Robostello of Business Records Corporation and Mr. Raskauskas, Records Recorder of Deeds, were in attendance to discuss a recommendation Corpor- that a computerized fee system be installed in the Recorder of ation Deeds office. This system upgrade would require an amendment to Agreement the current agreement with Business Records Corporation and Amendment would require the addition of two new terminals. Support for the installation of this system is based on an accelerated searching process and reduction of errors.

M 473 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, that Approve Business Records Corporation Agreement Amendment the Sussex County Council authorizes an amendment to the agreement with Business Records Corporation to include a new fee system and two new terminals, as recommended by the County Administrator and Recorder of Deeds.

Motion Adopted: 5 Yea.

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

Coastal Mr. Calio, Director of Sussex County Economic Development, Stock Tab advised Council of four proposals that have been received Building for the purchase of the Coastal Stock Tab building located Purchase at the Sussex County Industrial Park: M.F.G. Justin Tanks;

Coastal Monitor Products, Inc.; D & B Products; and Young and Revel/
Stock Tab Delmarva Business Systems. Following a review of each proposal,
Building Mr. Calio recommended that the proposal from D & B Products,
Purchase in the amount of \$350,000, be accepted. In addition, D & B
(con't) Products have agreed to enter into a lease agreement with the
County for the lease of 6± acres with an annual rent of \$400
per acre. D & B Products of Easton, Maryland, is a multi-tech
corporation owned by Brooke and Doug Kinney. The corporation
consists of three operations, including specialty conveyor
belting, specialty wire fencing, and spiral wrapped tubing.
D & B Products has guaranteed job growth over the next three
years with an estimated first year payroll of \$1,100,000.

M 474 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, based
Authorize on the recommendation of the Economic Development Office, that
Sale the Sussex County Council authorizes the Sussex County Council
Agreement President to execute a sale agreement for the property formerly
For known as the Coastal Stock Tab building, located at the Sussex
Coastal County Industrial Park, to D & B Products of Easton, Maryland,
Stock in the amount of \$350,000; and Be It Further Moved that a lease
Tab be executed for approximately 6± acres with an annual rent of
Building \$400 per acre, with increasing values as per current County
policy.

Motion Adopted: 5 Yea.

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

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

1. Veterans' Day

County offices will be closed Friday, November 10, 1995,
in observance of Veterans' Day.

The Town Council of Blades will be conducting ceremonies
commemorating the anniversary of the end of World War II.
The Town Council of Blades' ending to a three-year com-
memoration will be highlighted by the unveiling of a
monument which will be dedicated to all branches of the
armed forces which served during World War II. The ceremony
will take place on Saturday, November 11, 1995, at 12:00
noon at the Blades Park, Sixth Street, Blades, Delaware.

2. Subdivision Approval

On Thursday, October 26, 1995, the Planning and Zoning
Commission granted final subdivision approval for

Adminis-
trator's
Report
(con't)

Subdivision No. 95-8, J. W. Shockley & Son, Inc. -- 5.19 acres were subdivided into five lots on Route 1, 1,380 feet southeast of Route 268. Streets in the subdivision will be private and lots will be serviced with central water and sewer. All buildable property is zoned C-1 General Commercial.

3. Carolling on The Circle

The Sussex County Council will once again sponsor Carolling on The Circle. This year's carolling will take place on Monday, December 11, 1995, at 7:00 p.m. on The Circle in Georgetown. The public, as well as service organizations, is invited to participate in the carolling and the annual food drive. This year's theme for carolling will be "A Traditional Christmas".

Once again, the annual food drive will benefit many Sussex County residents. Last year, over 5,000 items of food were collected. Any individuals or organizations who wish to help in the food drive should contact the County Council office at 855-7743.

Change
Orders

Mr. Green, Director of Utility Construction, discussed two Change Orders associated with the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District project.

M 475 95
Issue
Change
Order
No. 8,
Contract
B,
West
Rehoboth

A Motion was made by Mr. Cole, seconded by Mr. Collins, 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 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 \$44,059.94, for differing site conditions from construction plans, with an unrevised substantial completion date of October 20, 1995, and increasing this contract amount to \$8,289,488.40, contingent on the approval of the Rural Economic and Community Development agency.

Motion Adopted: 5 Yea.

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

M 476 95
Issue
Change
Order

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

M 476 95 the Sussex County Council to issue Change Order No. 2, for
Issue the West Rehoboth Expansion of the Dewey Beach Sanitary
Change Sewer District, Contract "E", Design Areas 5A and 21, to
Order Teal Construction, Inc., for an amount of \$11,444.96, for
No. 2, cabinet pedestal support modifications, and the addition of
Contract propane vaporizers at Pump Station 215 and 216, with an
E, unrevised substantial completion date of December 28, 1995,
West and increasing this contract amount to \$1,732,719.96, con-
Rehoboth tingent on the approval of the following agencies, Rural
(con't) Economic and Community Development and Department of Natural
Resources and Environmental Control.

Motion Adopted: 5 Yea.

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

Agenda It was noted that the agenda item entitled "Bethany Marina
Item Townhouses - Phase II - Agreements" has been tabled.

Zacharias Mr. Green, Director of Utility Construction, discussed a
Cove/ Construction Administration and Construction Inspection
Agree- Agreement between Sussex County Council and WGCV, L.P.
ment for wastewater facilities to be constructed in Zacharias
Cove in the Bethany Beach Sanitary Sewer District.

M 477 95 A Motion was made by Mr. Cole, seconded by Mr. Benson, based
Execute upon the recommendation of the Sussex County Engineering
Agree- Department, for Sussex County Project No. 81-04, that the
ment/ Sussex County Council execute a Construction Administration
Zacharias and Construction Inspection Agreement between Sussex County
Cove Council and WGCV, L.P. for wastewater facilities to be con-
structed in Zacharias Cove, located in the Bethany Beach
Sanitary Sewer District.

Motion Adopted: 5 Yea.

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

Prince Mr. Archut, Director of Planning and Permits, discussed a
Georges Proposed Agreement with George, Miles & Buhr for the design
Acres of a sanitary sewer system in Prince Georges Acres in the
Design Dagsboro-Frankford Sanitary Sewer District. Prince Georges
Contract Acres was previously approved as an extension to the District.
The cost of the work outlined in the Proposed Agreement will
not exceed \$14,500.

M 478 95 A Motion was made by Mr. Collins, seconded by Mr. Cole, that
Execute the Sussex County Council President is hereby authorized to
Agreement execute an Agreement with George, Miles & Buhr for the design
for of the Prince Georges Acres Extension of the Dagsboro-Frank-
Prince ford Sanitary Sewer System, not to exceed \$14,500, and sub-
Georges ject to the approval of the Rural Economic and Community
Acres Development Agency, as presented on October 31, 1995.
Design
Contract Motion Adopted: 5 Yea.

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

Proposed Mr. Archut, Director of Utility Construction, provided Council
Ellendale with an update on the Proposed Ellendale Sanitary Sewer Dis-
Sanitary trict. The following three areas were highlighted:
Sewer

- District
- o An application for funding in the amount of \$5 Million has been submitted to the Rural Economic and Community Development Agency has been submitted. To date, no response has been received.
 - o The Town Council of the Town of Ellendale has passed a Motion to obtain an Ordinance from the Town Solicitor concerning a referendum vote to be held in the future concerning the proposed sewer district.
 - o The Town of Milford is looking at creating its own treatment facility. This could not take place until approximately 1999, at which time the Town would get out of its agreement with Kent County. The possibility exists that the Town of Milford could treat wastewater from Ellendale at a lesser cost than the County could treat it at its own treatment facility.

M 479 95 A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Council- give \$200.00 from Mr. Cole's Councilmanic Account to the
manic Long Neck United Methodist Church for expenses associated
Grant with Melissa Roberts' Mission of Peace trip to Africa.

Motion Adopted: 5 Yea.

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

M 480 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$450.00 (\$150.00 each from Mr. Stevenson's, Mr.
manic Benson's and Mr. Collins' Councilmanic Accounts) to Sussex
Grant Central Pop Warner Football for operating expenses.

M 480 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 481 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Council- to give \$200.00 from Mr. Stevenson's Councilmanic Account
manic to the Bridgeville Lions Club for the Lions Vision Research
Grant Foundation, Inc.

Motion Adopted: 5 Yea.

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

M 482 95 A Motion was made by Mr. Collins, seconded by Mr. Benson,
Council- to give \$300.00, \$150.00 from Mr. Collins' Councilmanic
manic Account and \$150.00 from Mr. Dukes' Councilmanic Account,
Grant to Charity Lodge No. 27 for their program of lending hospital
and sick room equipment.

Motion Adopted: 5 Yea.

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

M 483 95 A Motion was made by Mr. Collins, seconded by Mr. Stevenson,
Recess to recess until 11:30 a.m. Motion Adopted by Voice Vote.

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

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 SMALL ENGINE REPAIR
No. 1134) AND AUTOMOTIVE REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF
LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY,
CONTAINING 29,998 SQUARE FEET, MORE OR LESS" (Conditional
Use No. 1134) filed on behalf of William W. Truitt. There
were no persons present in opposition to this application.
The Public Hearing was closed.

M 484 95 A Motion was made by Mr. Stevenson, seconded by Mr. Benson,
Adopt to Adopt Ordinance No. 1060 entitled "AN ORDINANCE TO GRANT
Ordinance A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL
No. 1060 DISTRICT FOR A SMALL ENGINE REPAIR AND AUTOMOTIVE REPAIR TO
(C/U BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
No. 1134) NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 29,998 SQUARE
FEET, MORE OR LESS" (Conditional Use No. 1134) filed on be-
half of William W. Truitt, with the following conditions:

M 484 95
(con't)

1. The final site plan shall be subject to review and approval by the Planning and Zoning Commission.
2. Maximum unlit signage shall be 32 square feet.
3. Waste oil shall be handled by a licensed waste oil hauler.
4. No fuel products shall be stored on site.
5. A stockade fence shall be erected to enclose lawnmowers stored.

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

1. The applicant established by substantial evidence that the proposed use will serve a community need and will have no adverse impact on the character of the neighborhood, property values therein, the environment or traffic in the area.
2. The proposed use will meet the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(C/Z
No. 1265)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.69 ACRES, MORE OR LESS" (Change of Zone No. 1265) filed on behalf of Kevin W. Sagers. There were no persons present in opposition to this application. The Public Hearing was closed.

M 485 95
Adopt
Ordinance
No. 1061
(C/Z
No. 1265)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1061 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.69 ACRES, MORE OR LESS" (Change of Zone No. 1265) filed on behalf of Kevin W. Sagers.

M 485 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

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

1. The neighborhood includes substantial commercial/ neighborhood business development including a grocery store, restaurants and clothing outlet. The change of zone will be consistent with the character of development of the neighborhood and will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The change of zone is consistent with the purposes and goals of the Comprehensive Land Use Plan.
3. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public Hearing (Height and Stories of Structures)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE I, ARTICLE IV, ARTICLE V, ARTICLE VI, ARTICLE VII, ARTICLE VIII, ARTICLE IX, ARTICLE X, ARTICLE XI, ARTICLE XII, ARTICLE XIII, ARTICLE XIV, ARTICLE XXV, TABLE I AND TABLE II RELATING TO THE HEIGHT AND STORIES OF STRUCTURES". There were no persons present in opposition to this Proposed Ordinance.

M 486 95 Adopt Ordinance No. 1062 (Height and Stories of Structures)

A Motion was made by Mr. Cole, seconded by Mr. Benson, to Adopt Ordinance No. 1062 entitled "AN ORDINANCE TO AMEND CHAPTER 115, THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE I, ARTICLE IV, ARTICLE V, ARTICLE VI, ARTICLE VII, ARTICLE VIII, ARTICLE IX, ARTICLE X, ARTICLE XI, ARTICLE XII, ARTICLE XIII, ARTICLE XIV, ARTICLE XXV, TABLE I AND TABLE II RELATING TO THE HEIGHT AND STORIES OF STRUCTURES".

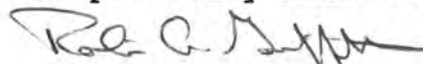
Motion Adopted: 5 Yea.

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

M 487 95 Adjourn

A Motion was made by Mr. Collins, seconded by Mr. Benson, to adjourn at 2:30 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council